Plato’s Cretan Colony: Theology and Religion in the Political Philosophy of the Laws

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor of Philosophy in the Department of
Classical Studies in the Graduate School
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2016
ABSTRACT

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Abstract

The *Laws* is generally regarded as Plato’s attempt to engage with the practical realities of political life, as opposed to the more idealistic, or utopian, vision of the *Republic*. Yet modern scholars have often felt disquieted at the central role of religion in the *Laws*’ second-best city and regime. There are essentially the two dominant interpretations on offer today: either religion supports a repressive theocracy, which controls every aspect of the citizens’ lives to such an extent that even philosophy itself is discouraged, or religion is an example of the kind of noble lie, which the philosopher must deceive the citizens into believing—viz., that a god, not a man, is the author of the regime’s laws. I argue that neither of these interpretations do justice to the dialogue’s intricately dramatic structure, and therefore to Plato’s treatment of civil religion. What I propose is a third position in which Plato both takes seriously the social and political utility of religion, and views theology as a legitimate, and even necessary, subject of philosophical inquiry without going so far as to advocate theocracy as the second best form of regime.

I conclude that a proper focus on the dialogue form, combined with a careful historical analysis of Plato’s use of social and political institutions, reveals an innovative yet traditional form of civil religion, purified of the harmful influence of the poets, based on the authority of the oracle at Delphi, and grounded on a philosophical conception of god as the eternal source of order, wisdom, and all that is good. Through a union of
traditional Delphic theology and Platonic natural theology, Plato gives the city of the 

*Laws* a common cult acceptable to philosopher and non-philosopher alike, and thus, not only bridges the gap between religion and philosophy, but also creates a sense of community, political identity, and social harmony—the prerequisites for political order and stability. The political theology of the *Laws*, therefore, provides a rational defense of the rule of law reconceived as the application of divine Reason (νοῦς) to human affairs.
To Renée
ήγεμόσυνα
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Abbreviations

Standard abbreviations are used for collections and editions of texts, but the reader may find the following list helpful.


Plato

I have included below the abbreviations for Platonic works most commonly cited in the dissertation. Abbreviations for all other ancient sources are those given by F.R. Adrados et. al. 1980, *Diccionario Griego-Espanol* (DGE). Madrid.

Ap.     Apologia
Chrm.   Charmides
Cra.    Cratylus
Cri.    Crito
Criti.  Critias
Epin.   Epinomis
Euthd.  Euthydemus
Euthphr. Euthyphro
Grg.    Gorgias
Lg.     Leges
Men.    Meno
Mx.     Menexenus
Phd.    Phaedo
Phdr.   Phaedrus
Phlb.   Philebus
Plt.    Politicus
Prm.    Parmenides
Prt.    Protagoras
R.      Republica
Smp.    Symposium
Sph.    Sophist
Tht.    Theaetetus
Ti.     Timaeus
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Introduction

Θεός, it is often observed, is the first word of Plato’s Laws (624a). The dialogue opens with a question: “Did God or some human being take the responsibility of arranging the laws for you, strangers?” (Θεός ἦ τις ἀνθρώπων ὑμῖν, ὦ Ξένοι, εἴληψε τὴν αἰτίαν τῆς τῶν νόμων διαθέσεως, 624a). Although the topic that the interlocutors agree to discuss is “constitutions and laws” (περί τε πολιτείας τὰ νῦν καὶ νόμων, 625a-6-7), or, more particularly, “the founding of a city from the very beginning” (702d), the god(s) are never far from their conversation. Thus, the first word of the Laws, Θεός, is often interpreted as a symbol of the pervasive role of religion in the political regime.

The exact nature of the relationship between politics and religion in the Laws, however, is much debated. There is almost universal scholarly agreement that religion in the Laws is a civil or political religion, by which is meant a set of beliefs and practices about the gods and their relationship with humankind that supports and defends the political regime. Religion, therefore, appears in a number of different political contexts in the Laws — in the provisional definition of law (νόμος) supplied at the beginning of the legislative project (714a), in specific pieces of legislation, in a variety of social institutions, and in the theology of book X, where belief in the gods is said to provide the theoretical foundation of the Laws’ regime (887b- c). Differences begin to arise,
however, concerning what kind of political regime Plato intends the civil religion of the
*Laws* to support—i.e., does it support a repressive theocracy,⁴ a utopian rule of
philosophers à la the *Republic*,⁵ or some more practical,⁶ or even, democratic regime.⁷

Throughout the dialogue, Plato has his chief interlocutor, an unnamed Athenian
Stranger, say that his legislative project aims at a tripartite goal of “friendship, wisdom,
and freedom” (φιλία τε καὶ φρόνησις καὶ ἔλευθερία, 693d8-e1, cf. 693b, c, e, 694b,
701d). Moreover, he argues that what people normally call “constitutions” (πολιτεῖαι)
are in fact “partisan states” (στασιῶται, 715b) because they promote one of these ends to
the exclusion of the others: monarchies, for example, promote wisdom, while
democracies promote freedom (693d-e). A true constitution, however, will strike a
balance between the legislative goals of freedom, friendship, and wisdom. The problem,
however, is that these goals often conflict. “Friendship” (φιλία), in this context, refers to
the willing agreement of all the constitutive parts of the city as to who should rule and
who should be ruled (757a1-5, 832c2-5; cf., *Plt.* 303b8-c2). Conceived as such, political
friendship seems to imply, at the very least, that all the citizens should have some say in
the selection of magistrates. Yet, by giving the uneducated masses too much of a say in
political affairs, the legislator could potentially undermine wise government.

**Survey of Scholarship**

⁵ Zeller (1889); Barker (1951); Sabine (1950); Pangle (1980); Brunt (1993)
Scholars have long recognized that Plato stands at the beginning of a tradition that advocates civil religion as a way to balance these often-competing goods of liberty, fraternity, and wisdom in society and government. However, most scholars approach the problem of competing goods by assuming that the Laws offers a dogmatic, theoretical answer, and thus end up prioritizing one of the goods over the others.

Glenn Morrow’s historical interpretation, for example, argues that even though νοῦς is the Platonic god par excellence, the civil religion of the Laws must be based on the cult of the traditional Olympian gods, if the regime is to secure the consent of the people. Plato’s main task in the Laws, then, is to purify traditional religion from the harmful influence of the poets, and to re-conceptualize the Olympians as deities responsible for everything good, rational, and orderly, and not what is bad, irrational, and disorderly. In this way, Morrow concludes, the old religion sanctifies the traditional political order (i.e., aristocracy). Yet, by infusing the old religion with a new morality, Plato is able to make the old regime more palatable to the people, thus creating an “aristocracy with the approval of the people.”

Malcolm Schofield, by contrast, argues that the political regime of the Laws is nothing short of a “theocracy,” but the civil religion that supports this theocracy is more rational (and thus promotes more wisdom than traditional religion) because it demands highly controlled cultic practices for the astral deities—the Sun, Moon, and

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8 Voegelin (1957); Pangle (1976); Morrow (1993); Schofield (2006); Lewis (2010).
Stars—not the traditional Olympian gods. This cult of astral gods does not tell us anything about “Plato’s Theology”, Schofield argues, i.e., “Plato’s own best guess on the subject [of the gods],” but it does tell us a great deal about his “political theology,” i.e., “the kind of foundation for the religious political theory of the dialogue that will justify its pervasively religious cast as well as the moral order it asserts.”

Thomas Pangle agrees with Schofield that the \textit{Laws} proposes “a new civil theology grounded on the astral gods,” but he thinks that this civil theology is meant to satisfy “the \textit{thumotic} needs of the citizens”—i.e., it provides them with “gods” to avenge injustices. Thus, the non-philosophical citizens will consent to the political order that this civil theology supports, but the philosopher, Pangle argues, will be acutely aware of where and how the Athenian’s proof for the existence of gods fails, and so will understand that Plato is actually “in agreement with… the atheistic view” of the Sophists. For Pangle, then, the civil religion of the \textit{Laws} is simply a noble lie.

Christopher Rowe’s excellent literary analysis brings out the ways in which Plato’s use of the myth of Kronos (713a-714a)—the central myth in the political theology of the \textit{Laws}—invites the philosophical reader to interpret the myth in light of other Platonic dialogues, especially the \textit{Statesman}. Rowe argues that non-philosophical readers, like the two Dorians in the dialogue, will take the moral of the myth at face value, i.e., that their political regime should imitate the rule of the mythical god, Kronos.

\begin{itemize}
\item[15] Pangle (1976) 1062-1064
\item[16] Pangle (1976) 1071.
\item[17] Rowe (2010).
\end{itemize}
(714a), but the philosopher will understand that Kronos is simply a mythical name for “reason” (νοῦς). Thus, Rowe concludes that Plato uses the myth to reintroduce the idea that “the rule of reason is to be understood very specifically in terms of the rule of philosophical reason.”

Stephen Menn has written an elegant and persuasively argued philosophical account of νοῦς’ metaphysical priority—its status as first cause. He agrees with Rowe that in the Laws’ foundation myth, Kronos is simply a mythical name for νοῦς, but Menn argues that νοῦς refers not to “human reason” but to the supreme “god” in the Platonic pantheon, “the orderer and cause of all things” (νοῦς ἐστιν ὁ διακοσμῶν τε καὶ πάντων αἴτιος, Phd. 97c1-2; Philb. 28e3; Lg. 966e4, 967b5-6). Menn concludes that Plato only refers to the god by his mythical because “the theology of the Laws is supposed to be general and popular,” which is perfectly in line with “the more practical and exoteric purpose of the Laws.”

This brief survey of scholarship on the civil religion of the Laws yields three basic interpretations: 1) a heavily censored version of traditional religion in the service of an aristocracy with the consent of the people, 2) an innovative astral religion that supports a repressive theocracy, and 3) religion as a noble lie designed to conceal the rule of philosophers. The central question of this dissertation is whether or not these are the only ways to interpret the role of theology and religion in the political philosophy of the

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18 Rowe (2010) 42.
22 Menn, whose interpretation of the Laws’ theology seems to me the most plausible especially in the light of the Platonic corpus as a whole, offers no insights on the political philosophy of the dialogue.
Laws. Is there a middle position in which Plato both takes seriously the social and political value of religion, and views theology as a legitimate, and even necessary, subject of philosophical inquiry without going so far as to advocate theocracy as the second best form of regime? The chief problem with these interpretations of the Laws’ civil religion, in my view, is that they are all mired in their respective academic disciplines. So, for example, when Pangle analyzes “civil religion” as a political theorist, he focuses more on the political, and less on the theological and religious, innovations of the Laws. Conversely, when Menn examines Plato’s philosophical theology, he takes no consideration of the ways historical Greek ritual and religion may have shaped Plato’s theological ideas, nor does he reflect upon the political implications of Plato’s theology.

**Thesis**

My first contribution to this debate, therefore, will be to place these discipline-specific interpretations into conversation with one another, to move beyond the limitations of their respective disciplines, so that we may advance our knowledge of the historical context of the Laws, its place in the Platonic corpus, and its contributions to such important ideas in the history of political thought as natural law, civil religion, and the mixed constitution. My method of reading Plato thus moves freely between the disciplines of history, political science, literature, and philosophy. While a unified reading of Plato may always prove elusive, my work nevertheless speaks to a broad range of scholarly communities.
The central claim of my dissertation is that the *Laws* explores the political implications of a civic religion based on an elaborate theology of Reason (νοῦς). This theology of νοῦς is a consistent theme throughout a group of dialogues plausibly thought to be post-*Republic*— the *Philebus*, *Statesman*, *Timaeus*, and *Laws*. Each of these dialogues may be read as an investigation into the consequences of the claim that Reason is the cause of order in the universe, the source of all that is good and true, and therefore, is “God in the true sense of the word” (*Lg*. 897b) and “the king of heaven and earth” (*Phlb*. 28c6-8). It is true that there are gaps and inconsistencies in the political theology of *Laws* X, as many commentators have pointed out, but I argue that the reader, who is familiar with the *Philebus* and *Timaeus*, could not fail to fill in the gaps by reference to the arguments and conclusions reached in those dialogues, and so come closer to understanding the place of the *Laws* in Plato’s philosophical theology.

I argue that the civic theology of the *Laws* is not a noble lie, but is, together with the *Timaeus*, Plato’s most original contribution to pre-Socratic περὶ φύσεως ἱστορία (investigation into the nature of things).²³ The theological argument of *Laws* X presents the fullest account of Plato’s concept of soul (ψυχή) as the principle of motion (cf., *Phdr*. 245c- e; *Ti*. 34b- 37c). According to the Athenian’s argument, soul is ontologically prior to matter, is responsible for all motion in the material world, and by producing uniform motions in heavenly bodies (which in turn act on corruptible bodies and the souls that inhabit them), creates an imperfect imitation of the ideal world here in the material world (892a- 899b). The originality of this cosmo-theological argument is often

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²³ I will argue in chapter two that the *Timaeus* and *Laws* should be read together in accordance with the traditional form of a περὶ φύσεως ἱστορία; cf., Kahn (2010); Naddaf (1997) 27- 36.
overlooked in the scholarly commentaries on book X of the Laws. The Laws’ concept of
soul as the principle of motion supplements and corrects the Anaxagorean concept of
νοῦς as the cause of order in the cosmos, and in turn, provides an important
complement to the Theory of Forms.

Furthermore, the Laws’ theology of νοῦς provides a metaphysical basis for a new
conception of natural law. In the Laws, Plato defines “law” (νόμος) as “the regulation of
Reason” (τὴν τοῦ νοῦ διανομήν, 714a2), i.e., the application of divine Reason to the
ordering of human affairs. Since order is the defining characteristic of the god, νοῦς,
who governs the cosmos (Lg. 966e–967c; Ti. 30a–b, 47b–c), Plato’s philosophical
legislator, the Athenian Stranger, imitates the god and sets down laws that embody
“order” (τάξις, 673e4, 688a2, 875d4). The restraint of desire by law introduces a similar
order in the human soul (Lg. 653e, 783a; cf. Ti. 47d; Grg. 503e, 504d, 506d–e). To make the
soul orderly thus assimilates it to the divine, that is, to νοῦς (cf. Lg. 716c–d).

The political regime of the Laws, therefore, is not a theocracy in any traditional
sense of the term. First, Plato does not suggest that “the god” should rule directly over
human beings. Rather he says that the politeia of the Laws will be an “imitation” of the
rule of the god, νοῦς, and that the rule of law (nomocracy) is the best humanly possible
imitation of the direct rule of god (noocracy). The rule of law in the Laws is, in final
analysis, a political regime, which intends the greatest good for all of its citizens: virtue
and happiness. At the same time, however, it must guard against the greatest political
dangers: tyranny and civil strife. The Athenian Stranger pursues this end by outlining a
regime which is at once conventional and innovative: it is conventional in that its legal
code is invested with a sacred image, and so made very difficult to change; it is
innovative in that it includes within itself the means of its own transcendence. That
means is the practice of philosophy in the formal preludes to the laws set down by the
philosophical legislator, in the Nocturnal Council whose primary political responsibility
is interpreting for future generations the telos of the laws as they were set down by the
founding legislator, and in the colony’s founding document itself, i.e., the text of the
Laws, which provides non-philosophical citizens with a basic education in the principles
of Platonic political philosophy.

**Overview of the Chapters**

In my initial chapter, “Reading the Laws,” I introduce my methodology, and
discuss earlier scholarship on the Laws in light of its failure to adequately account for the
dialogue’s intricately dramatic structure, and therefore Plato’s nuanced approach to
political philosophy. I argue that the Laws is unique in the Platonic corpus in that it is
Plato’s most political dialogue. All other Platonic dialogues are concerned with a
philosophical question, i.e., the Socratic “What is …?” question. Even those dialogues
that bear on political themes are organized around a philosophical question. For
example, in the Republic, the framing question is “What is Justice?” Likewise, in the
Statesman, the question “What is the political art?” shapes the dialogue. The Laws, by
contrast, is framed around a political problem: “How to found the best city and political
regime possible under human conditions?” Therefore, many of the features that we have
come to expect from a Platonic dialogue—above all the central role of dialectic—are
muted. Reading the *Laws* as a political dialogue helps to explain what have traditionally been seen as the stylistic and argumentative shortcomings of the dialogue.

Since the *Laws* addresses primarily a political audience, the bulk of the argumentation proceeds by persuasive rhetoric and mythical analogy rather than dialectic. Thus, many of the Athenian’s arguments appear less sophisticated when compared, for example, to the *Republic* or *Protagoras*. Nevertheless, I argue, Plato directs a second philosophical audience to arguments, and conclusions reached, in other Platonic dialogues for the required level of justification. In this respect, the *Laws* has two important intertexts, or “brothers” (*ἀδελφάς*, 811c-812a) as Plato refers to them in the *Laws*: the *Republic* and *Timaeus*. Allusions to the *Republic* show how Plato is adapting the paradigmatic regime of Kallipolis to the strong anthropological conditions of the *Laws*. Allusions to the *Timaeus*, on the other hand, provide a cosmological and theological structure that is necessary for understanding the role of religion in the political order of the *Laws*.

In chapter two, “The Theology of Nut,” I propose that the idea of Reason (νοῦς) as the creator god played an increasingly important role in a group of dialogues plausibly thought to be post-*Republic*— the *Philebus*, *Statesman*, *Timaeus*, and *Laws*. Each dialogue, I argue, presents a different perspective on this theology of Reason. What is common to all these “late” dialogues is the conception of the god, νοῦς, who is the ultimate cause of order in the sensible world (*Phlb*. 27c-31b; *Ti*. 28a ff; *Plt*. 268e-274e; *Lg*. 966d9- 967b4; 967b4- e1). Order means not only that the god determines an arrangement (τὰξις) of things in the universe, but also that it grasps the proper end, or τέλος, of each
thing, and orders it so as to bring it into the best condition possible (Phd. 98c4-6). In this way, νοῦς is responsible for all that is good in the universe. Reading Laws X in light of these other dialogues, then, provides justification to the philosophical reader for Plato’s otherwise unsupported claim that νοῦς is the highest god in the Platonic pantheon, the ruler of heaven and earth, and the source of all that is good and true in the universe, including Magnesia’s constitution and legislation (897b1-2).

In chapter three, “Magnesia’s Civil Religion,” I show how a careful historical analysis of Plato’s use of social and political institutions reveals an innovative yet traditional form of Greek religion, purified of the harmful influence of the poets, based on the authority of the oracle at Delphi, and grounded on a philosophical conception of god as the eternal source of order, wisdom, and all that is good. Through a union of traditional Delphic theology and Platonic natural theology, Plato gives the city of the Laws a common cult acceptable to philosopher and non-philosopher alike, and thus, not only bridges the gap between religion and philosophy, but also creates a sense of community, political identity, and social harmony—the prerequisites for political order and stability. Civil religion, moreover, serves as a check on political corruption in the state, safeguarding political friendship, and rationality in government.

The triad—freedom, friendship, and wisdom—is invoked repeatedly in the Laws as the primary goal of legislation. Magnesia’s civil religion, I argue, is primarily concerned with promoting political friendship. In chapter four, “Freedom, Equality, and the Mixed Constitution,” I argue that Plato proposes the mixed constitution as the means to achieving “moderation” in government, conceived politically as “the mean”
between two extreme forms of constitutions: monarchy and democracy (693e5). For Plato, democracy embodies “the principle of freedom,” while monarchy provides for “wisdom” (φρόνησις). Plato’s conception of the middle, or mean, as a result of mixing two extremes is an innovation in constitutional theory, but was heavily influenced by the Pythagorean theory of means. In chapter two I argue that one of chief tasks of the Athenian’s argument in Laws X is to show that there is a form of political order laid down in the nature of things. In chapter four, I show how the lawgiver constructs a constitution in terms of numerical ratios, and especially according to geometric proportions, in order that the political order may more faithfully reflect the cosmic order instituted by the god, νοῦς.

In my final chapter, “The Rule of Law and the Rule of Philosophy,” I challenge the consensus scholarly interpretation that the Nocturnal Council, described mainly at the end of book XII, represents the reintroduction of the Republic’s philosopher-kings into the second-best regime of the Laws, and so, a betrayal of the political philosophy of the first eleven and half books of the Laws. I argue that such an interpretation rests on a conception of law derived from the Statesman—i.e., that law and knowledge conflict (294b-c)—and that the function of the myth of Kronos in the Laws is to show the practiced reader exactly how the Laws’ conception of natural law based on the authority of divine νοῦς overcomes the conflict between knowledge and law that was the center of focus in the Statesman. Thus, in my view, Plato mixes together the rule of law and the rule of reason (and hence, of knowledge) from the very beginning of the legislative project. Law, therefore, is not only a formal sovereign, but also a politically authoritative
expression of the insights of philosophy into the ordering of the state. The purpose of
the Nocturnal Council, then, is not to replace the rule of law, but to ensure that the laws
of Magnesia always fulfill the spirit of the founding principles, as they were set down by
Plato’s philosophical legislator, the Athenian Stranger.
1. Reading the Laws

It is perhaps customary to begin by observing that the Laws is Plato’s longest as well as his last work. The length of the dialogue cannot be questioned, but its date of composition requires some justification. The best internal evidence for a late date of composition comes from a passage in book I (638b1-3), which reads as follows:

ἐπειδή γάρ αἱ μεῖζοις τὰς ἐλάττους πόλεις νικῶσιν μαχόμεναι καὶ καταδουλοῦνται, Συρακοσίων μὲν Λοκρούς, οἱ δὲ δοκοῦσιν εὐνομῶτατοι τῶν περὶ ἐκεῖνον τὸν τόπον γεγονέναι, Κείους δὲ Ἀθηναίοι· μυρία δὲ ἄλλα τοιαῦτ’ ἂν εὑροίμεν.

The fact is, bigger cities defeat smaller ones in battle: the Syracusans enslave the Locrians, who seem the best-governed of the people in that area; the Athenians enslave the Ceians; and we could find ten thousand other such examples.

If this passage refers to the defeat of the Locrians by the Syracusans in 356 B.C., as some scholars suppose, then the Laws, or book I at least, “must have been written during the last eight years or so of Plato’s life.” One could rightly contend, however, that the historical event referred to at 638b is vague enough to defy any conclusive dating.

Furthermore, as Diskin Clay rightly argued, Plato has repeatedly shown that he was not constrained by historical possibility. In the Menexenus (244b-c), for example, he has Socrates refer to the Peace of Antalkidas of 387 B.C., which is clearly a historical impossibility if Socrates died in 399. Thus, the internal evidence for the date of composition is inconclusive.

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2 The translations of the passages from the Laws are all adapted from Pangle (1980). I have introduced slight, occasional modifications, mainly of a terminological nature. Most importantly, I translate νοῦς as “reason” in place of Pangle’s “intellect,” or “intelligence.” The reasons why will be explained in section 2.1. I have also italicized words or sentences that are important in the context of my investigation.
Diogenes Laertius is the most frequently cited external source for dating the *Laws* as Plato’s last work. He reports: “Some say that Philip of Opus transcribed (μετέγραψεν) the *Laws*, which were in the wax” (III. 37). As R.F. Stalley notes: “The natural reading of this is that when Plato died in 347 BC he left the *Laws* as a rough draft, presumably written on wax tablets. His pupil, Philip, prepared this draft for publication.”⁵ What is not clear, however, is whether Philip simply copied what Plato wrote in wax, or, and to what extent, he may have edited it. This is part of the reason why the dialogue’s authenticity was still in question not very long ago.⁶ Questions of authenticity aside, there are well-known problems with Diogenes’ reliability as a source.⁷ First, he probably lived in the first half of the second century A.D., and so his report is several centuries removed from the actual event.⁸ Secondly, even though Diogenes usually names his sources, in this case he does not, and no independent source survives to confirm his claim. Aristotle tells us in the *Politics* (1264b26-27) that Plato wrote the *Laws* after the *Republic*, but even this does not get us very far. As G.E.L. Owen observed: “There is no external or internal evidence which proves that the *Laws* or even some section of it was later than every other work… Diogenes’ remark that it was left on the wax does not certify even that it occupied Plato to his death.”⁹

To state my position baldly: I take no issue with the assumption that the *Laws* was Plato’s final work so long as we admit that the evidence for such a conclusion is

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⁶ Müller (1951).
⁷ Long (1972) xv – xxvi.
⁸ Long (1972) xvi.
⁹ Owen (1953) 79 n.4, 93 n.3.
thin. In fact, I assume that Aristotle had no reason to lie when he said that the Republic was written before the Laws. I also assume, based on what I think is clear but not wholly indisputable internal evidence, that the Timaeus was also written after the Republic. Regarding the order of the remaining dialogues, I have no opinion, but the order Republic—Timaeus—Laws seems to me to be entirely probable. What I take issue with, however, are the stylistic assessments and hermeneutic methods that are based upon the assumption that the Laws is Plato’s last work, that the Laws is somehow less philosophically and artistically sophisticated because it was written last. For it seems entirely possible that one’s last work could be one’s best work. As Stalley, for example, observes: “The most striking confirmation of the lateness of the Laws comes from the style of writing and manner of composition.”

Since antiquity, readers of Plato’s Laws have found fault with its style. Among classical commentators, Lucian (Icar. 24) famously complained that the style of the Laws was “frigid” (ψυχρός). More recently, Ernest Barker opined: “There is something of garrulity [in its style]… there is less artistic power. Plato preserves the form, but not the spirit of the dialogue…. [T]he defects of the Laws seem to me to be largely the defects of literary form.” Again, Stalley writes: “[The Laws] is much less attractive than the Republic as a work of literature…. The work often appears rambling and ill-structured.… There are inconsistencies of detail… the characterization is generally weak… [And it is]

10 In the opening scene of the Timaeus (17c-19a), Socrates alludes, at the very least, to a version of the argument of books II through V of the Republic. I will address this point in section 2.4.1.
11 Stalley (1983) 3. Italics are mine.
12 Barker (1979) 338-40.
difficult to follow the thread of the argument.”13 Even Trevor Saunders and Glenn Morrow, who have done so much to rekindle interest in the Laws, admit that it “has little dramatic or conversational sparkle,”14 and that its tone is more “dogmatic.”15

As these observations make clear, the supposed stylistic shortcomings of the Laws have led many to question whether we should read the work as a philosophical dialogue at all. In other words, the diminished role of conversation and debate seems to suggest that the Laws may not even be philosophical in its orientation. Aristotle, for example, dismissively described the Laws as “a collection of laws for the most part,” an assessment that has been echoed by modern scholars.16 Kenneth Sayre argues that the Laws, as well as the Timaeus, and Critias, “read more like monologues than like genuine conversations.”17 Other scholars, focusing on the centrality of the gods and religion in the dialogue, have described it as “a sacred text,”18 and as “a religious poem.”19 Andrea Nightingale begins by arguing that the Laws is “a philosophical dialogue”, but then curiously concludes: “this text does not invite its readers to practice philosophy… Like the citizens, the secondary lawgivers, and the interlocutors, the reader is urged to treat the lawcode as a scripture that only the impious will dare to challenge.”20 Finally, the distinctive formal characteristics of the Laws are often attributed to a combination of Plato’s old age and a kind of world-weariness, or pessimism, associated with his failed

16 Arist., Pol. 1265a1-2; see also, Morrow (1993: 6), who approves of Rostovtzeff’s “essential insight, that Plato’s Laws is a collection and codification of the whole of Greek law”.
18 Nightingale (1993)
19 Voegelin (1957) 228.
20 Nightingale (1993) 281, 300. Italics are mine.
experiments in Sicily. George Klosko, for example, writes:

The *Laws* is an old man’s work. In addition to Plato’s increased experience of human affairs, in many ways it shows a mood of tiredness and resignation. The aged Plato has turned his back on the world to face the heavens…Though the work is formally a dialogue, little of Plato’s earlier dialogic spirit survives. Throughout most of the work the Athenian discourses without interruption. Portions of the *Laws* show signs of having been written as a treatise and later—and half-heartedly—converted into a dialogue, a process that was perhaps interrupted by Plato’s death.²¹

Again let me make clear what I am arguing and what I am not. I admit that its style is unusual, that long stretches of it are dry and tedious (e.g., most of books IX and XI), that it lacks some of the “conversational sparkle” of the *Republic* or *Gorgias*, and the rigorous dialectical argumentation of the *Protagoras* or *Charmides*. What I am arguing is that there may be another, more plausible, explanation for the idiosyncrasies of the dialogue’s style. For it is evident from this brief summary that there are two assumptions upon which these traditional stylistic assessments are made. It is assumed first that certain “middle” dialogues—chiefly the *Republic*—represent the height of Plato’s artistry and philosophical prowess, and secondly, that since Plato wrote the *Laws* at the end of his life, its stylistic idiosyncrasies must be attributed to his declining artistic powers.

In addition to the difficulties of establishing a rigid chronological ordering of the dialogues, a further problem with the developmentalist interpretation is that it depends almost exclusively on Plato’s *Letters*, especially the *Seventh* and *Eighth*, for its historical and biographical information. And, though the *Seventh* and *Eighth Letters* have more defenders than the other letters, even their authenticity has been questioned by a

number of prominent scholars, including Malcolm Schofield,22 Myles Burnyeat,23 and Terence Irwin.24 Even if we grant that the Seventh Letter is genuine, interpreting the dialogues in light of Plato’s experiences in Sicily is still “philosophically quite unsatisfactory.”25 As Christopher Bobonich argues: “It would be irrational for Plato to generalize from his experience with Dionysus to the capacities of all human beings.”26 Furthermore, as numerous critics of the chronology of composition and the developmentalist interpretation associated with it point out, such a reading of the dialogues labors under the burden of the fact that none of the ancient sources, and especially Aristotle, ever suggest that Plato changed his views about any aspect of his philosophy.27

Finally, as “students of the ‘literary Plato’” often protest, developmentalist interpretations tend to ignore the relationship between the dialogue’s dramatic form and its philosophical content.28 Planinc, for example, criticizes the developmentalist reading of the dialogues because of its “naïve view that there are no hermeneutic problems to be faced, only philological ones.”29 It is frequently assumed, for example, that Plato’s views may be found in the utterances of his spokesman, usually Socrates, but in the case of the Laws, the Athenian Stranger.30 “Their utterances need only be catalogued by topic and

23 Burnyeat (2015), 224.
24 Irwin (1992), 78–79, n.4.
25 Bobonich and Meadows (2013)
26 Bobonich and Meadows (2013), n. 17.
dated by stylometric analysis for Plato’s ‘position’ on any question at any time to be known.”  

In opposition to this way of reading the dialogues, Thomas Pangle contends:

No statement in a dialogue can be understood except in the light of its full dramatic context. Of course, every Platonic dialogue has a philosophic character who is in some sense Plato’s spokesman, and in this respect the dialogues are obviously different from, say, Shakesspearean plays. But in Plato the "spokesman" never soliloquizes: every one of his utterances is directed primarily toward other unphilosophic or prephilosophic characters, and Plato’s intended message can only be understood through an interpretation of all the characters and their changing situations.

Therefore, the very fact that Platonic dialogues are works of philosophical literature, and not straightforward treatises, means that we as readers cannot simply attribute Plato’s thoughts to the Athenian Stranger; the other interlocutors play a crucial role in the argument of the dialogue.

In my view, the stylometric analyses clearly demonstrate that the Sophist, Statesman, Philebus, Timaeus, Critias, and Laws share certain patterns of word use and other stylistic tendencies. But this does not necessarily mean that they were all composed at the same time, or that they were all composed late in Plato’s career.

Moreover, this group of dialogues was deemed “late” because, it was assumed, the Laws was Plato’s last dialogue, an assumption, we have seen, that lacks conclusive evidence. This assumption poses significant difficulties not only in regard to the so-called “late” group, but for dating of the other groups as well. As Charles Kahn pointed out: “The late

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31 Planinc (1991) 14. Excellent summaries of the use of stylometric analysis of Plato’s corpus can be found in Brandwood (1990), and Young (1994) 227-250. For an excellent overview of the history of scholarship on the chronology of composition, see Taylor (2002). Thesleff (1982) argues that the study of the dates of composition was initially proposed in opposition to developmentalist studies, but that these two concerns were gradually merged in Anglo-American scholarship.

date of the *Laws* is the anchor for the whole chronology.” Therefore, I will avoid any interpretation of the *Laws* as a development—either positive, or negative—of Plato’s political philosophy. As Jacob Klein rightly observed: “Before we can understand any ‘development’ in Plato’s thinking, it is incumbent upon us to understand each dialogue in its own terms; this understanding is not helped by assigning a dialogue to a certain period in Plato’s life; it may occasionally be helpful, on the other hand, to connect what is said in one dialogue with what is said in another.”

My own approach to reading the *Laws* is first, and foremost, literary. I follow those scholars and thinkers who read Platonic dialogues *not* as treatises, or transcripts of a lecture, but as prose dramas. I first learned to read Plato from Leo Strauss, his colleague, Jacob Klein, and his students, Allan Bloom and Thomas Pangle. Though I would no longer advocate an “esoteric” reading of the dialogues, or Strauss’s thesis of the insurmountable tension between the philosopher (the truth) and the city (politics), I still hold to the basic hermeneutic principles I learned from Strauss, in particular the importance of the literary form of the Platonic dialogue to its philosophical content. As Strauss observed:

One cannot separate the understanding of Plato’s teaching from the understanding of the form in which it is presented. One must pay as much attention to the How as to the What. At any rate to begin with one must even pay greater attention to the “form” than to the “substance,” since the meaning of the “substance” depends on the “form.” One must postpone one’s concern with the most serious questions (the philosophic questions)
in order to become engrossed in the study of a merely literary question.\textsuperscript{40} Thus, the remainder of this chapter will be my attempt to give an account of the \textit{Laws'} rather idiosyncratic literary form and its relationship to the dialogue’s content.

My approach to reading the \textit{Laws} is also heavily indebted to the work of Christopher Rowe,\textsuperscript{41} Malcolm Schofield,\textsuperscript{42} André Laks,\textsuperscript{43} and Glenn Morrow.\textsuperscript{44} What I take from these distinguished scholars is primarily an approach to the \textit{Laws} that is rooted in seeing its continuity with other dialogues, rather than starting with the assumption that it represents a radical break from Plato’s “earlier” positions. Such an approach may seem considerably more unitarian than is currently fashionable. But my unitarianism, like Schofield’s and Rowe’s, is “not a unitarianism committed to finding the same doctrines throughout the dialogues or even different doctrines designed nonetheless to fit together.”\textsuperscript{45} It is, rather, a unitarianism that tends to deny “the excesses of ‘developmentalism’ in the reading of Plato.”\textsuperscript{46} In short, I will argue that the \textit{Republic}, \textit{Laws}, and \textit{Timaeus} are complementary dialogues (as Laks and Morrow have demonstrated), in the sense that the city and political regime of the \textit{Laws} is the “best possible” realization of the \textit{Republic}'s ideal model.\textsuperscript{47} This view—that the \textit{Republic} still represents the political ideal in the \textit{Laws}—does not rule out the possibility of development across other dialogues, or development between the \textit{Laws} and \textit{Republic}.

\textsuperscript{40} Strauss (1978) 52.
\textsuperscript{41} Rowe (2010).
\textsuperscript{43} Laks (1990), (2005).
\textsuperscript{44} Morrow (1954), (1993).
\textsuperscript{45} Schofield (1999) 37.
\textsuperscript{46} Rowe (2010) 50, n. 67.
\textsuperscript{47} Morrow (1954), (1993); Laks (1990).
over different issues (e.g., ethics or metaphysics). Development in this loose sense means that Plato may have refined, or clarified, or even criticized earlier positions (as Schofield and Rowe have shown), but there is no radical break, or departure, from positions central to his philosophy. Thus, in chapter two, I will argue that the cosmological and theological explorations in a group of dialogues commonly thought to be post-
Republic—the Philebus, Statesman, and Timaeus—demonstrate an important addendum to the theory of Forms as it is presented in the Phaedo and Republic. Yet, even here, I will not appeal to historical and biographical details to support my argument. Instead, I will argue that the substantive differences between these dialogues over similar issues reflect the different perspectives of these dialogues rather than authorial changes of mind.

1.1 The Laws as a Political Dialogue

The Laws is by all accounts a very different kind of Platonic dialogue, both at a formal level and in terms of its content. Let’s begin with its dramatic features. The dialogue is set on the island of Crete, near the ancient city of Knossos (625b). Thus, the Laws is the only Platonic dialogue not set in Athens or its immediate environs. The dramatic date is uncertain, though we are told that it takes place during the summer solstice (683c). The main characters are three old men: an anonymous “Athenian Stranger” (Ἀθηναῖος ξένος, 626d3, passim), a Knossian named Kleinias, and a Spartan named Megillos. The Laws is, therefore, the only Platonic dialogue in which Socrates is

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48 Schofield (1999); Rowe (2010).

49 Catherine Zuckert (2009: 1-19; 31-33; 51-58) has argued persuasively for a dramatic date of 460–450 BC. Zuckert’s evidence is based largely on the absence of any reference to the Peloponnesian War in the text of the Laws. As she herself admits, however, dialogues like the Menexenos (where Plato has Socrates refer to an event that occurred after Socrates’ death) show that Plato “was not constrained by historical fact or probability” (2009: 52, n.5). Thus, while I find Zuckert’s dating plausible, I remain cautiously skeptical.
completely absent. While it is true that in several of the so-called “late” dialogues—the 
*Sophist, Statesman,* and *Timaeus*—Socrates is relegated to the background, he is still in 
attendance. In the *Laws* the chief protagonist is the anonymous Athenian Stranger.

The action performed in the *Laws* can be described as a religious pilgrimage from 
Knossos to “the cave and sanctuary of Zeus” on Mt. Ida (625b).\(^5\) In contrast to the 
opening of the *Republic,* the interlocutors’ journey can be described as an ascent. Though 
they never reach their goal within the dialogue, it is clear that they aim at the god. As 
numerous commentators have observed: “this pilgrimage reenacts the one made by the 
animal Cretan king Minos, who is said in the very first lines of the dialogue to have 
visited his father Zeus every ninth year in order to receive oracles concerning the 
legislation of Crete (624b).”\(^5\) God is, moreover, one of the dominant motifs of the 
dialogue. It is often observed that Θεός is the first word of Plato’s *Laws* (624a1).\(^5\) Given 
Plato’s general tendency to invest the opening scenes of his dialogues with an image or 
reflection of the philosophical content that follows,\(^5\) and given the *Laws’* own 
preoccupation with προοίμια (e.g., 719e- 723e), this rhetorical stratagem should not be 
overlooked. At crucial junctures throughout their conversation, the interlocutors invoke, 
or swear oaths to, the god(s) in order to receive their assistance and blessing for their 
arguments and decisions (e.g., 682e, 722c, 811c, 893b, 965e).\(^5\) At the symbolic noontime

\(^{50}\) Morrow (1993) 27- 8.  
\(^{53}\) Clay (1992) 113- 130; Burnyeat (1997)  
\(^{54}\) It has often been remarked that in the *Laws* Plato switches back and forth between the singular and plural 
of their journey, for example, just before the Athenian describes his innovative approach to legislation, he declares that their entire conversation heretofore has been “under the guidance of god” (κατὰ θεόν, 722c6). Almost the entirety of book X of the Laws is comprised of an elaborate proof of the existence of providential gods. The Cretan Kleinias praises the Athenian’s intention to prove the existence of the gods, saying: “this would nearly be our noblest and best prelude on behalf of all the laws” (σχεδὸν γὰρ τοῦτο ἧμιν ὑπὲρ ἀπάντων τῶν νόμων κάλλιστον τε καὶ ἄριστον προοίμιον ἀν εἰη, 887b8-c1). A successful defense of theism would undoubtedly be the best and noblest prelude because, as Leo Strauss rightly claimed, the Athenian’s “whole teaching seems to stand or fall by the belief in gods.”

Finally, the Laws ends with an invitation to continue the discussion of how the Guardians should be educated so that they will know the truth about the gods (969a). What the Athenian later says about the regime outlined in the Laws applies to the organization of the dialogue as a whole: “the god…holds the beginning, the end, and the middle of everything that exists” (ὁ μὲν δὴ θεός … ἀρχὴν τε καὶ τελευτήν καὶ μέσα τῶν ὄντων ἀπάντων ἔχων, 716a).

Although the action of the dialogue is clearly religious, the Laws is, by most estimations, a fundamentally political work. Strauss suggested that it is “the most political work of Plato.” André Laks even went so far as to claim that the Laws was “the first work of genuine political philosophy in the Western tradition.” In the opening scene of the dialogue, the interlocutors agree to discuss “laws and constitutions

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55 Strauss (1975) 140.
56 Strauss (1975) 1. Italics are mine.
(πολιτείας... και νόμων, 625a6-7) as they walk the long road from Knossos to the cave of Zeus.\footnote{Laks (1990: 211) rightly observes: “Little attention has been paid to the fact that Πολιτεία and Νόμοι [are] the Greek words for what we call the Republic and the Laws.”} In books I and II, the Athenian delivers a critique of the Dorian regimes, \textit{viz.}, that their laws’ sole aim is to instill courage in their citizens, and so they fail to adequately inculcate in the their citizens the higher virtues, especially moderation (σωφροσύνη, 630b, 673e). The whole of book III is an historical analysis of the origin of the polis, and of the development of the different kinds of πολιτεία, most notably, the Persian monarchy under Cyrus the Great, and the Solonian constitution of Athens. At the conclusion of book III, the topic of discussion takes a decisive turn toward practical politics as Kleiniás reveals that he has been placed in charge of a commission to establish laws for the colony of Magnesia (702c- e).

Book IV establishes the theoretical foundations for the new city—the kind of constitution it will have (712b- 714 a), as well as its innovative approach to legislation, i.e., the use of legislative preludes (718c- 723d). In book V, the Athenian delivers his Great Prelude, i.e., the state’s official code of ethics (734e). This is followed by “the outline of the laws of a political regime” including the “method of correct regulation” of land and resources (734e- 747e). In book VI, the Athenian turns to the separation of powers, the establishment of offices and magistracies, and the election of political officials. Book VII is a long discussion of the state’s system of education. In book VIII, the Athenian sets down the sacred laws of the city to include the establishment of the civic pantheon, a calendar of religious festivals, and an official liturgy (828a- 831b). The last third of book VIII is devoted to legislation concerning economics and trade (842c-
850c). Book IX deals extensively with criminal law, including an important digression on questions of legal responsibility (857c-864c). In book X, the Athenian delivers the famous law against impiety (885b) as well as the prelude to that law, which is an elaborate proof of the existence of providential gods (885c-907d). In book XI, the Athenian resumes his discussion of criminal law with a long series of miscellaneous offenses. Finally, in book XII, the Athenian discusses the election and office of the Auditors (945b-948b), and concludes with a discussion of the Nocturnal Council, the institution that is to be responsible for “safeguarding” the entire code of legislation (968a-end).

It is easy to see, therefore, why Walter Burkert proclaimed: “The Laws… is the most comprehensive literary account of the Greek polis we have, including its religion.” This also explains why Strauss and Laks rightly see the Laws as Plato’s “only political work.” All other Platonic dialogues are concerned primarily with a philosophical question—the Socratic “What is …?” question—whereas the Laws focuses on a fundamentally political problem: how to found the best possible city and political regime. As Strauss observed: “In the Republic Socrates founds a city in speech, i.e., not in deed.” In the Laws, however, the Athenian Stranger “elaborates a code for a city about to be founded, i.e., he engages in political activity.” The Laws is, therefore, not primarily a philosophical dialogue, but a political dialogue. In turn, many of the features that we have come to expect from a Platonic dialogue—above all the central role of

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59 Burkert (1985) 333.
60 Strauss (1975) 1.
61 Strauss (1975) 1.
62 Strauss (1975) 1.
dialectic—are muted. The practical, political, aims of the Laws have their effect on its literary form.

Rhetoric in the form of legislative preludes, rather than dialectic, is the driving force in the Laws. Rhetoric is the form of political discourse. Yet the rhetoric of the Laws should not be read as “monological and tyrannical” or as “constative” in Austin’s sense of the term.\textsuperscript{63} As the Athenian Stranger explicitly argues in book IV, the precise purpose of the preludes is to persuade rather than coerce (719e-723b). Furthermore, even though a significant portion of the Athenian’s speech takes place at the political level, i.e., in speeches of the legislative preludes addressed to the citizens of Magnesia (e.g., 715e-718c, 726a-747e), the predominance of rhetorical speech in the Laws does not exclude dialectic entirely. In fact, Plato goes out of his way to depict the Athenian Stranger using argumentative techniques that, while not exactly up to the rigorous standards of the Protagoras or Republic, for example, are still reminiscent of the dialectical method. To give but one example, the Laws opens with “something very like an elenchos of the Cretan and Spartan view” that the lawgiver should legislate with the end of war in mind (626b-634e).\textsuperscript{64}

Secondly, as Joanne Waugh rightly observed: “Speech need not be in the form of dialogues to be dialogical, but it must involve the reader in its interpretation in formulating her response. Dialogical speech invites response; monological speech stops

\textsuperscript{63} Nightingale (1993) 285, 293; cf Austin (1962) 139.

\textsuperscript{64} Schofield (2003) 6. See also the discussion of legal responsibility in book IX (857c-864c), and the theology of book X, where most commentators agree that the Athenian “does push back to first principles” and employs “something generally recognized as philosophical reasoning” Schofield (2003: 12). cf., Strauss (1975) 129; Nightingale (1993) 295.
conversazione.” I will argue below that the Laws invites both a philosophical audience of the dialogue, and a non-philosophical audience to respond. The citizens in particular (i.e., the internal audience) are required to become practiced readers of the text of the Laws. This requirement in itself suggests a kind of dialogue with the text. As Kleinias himself observes right before the Athenian begins the prelude to the law against impiety, he is not afraid of the length, or the complexity, of the Athenian’s argument because it will be written down, and, even though he is a “slow learner,” he will be able to “go back over it” later (ἐπανιόντι), and “examine” (σκοπεῖν), and “question” (ἔλεγχον) it (890e7-891a7; see also 693c6-d1). Thus, the legislative preludes of the Laws are not fully dialectical, but they do “carry on conversations” with their readers, and “use arguments that come close to philosophizing” (διαλεγόμενον... καὶ τοῦ φιλοσοφεῖν ἐγγὺς χωρίμενον μὲν τοῖς λόγοις, 857d1-2).

Legislative preludes, then, fulfill the requirements set forth in the Phaedrus for philosophical rhetoric as opposed to purely political, or democratic, rhetoric (257c-279c; cf., Lg. 720a-723b, 857c-e). What distinguishes the philosophical rhetorician from the political one is that the philosophical rhetorician must “know the truth about each of the things concerning which he speaks or writes,” and he must “discern the nature of the soul, and find out the class of speech (ἐἰδος) adapted to each nature, and must arrange and adorn his argument (λόγον) accordingly, offering to the complex soul elaborate and harmonious arguments, and simple talks to the simple soul” (Phaedrus 277b-c).

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65 Waugh (2001) 30. Also, a work is not necessarily dialogical simply because it uses the dialogical form.
66 Section 1.2.
67 For political rhetoric, see Phdr. 261c-d. cf. Grg. 463a-d. This is admittedly a controversial claim; cf., Morrow (1954); Stalley (1983), (1994); Laks (1990), (1991), (2007); Bobonich (1991). I will return to this issue in 5.1.
Understanding the preludes as forms of philosophical rhetoric helps to explain why the *Laws* presents multiple levels of discourse—the Athenian has to speak in one manner to the simple soul, and in another to the complex soul.

**1.2 Multiple levels of discourse**

It has long since been recognized that Plato speaks “on different levels,” and “for different sorts of readers”, who may be categorized as philosophical and non-philosophical. As scholars have become more attuned to the literary aspects of the dialogue form, the interpretations of the effect the audience has on the arguments of the dialogue have become more nuanced, but the question always remains the same: what significance does it have that Plato speaks on different levels? Or to put it another way: does what Plato says on one level support or contradict what he says on the other level? Are the teachings addressed to the philosophical audience meant to deepen their understanding of and support for the teachings addressed to the non-philosophical audience, or do the philosophical teachings in some way undermine the popular teachings? In its most sinister formulation: are the popular teachings really just noble lies intended to control the masses, while the philosophical teachings reveal secret messages to the educated elite, who alone are capable of understanding them?

Glenn Morrow saw early on, though he did not put in precisely these terms, that the *Laws* addresses two types of audience. First, the two Dorians, Kleinias and Megillos,

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68 Strauss (1975); Pangle (1980) 376; Burnyeat (1997); Schofield (2003), (2006); Rowe (2010). See also: Proclus’ *Commentary on Plato’s Parmenides*.
69 e.g., Rowe (2010).
70 e.g., Schofield (2003).
71 e.g., Pangle (1976).
represent the internal audience, and their role as potential statesmen is central. They represent all the social and political institutions of their native cities. Plato’s purpose, according to Morrow, is “to confront these Dorian traditions…with those of his fellow Athenians and their Ionian kinsmen.” Thus everything said by the Athenian to the two Dorians can be construed as his attempts to educate them about the best parts of their respective regimes, and how certain Athenian laws and institutions could be adapted and applied to an essentially Dorian style regime in order to improve the constitution and legislation of the new colony.

At the other level, the level of the philosophical audience, Morrow argued that one of the chief purposes of the Laws is to prepare the students at the Academy to continue Plato’s work after his death, i.e., to make the Academy a place “where men were trained in legislation, and from which advisers could be called upon [by statesmen and rulers] when desired.” Thus, the Laws, according to Morrow’s interpretation, was “intended as a kind of model for use by other members of the Academy.” Morrow argues that while the first level of popular discourse is directed towards citizens of Greek cities everywhere to get them to accept the model of government delineated in the Laws, the overall design—the philosophical argument for the regime of the Laws—is accessible only to the students at the Academy who have been steeped in dialectical argumentation and in reading Platonic dialogues. Indeed, Morrow asserts: “there are some passages which can be understood only… with a consciousness of what he had

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72 Morrow (1993) 35.
previously said in his dialogues and of what his readers would know about his work in the Academy.”

While Morrow’s analysis of the two levels of audience is in its broad outlines correct, I think, his application of these insights is limited. Morrow rarely considers how Plato’s desire to speak to different audiences affects the presentation of his ideas. Morrow, indeed, recognized that much of what the Athenian says to his Dorian interlocutors simply goes over their heads: “The Dorians were little acquainted with the higher learning and were inept in theory.” Yet Morrow’s purpose was not to investigate the ways in which the Dorian’s ignorance or ineptitude affects the success of the Athenian’s arguments. (It is a fundamental requirement of the dialectical method that agreement, which implies understanding, is reached between the interlocutors before the argument can proceed.) Morrow was more concerned with investigating and reconstructing the historical materials, particularly political institutions and legislation, from which Plato constructed the regime of the Laws. Thus characterization matters for Morrow only insofar as it points to the social and political institutions of Sparta, Athens, or Crete.

Leo Strauss’ controversial interpretation of Plato’s Laws places characterization and audience at the forefront. One of the key tenets of Strauss’ interpretation is that the Platonic dialogue is the form of esoteric literature par excellence insofar as it presents two levels of discourse: a surface level teaching intended for “careless readers,” and a hidden

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teaching for “careful readers.”78 Like Morrow, Strauss reads Kleinias and Megillos as representatives of Crete and Sparta, though Strauss is not nearly as charitable as Morrow about what these two Dorians bring to the discussion. Strauss clearly agrees with Morrow that Kleinias and Megillos are products of Dorian social, cultural, and political institutions, but for Strauss their cultural baggage is much more problematic.

The Dorian educational system has left Kleinias and Megillos utterly lacking in higher learning. They have no knowledge or experience in philosophy and therefore are incapable of following the Athenian’s arguments, or even if they do grasp some part of it, they do not push back, challenge, or probe deeper into the argument by asking questions of the Athenian. Thus they reveal that they are incapable of dialectical argumentation. This, in turn, forces the Athenian to abandon any attempts at dialectic, and instead to proceed by giving long, persuasive speeches (e.g., Book 5, which is almost entirely a single speech given by the Athenian, and which Strauss calls “the least dialogic book”). Strauss observes that the discussions in the Laws take place almost exclusively at a “sub-Socratic level.” The Athenian’s conversations with the two Dorians, therefore, symbolize the difficulties a philosophically trained legislator might encounter with non-philosophical statesmen. Strauss argues: “silence on philosophy is imposed by

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78 Strauss (1952) 25. Strauss argued that the reason for this esoteric style of writing was because the city is always hostile towards the philosopher. A philosopher who holds heterodox opinions cannot publicly express those views without incurring danger to himself. Therefore, he must develop “a peculiar technique of writing: the technique … of writing between the lines.” Writing between the lines means: “the truth about all crucial things … is addressed, not to all readers, but to trustworthy and intelligent readers only”… and thus, “it has all the advantages of public communication without having its greatest disadvantage— capital punishment for the author.” Strauss (1952) 24-25.
the law which Plato imposed on himself when writing the Laws and he only rarely and, as it were, surreptitiously transgresses.” 79

The careful reader, by contrast, will not accept what is said in the dialogue at face value, but will read between the lines. A prime example is the Athenian’s explication of the myth of Kronos (713c- 714a), which establishes the theoretical foundations of the Laws’ political regime. Immediately following his long history of historical regimes in book III, the Athenian declares: “there can be no rest from evils and toils for those cities in which some human being rules rather than a god” (713e). If their regime is to succeed, it must imitate the kind of regime said to have existed under Kronos and “obey whatever in us partakes of immortality [sc. Reason], giving the name ‘law’ to the regulation of Reason” (714a). According to Strauss, this myth functions much like the Noble Lie in the Republic—it is not literally true but relates a salutary fiction insofar as it provides a reason for the citizens to willingly accept and agree to a certain ordering of society. It attempts to convince the citizens to obey the rule of law because the rule of law is rational ordering of society and reason is what we share with the gods. But Strauss emphasizes that the careful reader will recognize that the argument by myth is not a dialectical argument, and will therefore question it. He will be aware that the Athenian “conceals completely the fact that the rule of law is the rule of law laid down by human beings.” 80 Furthermore, the careful reader, who has read other Platonic dialogues, will know that a similar version of the Kronos myth exists in the Statesman, but that in that version, “another stranger states explicitly that in the present age, the age

79 Strauss (1975) 75. Italics are mine.
80 Strauss (1975) 58.
of Zeus, the divine caring for human beings has ceased, men must take care of
themselves and have to be ruled by human beings (Plt. 274d3-6).” Thus, Strauss argues,
this is a signal to the careful reader that Plato is aware of the philosophical limitations of
this argument, and therefore the very foundation of the regime. It is a signal that will
pass over the heads of careless readers, just as it escapes Kleinias and Megillos. But the
implication is that if it eludes the potential statesmen, Kleinias and Megillos, it will most
likely not be grasped by the citizens as well and so will serve its purpose. Indeed much
of Strauss’ reading of the Laws revolves around pointing out where and how the
Athenian’s arguments break down under careful scrutiny and where and how Plato
signals the careful reader that he is doing so intentionally. The point is that politics and
philosophy always exist in a hostile relationship and the philosophical legislator must
always keep this mind.

I will return to Strauss’ interpretation of the myth of Kronos in the next chapter.
For now I will simply suggest that Strauss’ desire to drive a hard line between
philosophy and politics compelled him to an undeservedly harsh treatment of Kleinias
and Megillos. What Jacob Klein said about Aristotle as a commentator on Plato applies
equally well to Strauss: he “has his own way of describing other people’s thoughts,
using a peculiar terminology rooted in his own thinking and not in the thinking of those
other people about whom he reports.” To be sure, the Athenian Stranger recognizes—
and Plato intends his readers to see—that the two Dorians are not philosophers. But, I
agree with Schofield that Kleinias and Megillos contribute much more to the discussion

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81 Strauss (1975) 58.
82 Klein (1977) 1.
than Strauss gives them credit for.\textsuperscript{83} They make a number of independent assertions and observations, and Megillos in particular often pulls the philosopher back down from the heavens. Though philosophy may be the highest activity for man, he can only be of service to the state if he sometimes turns away from metaphysical or theological speculation to the more mundane business of politics. This is why Kleinias and Megillos are necessary—they keep the Athenian focused on the political task at hand.

More recent interpretations of Plato’s use of the dialogue form build upon the best aspects of Strauss’ reading, while avoiding Strauss’ insistence on the fundamental tension between politics and philosophy. Christopher Rowe, whose reading derives directly from Malcolm Schofield’s interpretation (which is itself indebted to Strauss),\textsuperscript{84} follows suit in arguing for multiple levels of discourse.\textsuperscript{85} Rowe seeks to demonstrate: “the Athenian—and so Plato, as author—is talking simultaneously on different levels: the level on which Clinias and Megillus operate, and that on which the colonists, or the bulk of them, are presumed by the lawgiver to operate (if that is significantly different from Clinias’ and Megillus’); and then, beyond that, the Athenian talks on a further level, which is to be discovered beneath the surface, and which we, as readers, have to put in some effort to excavate.”\textsuperscript{86} Furthermore, Rowe agrees with Strauss’ distinction between careful and careless readers, or rather, he adopts Schofield’s terms: “practiced and unpracticed readers.”\textsuperscript{87} Rowe observes: “The Laws is a text written for two different

\textsuperscript{83} Schofield (2006) 323.
\textsuperscript{84} Schofield (2003) 3, n.5.
\textsuperscript{86} Rowe (2010) 33.
\textsuperscript{87} Schofield (2003) 3.
sorts of readers: one resembling Clinias and Megillus, who have never encountered anyone like the Athenian before, and who probably have no experience of philosophy of any sort; the other composed of experienced philosophers.”88 Nothing so far is very much different from Strauss’ account. But Rowe differs from Strauss in that he believes that “the Laws is also, or even primarily, aimed at a non-specialist audience.”89 He bases this on the observation that “there would be no obvious point in Plato’s having the Athenian address Cliniases and Megilluses at all unless he intended the Laws to be accessible, at least on some level, to people like them.”90 Rowe continues: “The work is in itself emphatic proof of Plato’s ambition to have his voice heard beyond the narrow space enclosed by the walls of the Academy (even while he leaves the connection with, and application of, familiar ideas and arguments visible to the ‘practised’ eye).”91

At the level of the practiced reader, Rowe differs from both Strauss and the developmentalists in that he does not think that the allusions to other Platonic texts undermine the arguments of the Laws.

[O]ne of the commonest views of the Laws in the modern period has been that it reveals a Plato who is rethinking, and turning his back upon, ideas that he had previously held, especially in his so-called ‘middle’ period’, and especially the political ideas of the Republic, the ‘middle’ dialogue par excellence. In fact, however, I see no evidence at all that the ‘intertextual resonances’ in question work in this way... Rather, as I have suggested, they are there to take the real argument forward.92

Here, Rowe also distinguishes his reading from Schofield’s. Like Strauss, Schofield argues that the practiced reader will be aware that the arguments presented in the Laws

89 Rowe (2010) 33, n.15.
are “limited,” i.e., he will understand that the “intertextual resonances” point to certain problems in the Athenian Stranger’s arguments, problems that were elaborated, for example, in the Republic, or Statesman. The effect of this kind of limited argumentation, Schofield argues, is that it “preempts further philosophical debate” while at the same time intimating “to the practiced reader the author’s awareness that and how he is preempting it.” Thus, for Schofield, the allusions to other Platonic dialogues function as potential vehicles for self-engagement, and even self-criticism.

Rowe takes a radically different view of the function of intertextual resonances:

“the text of the Laws tends specifically to direct the [practiced] reader, for the required level of justification, to arguments, and conclusions reached, in other dialogues.” For example, during the discussion about what kind of πολιτεία the city of the Laws will have, the Athenian observes that “there can be no rest from evils and toils for those cities in which some mortal rules rather than a god” (713e). Rowe argues:

No one reading this passage who has the slightest familiarity with the Republic can surely fail to hear an echo of that ringing statement, in Book 5, about the need to bring political power and philosophy together: “Unless… either philosophers exercise kingly rule in cities or those presently called kings and dynasts philosophize genuinely and sufficiently…. no respite from bad things is possible… for cities” (473c11-d6).

Thus, whereas Schofield argues that Plato abandons the rule of the philosopher-king in the Laws, Rowe maintains that Plato meant to reintroduce here the idea that “the rule of

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93 Schofield (2003). 9, 10. We will look at a couple of these intertextual resonances below.
95 Rowe (2010) 35.
96 Rowe (2010) 42.
reason is to be understood very specifically in terms of the rule of philosophical reason.”

The most obvious example of an allusion to another Platonic dialogue is the Athenian’s myth of Kronos in book IV (713e- 714a), which is a shorter version of a similar myth told by the Visitor from Elea in the Statesman (268e- 274e). Both Strauss and Schofield argue that when the Laws’ version of the myth is read in light of the myth from the Statesman, it undermines the Athenian’s argument that the god should rule instead of a human being (713a, e) because in the Statesman’s version we are told explicitly that in the present age, the age of Zeus, the gods have ceased to care for human beings. Rowe, however, contends that Plato expects the practiced reader to be able to resolve the tensions and contradictions between the two versions of the myths. The differences between the two versions are easily explained, Rowe contends, if we keep in mind that “what Cronus does in the Laws is only to provide the conditions under which ‘the races of men’ will be ‘free from stasis and happy’”, whereas in the Statesman, “it is left an open question whether the subjects of Cronus were happy: it depends, we are told, on whether they did philosophy or not: (Politicus 272b-d).” Thus, Rowe concludes: “Plato of the Laws is adapting the Cronus myth of the Politicus to serve the different requirements of a different context.”

Furthermore, Rowe, argues, the practiced reader will be able to reconcile the apparent contradiction that in the Statesman it will be the political expert (a human

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98 Rowe (2010) 42.
100 Rowe (2010) 40-41.
being) who will rule, while in the Laws it will be the god who rules, by observing that
the political expert will have to employ impersonal, godlike reason in order to steer the
ship of state. “The expert statesman himself will ultimately have to set down laws, for
the simple reason that he can’t be everywhere at once (294c-295b); and it is a city
governed by his laws that will be second best, because of the inherent weakness of law
as an instrument, to direct rule by him in person.”\textsuperscript{102} For Kleinias and Megillos, and
likewise for the colonists, there is no tension because they are only presented with one
version of the myth—the Laws’ version—and it is simply sufficient for them that it is the
god who rules.

Rowe’s approach to reading the Laws, in my view, makes the most sense of the
nuances of dramatic action in the dialogue, especially the exchanges between the
Athenian and his two Dorian interlocutors, as well as the intertextual resonances. In
particular, I agree with Rowe’s interpretation of the “practiced Platonic reader,” \textit{viz.}, that
the intertextual resonances “provide the real and fundamental justification for what is
proposed at the surface of the level of the text— even, sometimes, providing the \textit{actual}
point being put forward, which is at or beyond the limits of the understanding of the
actual interlocutors.”\textsuperscript{103} The major drawback to this aspect of Rowe’s argument is that it
is incomplete.\textsuperscript{104} Indeed, all of his evidence comes from book 4, certainly an important
book for the argument of the Laws insofar as it lays out in myth the theoretical
foundations of Magnesia’s constitution. Nevertheless, Rowe’s argument could be

\textsuperscript{102} Rowe (2010) 42, n.47.
\textsuperscript{103} Rowe (2010) 35- 36.
\textsuperscript{104} Rowe himself recognizes this, and that is why he stress that his reading is only a “proposal” (2010: 47).
strengthened by showing where and how it could be applied to the remainder of the dialogue. This is precisely what I intend to do in this and the next chapter. My only disagreement with—or, rather, modification of—Rowe’s approach to reading the Laws has to do with his treatment of the “unpracticed” or “non-specialist” reader.

In my view, Rowe, as well as Morrow, Strauss, and Schofield, are right to say that many of the Athenian’s arguments go over the head of Kleinias and Megillos, and that the two Dories represent the first level of internal audience. Rowe is, moreover, correct to determine from this that the Laws is primarily directed at a non-specialist, or non-philosophical, audience. Finally, I agree that the bulk of the colonists will not be a qualitatively different kind of audience than Kleinias and Megillos. Nevertheless, I will argue that the Athenian does expect that a small group of colonists will be capable of reading at a higher level, perhaps even at the level of Rowe’s practiced Platonic reader. Furthermore, I will show that Plato wants all of the citizens of Magnesia (including Kleinias and Megillos) to become practiced readers of the Laws itself. This means that slow learners, like Kleinias and Megillos, may better, even if not fully, understand the arguments that initially go over their heads.

1.3 Philosophical and Non-philosophical Readers

In book VII of the Laws, the Athenian outlines a program of study for Magnesia’s system of public education. From the ages of ten to thirteen, children will study “the written things” (γράµµµατα, 809e7). All of the children will be required to study this subject for this period of time with no exceptions (810a). The goal is for everyone to “to
be able to read and write” (γράψαι τε καὶ ἀναγνώναι δυνατὸν εἶναι, 810b1-2). The question arises, however, regarding which writings the children will be allowed to read (810b-e). Some writings, in particular certain kinds of poetry, are “dangerous” (σφαλερὰ, 810b7), and therefore should not be taught to children. The Athenian, therefore, recommends that they put together a “collection” (κεφάλαια, 811a2) of writings that would be suitable for the children to read. “The collection must be learned by heart and stored in the memory (ἐκμανθάνειν… εἰς μνήμην τιθεμένους), if any of our students is to become good and wise through much experience and learning” (811a3-5).

At this point Kleinias asks: “Then how and what would you recommend to the Guardian of the Laws? ... What model (παράδειγµμα) should he look to, at any time, to decide what he would allow all the young to learn and what he would prevent them from learning?” (811b6-c1). The Athenian responds:

As I looked now to the speeches (λόγους) we’ve been going through since dawn until present… they seemed to me to have been spoken in a way that resembles in every respect a kind of poetry… These [speeches] appeared to me to be both the most well-measured (µετρωτατοί), at any rate, of all, and especially appropriate for the young to hear. I don’t think I would have a better model (παράδειγµµα) than this to describe for the Guardian of the Laws and Educator, or anything that would be better for him to bid the teachers to teach the children, other than these things and things that are connected to them and similar (ἐχόµενα καὶ ὁµοία). He should work through the poems of poets as well as prose writings and things that are simply recited without being written down, and if, as can be presumed, he comes across speeches that are the brothers (ἀδελφὰ) of these, he should on no account let them pass by but should write them down. Then, in the first place, he should compel the teachers to learn and to praise these writings...[and] it is to these men that he should give the young, to be taught and educated. (811c6-812a1)

As E.B. England observed: “The Minister of Education is (1) to direct the teachers to use the Laws as a reading book, and (2) to do his very best to search for, and provide other
literature of the same kind and tendency.” England’s first observation means, then, as far as the internal audience of the Laws is concerned, the Athenian absolutely intends the citizens of Magnesia to read and study the text of the Laws itself—i.e., he expects them to become practiced readers of the dialogue. This requirement is unique in the Platonic corpus. No other Platonic dialogue calls attention to its literary status in such an obvious fashion.

England’s second observation—that the Athenian clearly conceives of other works of literature as well as certain unwritten dialogues, that are “similar” (ὁμοίως) to the Laws—is no less significant. The text of the Laws is to be a “model” (παράάδειγµα, 811c6) for selecting other works of literature to be included in the state’s official canon. Such a proposal means that the Athenian invites the Guardian of the Laws and the Educator to compare the Laws to other writings. In other words, he counts on a certain degree of intertextuality. The Laws should be read alongside, or in response to, other works of literature. But only those writings that are similar to the Laws will be included

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105 England (1921) 293.
106 Görgemanns argues that the Athenian requires only children (τοὺς παιδας, 811e1) to read the text of the Laws; he says nothing about adults re-reading it. This point is central to his interpretation that the Laws was written for a philosophically uneducated audience, Görgemanns (1960) 7-17. Görgemanns interpretation is, in my opinion, too literal. As Bobonich (1996: 253, n. 9) rightly argued “We should not think that the Laws is restricted to children, since its form, arguments, and text are continuous with those of the preludes, and the preludes are clearly directed at adults.” Bobonich cites 858c2-859a1 and 957c1-958a3 as evidence. I agree that these passages do indeed suggest an adult audience, but not as much as 890e7-891a7, in which Kleinias, argues that the Athenian’s argument for the existence of the gods should be set down in writing so that even “slow learners” [sc. like Kleinias himself] can go back and reexamine the argument often.

107 The Phaedrus probably comes closest, and that dialogue’s criticism of written texts certainly invites a consideration of the educative value of requiring the citizens to read the text of the Laws.

108 At the end of this chapter, I will argue that the concept of παράάδειγµα defines the relationship between the “first-best” city of the Republic, and the “second-best” city of the Laws, as well as the “second-best” city described in the pages of the Laws and the “third-best” that Kleinias and his partners will go on to found. In Chapter three I will argue that the concept of ὀμοίωσις defines the relationship between a divine model and a human imitation of that divine model.
in the curriculum of Magnesia’s public system of education. Those similar works of literature would almost certainly include Homer, as well as possibly some other less than ideal genres of poetry (e.g., tragedy, comedy, and more traditional kinds of choral and lyric poetry). But the more controversial question would be whether Plato is here inviting the citizens (or us, as readers in general) to read the *Laws* along side of other Platonic dialogues. The Athenian does not seem to give us any such indication in these passages. But as we shall see, there is good evidence that he expects at least some of his readers to have knowledge of other Platonic dialogues in order to make sense of specific legislative proposals in the *Laws*.

The Athenian anticipates that the citizens will have different capacities for reading with precision, and therefore, different capacities for a philosophical understanding of the *Laws*. At one end of the spectrum, there will be readers like Kleinias and Megillos, who, because they are slow learners, will require a written text to study so that they can eventually grasp the argument. Kleinias himself requests that the Athenian’s argument for the existence of the gods in book X be written down so that he can come back to it and question it:

> διότι τὰ περὶ νόμους προστάγματα ἐν γράμμασι τεθέντα, ὡς δώσοντα εἰς πάντα χρόνον ἔλεγχον, πάντως ἔχωμεν, ὡστε οὔτ’ εἰ χαλεπὰ κατ’ ἀρχὰς αἰκούειν ἐστὶν φοβητέον, ἀ γ´ ἔσται καὶ τὸ δυσμαθεῖ πολλάκις ἐπανιόντι σκοπεῖν, εἴτε εἰ μακρὰ, ὡφέλιμα δὲ, διὰ ταύτα λόγον οὐδαμὴ ἔχει οὔδὲ ὅσιον ἔμοιγε εἴναι φαίνεται τὸ μή οὐ βοηθεῖν τούτοις τοῖς λόγοις πάντα ἀνδρὰ κατὰ δύναμιν.

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109 See my argument on Homer in Section 3.2.1.
110 For the inclusion of tragedy in Magnesia’s educational program, see Murray (2013). For comedy, see Folch (2013). For choral and lyric, see Nagy (1990): 82-115, esp. 109ff.
111 This, of course, assumes a connection between the internal audience of the dialogue and the actual audience. I will return to this point below.
It is presumably a very great help when prescriptions pertaining to the laws are set down in writing and are entirely stable, because they provide for all time an opportunity for questioning; as a result, if they are difficult to listen to at the beginning, there’s no need to fear, so long as the slow learner can go and examine them often. Even if they’re lengthy, if the arguments are beneficial, it doesn’t appear to me, at least to be at all reasonable or pious for any man to fail, on this account, to help these arguments as best he can (890e7-891a7).  

At the other end of the spectrum, there are, first of all, the Guardians of the Laws and the Minister of Education, who must have a higher capacity for reading with precision as well as a certain level of philosophic insight. As the Athenian argues: “The person who is going to be a prudent judge [of works of literature] must have three kinds of knowledge, which are first, what the thing is, and then how correctly, and then—the third thing—how well, any of the images of it in words, tunes, and rhythms are produced” (669a8-b3). This level of reading and understanding is clearly not expected of every citizen, only those whom “nature urges” (φύσις ἐπέσπευσεν, 811b3). At the end of the discussion of Magnesia’s education system, it becomes clear that the Athenian clearly anticipates that different citizens will have different capacities for reading and for learning in general. He recommends that those students who have distinguished themselves in reading and writing, musical performance, and elementary calculations (λογισµῶν), be allowed to continue on to learn the “divine” subjects (θεῖαι, 818b3):  

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112 One might object here that the Phaedrus (274b-278b) presents a very different account of the status of the written word, viz., that it is not possible to have a dialogue with a written text because “it says the same thing forever” (275d). I will return to this point below, but to give an indication of my position: The legislative preludes of the Laws are not true philosophical dialogues, but rather the “brother” of dialectic (Phdr. 276a), i.e., they are a “second-best” form of discourse. As such, at a philosophical level, they do require a dialectician to answer on their behalf. That role, I will argue, is fulfilled by the Nocturnal Council (Section 5.2). But for non-philosophical readers, like Kleinias, the practice of re-reading is sufficient to provide them with true beliefs about the political order, its laws, and founding principles.
arithmetic (or number theory), geometry, and astronomy (817e6-818a1, cf., 809c3-4). The Athenian explains: “The many need not labor at all these things to the point of precise accuracy; that will be required of a certain few—who they are we will explain when we get to the end, for that would be fitting” (818a1-3). Most citizens need to know about these subjects only insofar as they pertain to human affairs (818b3-6). The select few must learn number theory, geometry, and astronomy because these subjects are necessary “for anyone who is going to know almost any of the noblest subjects of learning… these are the things that should first be grasped correctly, before going on to learn the other subjects to which these subjects lead” (818d1-8; cf. Rep. 531c-532b).

The Athenian expresses a certain reluctance to describe the noblest subjects of learning to Kleinias and Megillos at this point in the dialogue (819a1-6). At the conclusion of the Laws, however, the Athenian fulfills his promise to explain who exactly the chosen few will be who will go on to learn the noble subjects of learning, and he elaborates (to a certain degree) what those subjects will be.

In book XII, the Athenian argues that the members of the “Nocturnal Council” should be “brought up and educated with greater precision” (965a6-7). Membership in this Council, moreover, will be restricted to a select few who meet the requirements for “age, capacity for learning, and characteristic dispositions and habits” (968d1-3). The older members select and “test thoroughly” (διαβασανισθέέντας, 961a7) young men,

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113 On the distinction between the basic, or “human” (ἀνθρωπίινων) application of arithmetic, geometry, and astronomy, and the “divine” (θεῖαί) application, cf. 818a1-818e2.

114 It should be noted here that the subjects of learning outlined here in the Laws never rise above the Divided Line of the Republic (509d-511d). Furthermore, Socrates explicitly describes the study of mathematics and astronomy as a “prelude to the song itself” (προοίµία εστιν αυτοῦ τοῦ νόµου, 531d8).

115 See section 5.2, and especially n. 653.
“not less than thirty years of age,” who are worthy enough in nature and upbringing to be included in the Council (961b). Their “more precise education” (ἀκριβεστέραν παιδείαν, 965b1) begins with “the preliminary subjects” (τὰ τε πρὸ τούτων ἀναγκαῖα μαθήματα, 967e1-2) referred to in Book VII, and then proceeds to the study of moral philosophy, dialectic, cosmology, and finally theology (964b, 965b-966e). As a result of their superior education, the members of Nocturnal Council will understand the “purpose” (τέλος) of the laws that the Athenian has laid down (962b4-9), be able to defend the laws against the questioning of others (966b), and, in this way, will implant in the laws “the capacity of irreversibility” (πὴν ἀμετάστροφον... δύναμιν, 960d1-6). In short, their superior understanding of the law, which comes from a lifetime of study, will make them “the True Guardians of the Law” (τοὺς ὀντῶς φύλακας... τῶν νόμων, 966b5).

Nothing of this sort is ever expected of the ordinary citizens of Magnesia. At best, they, like Kleinias in the passage cited above, will read and reread the Laws with the hope of one day being able to understand the arguments contained within it. At the bare minimum, the slow readers and learners are expected to read the Laws, to learn from it, and “by pondering these matters, they’ll attain their education—insofar as they are able”

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116 The philosophical education program for the Nocturnal Council is described in great detail in the Epinomis. This dialogue is generally considered spurious, based largely on the testimony of Diogenes Laertius that it was composed by Philip of Opus (3.37).

117 I will return to the question of whether the Nocturnal Council are the true rulers of Magnesia in chapter 5. For now, I merely wish to emphasize they form a select group who receive the highest levels of education, and in turn, have the responsibility to ensure that Magnesia’s education system is in accordance with the Athenian’s model, and to answer questions on behalf of the laws.
And, through this education the ordinary citizen will become “willingly obedient” to the laws (cf. 627e3, 700c3-5, passim).

To sum up my argument thus far, within the text of the Laws, there is evidence 1) that the internal audience—the citizens—are required to read and reread the text of the Laws itself, 2) that citizens should read other similar writings alongside the text of the Laws itself, and 3) that some citizens will have a greater capacity for philosophical understanding of the Laws. The question remains, however, whether the internal audience of the dialogue can tell us anything about how we should read the Laws. Like Strauss, Schofield, and Rowe before me, I have assumed that there is a connection between the way Plato requires the internal audience to read the dialogue, and the way we should read it. Nightingale is certainly correct that we cannot infer much about the actual audience from the text itself: "the actual audience can be best apprehended by a consideration of the historical and cultural context in which the text was written." In practice, Morrow is probably right that the members of the Academy would have read the Laws, and they, first and foremost, would have been practiced readers of Plato. In theory, however, I think the text of the Laws itself does demonstrate Plato’s desire to speak to a non-specialist audience, like Kleinias and Megillos. Whether or not non-philosophers actually read the Laws is probably a question we will never be able to answer adequately, but I hope to have shown that the internal audience of the dialogue suggests, at least, a desire to speak to a non-specialist audience. This explains, in my view, why, with a few notable exceptions (e.g., the prelude to the law against impiety in

book X), the bulk of the discourse in the *Laws* is aimed at the non-philosophical audience. This is also why most of the Athenian’s arguments are delivered through persuasive speeches to the citizens rather than through philosophical conversations with his interlocutors. If this is correct, then Plato’s message for the members of the Academy would be that the kind of philosophical rhetoric displayed by the Athenian in the legislative preludes is the best form of discourse possible in an actual city-state. Given the meager evidence available, any determination of the actual audience is admittedly speculative, but I think the scenario I have outlined here makes the best sense of the unusual dramatic details, and modes of discourse, in the *Laws*.

Whoever “the actual audience” of the *Laws* may have been, we still have not answered the question concerning the relationship between the way Plato requires the internal audience of the dialogue to read the *Laws* and the way we should read it. My answer here is brief: it is only by examining the clues Plato left in his dialogues that we have any sense of how we should read the dialogues. The *Laws* is unique in the Platonic corpus in that it gives its readers specific instructions for how it should be read: they should become practiced readers of the dialogue, and should compare it with other works of literature that are similar and related to it. Since Plato explicitly demands that we read the *Laws* in light of other literature, and especially other works of literature that are “akin” to the *Laws* (811e), why would we not first look to other Platonic dialogues, i.e., to other works written by the same author?¹²⁰ These most assuredly would be the

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¹²⁰ *The Laws*, I have argued, is unusual in the Platonic corpus, but as I shall argue below, the abundance of allusions, and intertextual resonances, to other Platonic dialogues demands a reading of the *Laws* in light of other dialogues (chiefly the *Republic*, *Timaeus*, and *Statesman*).
works of literature most closely related to the *Laws*.\textsuperscript{121} We have already seen an example of an allusion to the *Republic*, and another to the *Statesman*.\textsuperscript{122} To close out this chapter, we will examine several more intertextual resonances with the *Republic*, and in the next chapter, we shall see many more to other Platonic dialogues, including the *Statesman*, *Phaedo*, and *Timaeus*.

\subsection*{1.4 On the relationship between the *Laws* and the *Republic*}

The relationship between the *Laws* and *Republic* is one of the most contentious issues in Platonic scholarship. Much of the debate centers on how to interpret a passage in book V of the *Laws*. Here, the Athenian reflects upon the city and constitution they have been constructing and observes: “Anyone who uses his reason and experience will recognize that a second-best city is to be constructed” (δευτέρως... πρὸς τὸ βέλτιστον, 739a). Given the attention this passage has received in the scholarly literature, it is best to quote it in full:

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. If this situation exists somewhere now, or if it should ever exist someday—if women are common, and children are common, and every sort of property is common; if every device has been employed to exclude all of what is called the "private" from all aspects of life; if, insofar as possible, a way has been devised to make common somehow the things that are by nature private, such as the eyes and the ears and the hands, so that they seem to see and hear and act in common; if, again, everyone praises and blames in unison, as much as possible delighting in the same things and feeling pain at the same things, if with all their might they delight in laws that aim at making the city come as close as possible to unity—then no one will ever set down a more correct or better definition than this of what constitutes the extreme as regards virtue. Such a city is inhabited, presumably, by gods or children of gods (more than one), and they dwell in gladness, leading such a life. Therefore one should not look elsewhere

\textsuperscript{121} A good case could also be made for Aristotle’s *Politics*. See Morrow (1993) 3-10; Schofield (2006) 52, 82, 315.

\textsuperscript{122} Section 1.2.
for the model, at any rate, of a political regime, but should hold on to this and seek with all one’s might the regime that comes as close as possible to such a regime. If the regime we’ve been dealing with now came into being, it would be, in a way, the nearest to immortality and second in point of unity. The third we will elaborate next after these, if the god is willing.

Now then what do we say this regime is and how do we say it comes to be such? First, let them divide up the land and the households, and not farm in common, since such a thing would be too demanding for the birth, nurture, and education that have now been specified. However, the division of lands is to be understood in something like the following way: each shareholder must consider his share to be at the same time the common property of the whole city, and must cherish his land, as a part of the fatherland, more than children cherish their mother; he must consider the land as a goddess who is mistress of mortals (739c- 740a).123

There has been for some time now a fairly strong scholarly consensus that the first-best city and constitution described here in the Laws is Kallipolis of the Republic.124

Recently, however, leading Plato scholar, Christopher Bobonich, challenged this view in his widely acclaimed tour de force, Plato’s Utopia Recast.125 Bobonich argues that “the first-best city and regime” referred to in book V of the Laws (739a- e) does not endorse “all the political structures of the Republic,” only “the community of property, women

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123 Πρώτη μὲν τοῖν πόλει τέ έστιν καὶ πολιτεία καὶ νόμοι άριστοι, οὖν τὸ πάλαι λεγόμενον ἀν γέγονε κατὰ πάνταν τὴν πόλιν ὅτι μάλιστα- λέγεται δὲ ὡς ἄντως ἐστὶ κοινὰ τὰ φύλων. τούτ’ οὖν εἶτε ποῦ νῦν ἐστὶ έστιν ποτὲ—κοινὰς μὲν γυναίκας, κοινοὺς δὲ εἶναι παῖδας, κοινὰ δὲ χρήματα σύμπαντα—καὶ πάση μηχανή τὸ λεγόμενον ἱδίων πανταχόθεν ἐκ τοῦ βιῶν ἀπὰν ἐξήρηται, μεμηχανέται δ’ εἰς τὸ δυνατόν καὶ τὰ φύσει ἱδία κοινὰ ἀμή γέ τη γεγονέναι, οἶον ὄμματα καὶ ὄησα καὶ χείρας κοινὰ μὲν ὀρὰν δοκεῖν καὶ αἰκένειν καὶ πράτειν, ἐπαινεί τ’ αὖ καὶ ψέειν καθ’ ἐν ὅτι μάλιστα σύμπαντας ἐπὶ τοῖς αὐτοῖς χαίροντας καὶ ἀνασκευάζοντας, καὶ κατὰ δύναμιν οὕτοις νόμοι μίαν ὅτι μάλιστα πόλιν ἀπεργάζονται, τοῦτον ὑπερβολὴ πρὸς ἀρετὴν οὐδές ποτὲ ὅροι ἀλλὸν θέμενος ὀθόνειεν οὐδὲ βελτίων θήρεται, ἢ μὲν δὴ τοιαῦτη πόλεις, εἰτε ποιοὶ ἤ παιδεῖς θεῶν αὐτὴν οἰκοῦν πλείους ἐνός, οὔτω διαζώντες εὐφράνος κάποιον· διὰ δὴ παράδειγμα γε πολιτείας οὐκ ἄλλη χρή σκοπεῖν, ἀλλ’ ἐχομένους ταύτης τὴν ὅτι μάλιστα τοιαύτην ἐρείτεν κατὰ δύναμιν. ἢν δὲ νῦν ἡμεῖς ἐπικεχερήκαμεν, εἴπε τὸ ἄν γεγονέναι ποι ἀθανασίας ἐγγύτατα καὶ ἢ μία δευτέρως· τρίτην δὲ μετὰ ταύτα, ἐὰν τοιὸς εἴθε, διαπερανόμησα. νῦν δ’ οὖν ταύτην τίνα λέγομεν καὶ πῶς γενομένην αἰν τοιαύτην; Νεμακαθόθω μὲν δὴ πρῶτον γῆν τε καὶ οἰκίας, καὶ μὴ κοινή γεωργίαντων, ἐπειδὴ τὸ τοιαύτου μείζων ἢ κατὰ τὴν νῦν γένεσιν καὶ τροφήν καὶ παίδευσιν ἐφηται· νεμακαθόθω δ’ οὖν τοιαύτη διανοιαν πως, ὡς ἀρα δεῖ τὸν λαχοντα τὴν λήξει ταύτην νομίζειν μὲν κοινὴν αὐτὴν τῆς πόλεως συμπάθης, πατρίκιος δὲ οὕσες τῆς χώρας θεραπευεῖν αὐτὴν δὲ μείζων ἢ μητέρα παῖδας, τῷ καὶ δεσποταν θεον αὐτὴν οὔτεν θνητῶν ὄντων γεγονέναι.


and children, and the goal of making the city as unified as possible.”

Bobonich does not say what other “political structures” he is referring to, but presumably, he means the philosopher-king. “What is most important,” he contends, “is that this passage does not in fact endorse the Republic’s method for making the city one.”

In the Republic, he argues, the communistic institutions only apply to the first two classes, but in the Laws they apply to “the entire city”. Thus, Bobonich concludes, the “first-best” city of the Laws is not that of the Republic, but one in which there is absolute communism.

In my view, Bobonich’s argument is far from conclusive; the Athenian’s apparent attribution of communistic institutions to the entire city may amount to nothing more than narrative expediency. In order for Plato to explain why one class was excluded from the communistic institutions, he would have had to review the reason for the tripartite class structure, as well as the myth of metals—that famous “noble lie” used to support the class structure of the Republic. The opening of the Timaeus offers an instructive parallel. Socrates’ rehearsal of the previous day’s conversation is widely agreed to be a summary of the constitution of the Republic. Though this summary is more expansive than the passage from the Laws, even here, Socrates does not discuss the need for philosopher kings. Moreover, when Socrates discusses the communistic institutions, he does not say that the communistic institutions apply only to the first two classes, even though he clearly rehearses his argument for the division of classes (17c-

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18a). Socrates declares unambiguously: “regarding marriages and children, all would be in common with all” (κοινὰ τὰ τῶν γάμων καὶ τὰ τῶν παιδῶν πᾶσιν ἀπάντων, 18c7-8). In both the Timaeus and the Laws, I think, it is simply not necessary to explain why one class was excluded from the communistic institutions. I would add, moreover, that even the Republic itself does not explain why the communistic institutions do not apply to the class of Producers.

Bobonich maintains that those who think that the Republic and Laws are complementary dialogues face two challenges: 1) “providing evidence from the Republic that Plato did not think its ideal city was realizable,” and 2) “either explaining why the Republic does not at least gesture in the direction of the arrangements of the Laws as the best humanly possible option or arguing that we can find such evidence.”130 André Laks, in my view, has already addressed the first of these challenges.131 We will return to his argument shortly. What I would like to do first is to offer evidence for Bobonich’s second challenge. There are two other passages in the Laws, which Bobonich ignores, but which support the view that the Republic still represents the paradigmatic constitution.

In book VII, the Athenian again describes the regime of the Laws as “second-best” (807d). After arguing that “women should share their entire lives in common with men” (μετεχούσων ἀνδράσι γυναικῶν κοινὴ τῆς ζωῆς πάσης, 805d), he observes:

Of course, these things we are now seeking probably would not ever be realized with adequate precision so long as women and children and homes are private, and all such things are arranged privately by each of us. But if the second-best arrangements after those (κατεσκευασμένα τὰ δὲ μετ’ ἐκείν’ αὖ δεύτερα) would come into being for us as they have now been described, they would be exceedingly well measured (μᾶλα

130 Bobonich and Meadows (2013).
The second-best arrangements are: 1) that women should have “a common share in education” (804c-805d), 2) that they be allowed to serve in the military (806a-c), and 3) that they should have “common meals” (806e-807a). These second-best arrangements, the Athenian argues, are not only “possible” (δυνατά ἐστι γίγνεσθαι), but also have been “sufficiently demonstrated by deeds” (ἐργοις, 805c). And he points to the “Sarmatians” (804e), as well as the “Thracians” (805d), and the “Amazons” (806b) as proof that women can live on an equal basis with men.

In the Republic, Socrates’s proposal certainly includes the abolition of private property, communal responsibilities for child rearing, and a radical redefinition of marriage (423e-424a), but the first half of his argument in book V is focused on showing how women are equally as capable as men with respect to education, athletic ability, and the art of war (449c-457b). Therefore, he argues women should receive the same education as the men; they should be allowed to become guardians of the city, and to participate in the common meals (456b-457a). Furthermore, Socrates and Glaukon both agree that this law—i.e., the law that grants women a common share in the education and activities of men—is possible (456b-c). However, when it comes to the more controversial legislative proposal regarding sexual relations and child rearing, Socrates explicitly begs off from arguing for their possibility (457c-458b). Thus, the Athenian’s proposal for a common educational program, common meals, and a mixed gender fighting force is the best humanly possible alternative to Republic’s communal marriages, and eugenics program, and one that Socrates himself clearly foresaw as possible in the
Republic.

In book IX, the Athenian specifies a third time that the constitution of Magnesia is “second-best” (875d). This time, however, the issue is not communistic institutions, but the rule of law as opposed to the ruler with knowledge (ἐπιστήμη, 875c). The Athenian observes:

It is necessary for human beings to establish laws for themselves and live according to laws, or they differ in no way from the beasts that are the most savage in every way. The cause of these things is this, that there is no one among human beings whose nature grows so as to become adequate both to know what is in the interest of human beings as regards a political regime (εἰς πολιτείαν) and, knowing this, to be able and willing always to do what is best... Of course, if ever some human being who was born adequate in nature, with a divine dispensation, were able to attain these things, he wouldn’t need any laws ruling over him. For no law or order is stronger than knowledge (ἐπιστήμης), nor is it right for reason (νοῦς) to be subordinate, or a slave, to anyone, but it should be ruler over everything, if indeed it is true and really free according to nature. But now, in fact, it is so nowhere or in any way, except to a small extent. That is why one must choose what comes second, order and law (τά έξιν τε καὶ νόμον), which see and look to most things, but are incapable of seeing everything (874e- 875d).

Although he has deep affinity with the complementarian position as a whole, Malcolm Schofield defends this aspect of the developmentalist claim, namely that the Athenian’s discussion of the legislator and tyrant in book IV suggests that Plato abandoned the idea of the philosopher-king in the Laws.132 Yet, the passage cited above clearly shows, in my opinion, that Plato did not give up his preference for the rule of a philosopher-king; rather he simply concedes that the coincidence of philosophical knowledge and political power in a single individual does not exist on earth right now “except to a small extent.” Given the fact that Kleinias intends to start founding this colony in the very near future, it is highly unlikely that they could find such a person in this limited timeframe (702c-e). Thus, the second-best alternative is the rule of law.

Given the length of Republic’s discussion of the possibility of the philosopher-king (473b4-540d3), a thorough review of its arguments cannot be given here. There are, however, a few key points worth reiterating. Socrates suggests that there are two ways in which philosophy and rule could actually coincide: either philosophers can acquire power, or rulers can be converted to philosophy (473d). Later in book VI, he considers the possibility of each course: “I deny that there is any reason why either or both of these things is impossible” (499c). First, he denies that it would be “impossible” for philosophers to be compelled “by some necessity” to take charge of a city either in the unknown past, present, or future (499c-d). Then, he denies that it is “impossible” that the children of rulers could be born with philosophic natures, and could remain uncorrupted as they accede to rule (502a-c). In other words, Socrates twice denies that the lack of known examples of past or present philosopher-rulers proves that the coincidence is impossible. As Melissa Lane rightly points out, Socrates’ argument here (as opposed to his argument concerning the possibility of the regime, which we will consider shortly) is very much a “Kantian conception” of possibility: “All that separates the possible concepts of a philosopher coming to rule, or a ruler coming to philosophize, from their instantiation is the actual coming-into-existence of such persons.” More importantly, this matches almost exactly with what the Athenian argues in the Laws (cf., 874e-875d, cited above).

Now, in the Republic, Socrates does not tell us what kind of “necessity” could

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133 Lane (1999) 127.
compel the philosopher to accept rule. Strauss suggests:

Only the non-philosophers could compel the philosophers to take care of the city. But, given the prejudice against the philosophers, this compulsion will not be forthcoming if the philosophers do not in the first place persuade the non-philosophers to compel the philosophers to rule over them, and this persuasion will not be forthcoming, given the philosophers’ unwillingness to rule.

Lane, on the other hand, draws on the discussion of necessity and compulsion in the Timaeus:

[T]he Demiurge can only make the world as good as is compatible with necessity’s sway. Whereas the Demiurge is personified, necessity is not; it wreaks its effects largely through the recalcitrance of matter. Strauss’s conjecture that the citizens must compel the philosophers takes no account of the pervasive Platonic expectation that necessity can do its work through matter or fate; it needs no human exponents to be effective. If compelled by necessity to rule, the philosophers would be responding to the dictates of the material and fateful cosmos rather than to the pleas of their subjects; it seems quite plausible that Plato would envisage necessity as at least able to play such a causally effective role.

Either way, Socrates does not tell us explicitly what necessity might compel the philosopher to rule. In the Laws, however, a certain necessity does compel Kleinias and his companions, viz., the colony must be brought into existence in the very near future (702c). There is a clear time constraint, and since it is highly unlikely that they would be able to find an individual who possessed both philosophical knowledge and the capacity for rule, they must resort to the second-best option: the rule of law established by a philosophical legislator.

In my view, then, the three passages that describe the city and regime of the Laws as “second-best” (739a- e, 807b- c, 874e- 875d) point back to the three waves of criticism

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134 Plato’s concept of necessity is, moreover, highly complex: cf., Cornford (1957) 159- 175; Dean-Jones (2000) 101- 111. We will return to this in the next chapter.
that Socrates envisions in Republic V. The first two passages (739a-e, 807b-c) allude to the equality of women and the community of property and children, while the third passage (875c-d) refers to the third wave: the rule of the philosopher-kings. This is precisely the evidence Bobonich finds lacking when he asks: “why the Republic does not at least gesture in the direction of the arrangements of the Laws as the best humanly possible option.”

If this is right, then the Republic is surely one of the “brothers” (811e, cited above) of the Laws, i.e., one of those works of literature that is “connected and similar to” (811e) the Laws itself, and that, therefore, should be included in the official canon of works that all citizens are required to read and learn by heart (811a).

The question, then, is not so much whether the first-best city and regime of the Laws is that of the Republic, but what is the relationship between the first-best city of the Republic and the second-best city of the Laws? In other words, in what sense is the city and regime of the Laws “second-best”? Why does the Laws compromise on the three strongest, most controversial theses of the Republic? Scholars have long maintained that a number of the central political principles and institutions of the Republic are ignored, or even rejected outright, in the Laws. In addition to the communistic institutions cited in the passage above, what many regard as the central thesis of the Republic, viz., the rule of the philosopher-king (473d), seems conspicuously absent from the Laws’ political regime. Some have even suggested that the Laws is “wholly devoid of the theory of Forms,” a concept that most think is absolutely central to Plato’s philosophy. Do these

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137 Bobonich and Meadows (2013).
compromises and omissions suggest that Plato has changed his mind about, at least some, of the political principles he put forward in the Republic? Or is there another way of understanding the relationship between these two dialogues that does not require us to read the Laws as a rejection of the political philosophy of the Republic?

1.4.1 Possibility, Paradigmatism, and Political Demiurgy

The traditional developmentalist account of this relationship is usually a story of optimism and idealism giving way to pessimism and realism. This change in Plato’s political thought is usually explained in light of his involvement in the political affairs of Syracuse. I will not attempt to recount all of the historical and biographical details here. For our purposes, it is sufficient to say that Plato supposedly went to Syracuse with the hope of converting Dionysius II, tyrant of Syracuse, to philosophy. Some argue that Plato hoped to establish in Syracuse “the magnanimous rule of the ‘philosopher-king’,” while others contend that it is more likely that he intended “something more modest,” i.e., “some facsimile of the ‘second-best’ state based on the rule of law.” In either case, the result was the same—Plato was not successful, and the disappointment he experienced is tangible in his “later” political works. Thus, in the Statesman, “we detect a falling off from the ideals of the Republic,” in particular, the possibility of finding

141 A good example of this reading of Plato’s development is Klosko (2006) 195-264.
a philosopher-king.\textsuperscript{144} The \textit{Statesman}, therefore, devotes considerable attention to the rule of law as the second-best arrangement, i.e., one better suited to world as it is.

Developmentalists generally date the composition of the \textit{Statesman} before Plato’s final encounter with Dionysius—“when he saw the ugly face of autocratic power at closer and more painful quarters than at any other time in his life”—and the \textit{Laws} after this encounter.\textsuperscript{145} Thus, in the \textit{Laws}, it is argued, Plato’s disillusionment is complete. His view of human nature has dimmed to such an extent that he has abandoned all hope of finding a philosopher-king. And because the direct rule of philosophical wisdom had become an impossibility, Plato turns to the rule of law. As Vlastos surmises: “At that age one does not go about finding a new philosophy… [Plato] turns in his old age to an empirical study of the legal institutions of Athens and other states with an attentiveness one would never have suspected in the author of the \textit{Republic}.”\textsuperscript{146} This approach to legislation, it is argued, explains why the \textit{Laws} is so detailed and prescriptive where the \textit{Republic} is not. The obvious problem with existing codes of legislation, however, is that they are man-made, and so lack the universal applicability and objective moral standards of laws grounded on the theory of Forms. Therefore, Plato replaces philosophical reason with “faith” in the gods as the source of the authority of the laws.\textsuperscript{147} Klosko argues: “Instead of deducing Magnesia’s institutions from the moral demands of the Forms, Plato relies on what men have made…[his] overall position resembles the belief system of the traditional \textit{polis} according to which the gods enforce the laws of

\textsuperscript{144} Klosko (2006) 199, 206- 207.
\textsuperscript{145} Vlastos (1973) 216; cf., Klosko (2006) 199.
\textsuperscript{146} Vlastos (1973) 216.
\textsuperscript{147} Klosko (2006) 250- 251.
Thus, the second-best constitution of Laws turns out to be, upon closer inspection, a rigid and oppressive “theocracy.”

As Malcolm Schofield rightly notes, “this account of the movement of Plato’s political theorizing was never universally believed,” but it still finds support, as we have seen, from some very distinguished scholars. I have already noted above the essential problem with the developmentalist account, namely that it depends almost exclusively on Plato’s Letters, especially the Seventh and Eighth, for its historical and biographical information, and that, even if we regard those letters as genuine (which many prominent scholars do not), there are still legitimate philosophical and literary reasons to question the interpretation of the dialogues in light of Plato’s experiences in Sicily.

Furthermore, the passage cited above (874e- 875d) demonstrates conclusively, in my view, that Plato has not completely given up his preference for a philosopher-king.

In opposition to the developmentalist reading, the Straussians generally follow Aristotle’s interpretation of the relationship between the Republic and Laws, viz., that in spite of Plato’s wish to make the regime of the Laws “have more in common with [those in other Greek] cities (κοινοτέραν... ταίς πόλεσι), he gradually brings it back again to the other regime”—i.e., to that of the Republic (Pol. 1265a3- 4). Thomas Pangle, for example, argues that the Athenian’s argument for a constitution based on the rule of law

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150 Schofield (1999) 34. Though I would not attribute to Morrow (1993) a strict developmentalist interpretation, his historical approach does at times overlap (e.g., 3- 13). Moreover, Morrow’s work is often cited in support of stronger developmentalist accounts (e.g., Klosko 2006: xvi, passim). More restrained developmentalist accounts can be found in Bobonich (2002) and Samaras (2002).
151 pp. 14-23.
is delivered in the myth of Kronos (713a-714a), but this myth completely conceals the fact that the city’s laws will be “made by men.”\textsuperscript{153} This deception, Pangle argues, undermines the popular teaching of the \textit{Laws} that “law” properly understood is divinely sanctioned (714a). Thus, what the city needs is not the law, or god, but the philosopher, who alone possesses “a rational understanding of man’s natural needs,” and who alone can guarantee that the city’s laws are “in the interest of all.”\textsuperscript{154} Pangle argues that Megillos and Kleiniæs agree that the Athenian must be made to stay and help with the founding of the colony by any means necessary (including force), but the Athenian’s silence at the end of the dialogue indicates his unwillingness to do so:

The greatest obstacle, in the final analysis, is not the city’s refusal to be ruled by philosophy, but the philosopher’s reluctance to accept political responsibility. For the "philosopher" is not a wise man: he wishes to remain free in order to attend to his own unfinished business, including his unfinished search for the full meaning of "intelligence."\textsuperscript{155}

In this way, Pangle suggests, Plato signals that the city and regime of the \textit{Laws} turns out to be just as much an impossibility as that of the \textit{Republic}.

My argument against this interpretation cannot be adequately summarized here. A significant portion of this dissertation—especially the next chapter—will be directed against this conclusion. Nevertheless, to give some indication of my argument going forward: I will attempt to show that the underlying philosophical teaching does not undermine, or contradict, the popular teaching, but instead carries the popular

\textsuperscript{153} Pangle (1980) 443.
\textsuperscript{154} Pangle (1980) 443.
\textsuperscript{155} Pangle (1980) 509.
argument forward, deepening and expanding it, resolving apparent contradictions, and supplying un-argued for assumptions.

In an article entitled “The Demiurge in Politics: The Timaeus and the Laws,” Glenn Morrow suggested that a better way to understand the Laws and its relationship with the political ideal of the Republic is to be found in the Timaeus. Morrow argued that the activity of Plato’s philosophical legislator in the Laws, the Athenian Stranger, is analogous to the activity of the Timaeus’ cosmic demiurge. Timaeus’ description of demiurgic activity attempts to explain how the sensible world imitates and participates in the Forms. The cosmic demiurge, who through his knowledge of the Forms and his understanding of the material substrate, constructs a cosmos in the sensible world that imitates the intelligible world of the Forms as nearly as his materials will allow. In the similar fashion, when the political demiurge of the Laws arranges his city, he must not only look to the ideal city and regime as a model of what should be done, but he must also construct his state out of the materials that are available to him in the this particular time and place—i.e., “the institutions, customs, and traditions of fourth century Greece.” Thus the relationship between the regime of the Republic and that of the Laws should be viewed as a relationship between the ideal model and empirical “projection”.

156 Morrow (1954) 7.
158 I will offer a more comprehensive account of this in Chapter Two.
By “projection,” Morrow means the best imitation of the ideal possible in fourth century Greece. If you try to realize the ideal state, to instantiate it in history with “a definite location in Greek space and time,” and with “all the disadvantages as well as the advantages that the choice of specific location involves,” the ideal will necessarily undergo significant changes and distortions. If the regime is indeed going to be possible for a 4th century Greek polis, the political demiurge must use the materials available to him; he cannot invent institutions, customs, or traditions that are perfectly suited to his purpose without “assuming as already solved precisely the problem to be solved.” If he did, there would be no need for a demiurge in the first place because everything would already function according to rational principles. The legislator, then, is constrained to a certain extent by the institutions available to him.

Morrow’s chief value as a critic was his ability to demonstrate exactly the historical material Plato’s political demiurge had to work with in constructing his second-best city. He showed clearly how Plato borrowed institutions, customs, and traditions from Sparta, Crete, and his own native city of Athens, selectively adapting and modifying them when necessary so as to bring them closer to his ideal. As Kahn observes:

This has made it possible for us to distinguish what is specifically Platonic from what is traditional in this mass of detailed legislation. Morrow’s work was done so well that it will in all probability never need to be done again. Every informed interpretation of Plato’s *Laws* in the last thirty years has built on the foundation he provided.

Nevertheless, a work that is now sixty years old deserves to be updated in light of recent

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scholarship. Moreover, Morrow himself admits that there are a number of projections in the *Laws* that he has not considered, and so, there remain a number a ways to advance Morrow’s argument.

In an influential essay entitled “Legislation and Demiurgy: On the Relationship between Plato’s *Republic* and *Laws,*” André Laks attempted to advance Morrow’s argument through a more focused philosophical examination of the concept of demiurgy. Laks argued that Morrow’s understanding of the term “empirical” basically amounts to “‘historical,’ which means, in turn, ‘having something to do with contemporary Athens.’” Laks, however, contends: “If ‘empirical’ is taken to refer to the material with which the legislator is to work, then ‘man’ himself, even before he becomes part of any particular history, will be the empirical datum for him.” Once we understand “man as the empirical datum for the legislator,” we can better understand the city of the *Laws* as the “best possible” realization of the *Republic*’s ideal model.

The centerpiece of Laks’ argument is his demonstration that the *Republic* presents an “explicit theory of possibility” that matches exactly with the way the *Laws* defines its own relation to the paradigmatic regime. The question of the possibility of the paradigmatic city is raised during the discussion of the communistic institutions. The interlocutors agree that communistic institutions would be “good” for the city (*R*. 471c-e), but Glaukon asks Socrates: “How is it possible for this regime to come into being, and

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164 Laks (1990); cf., Schofield (1999); Rowe (2010).
166 Laks (1990) 211.
in what way is it ever possible?” (ὡς δυνατὴ αὐτῇ ἡ πολιτεία γενέσθαι καὶ τίνα" τρόπον ποτὲ δυνατὴ, 471c5-6). Socrates responds:

Is it possible for anything to be done just as it is spoken? Is it not rather in the nature of things that action (πρᾶξιν) comes less close to truth than words (λέξεως), even if some disagree on that point? … Don’t force me to assert that things must come into existence in practice (ἐργῳ) exactly as we sketched them in the argument (λόγῳ); but if we are able to find out how a city would be organized as closely as possible to what we said (ὡς ἄν ἐγγύτατα τῶν εἰσημένων πόλεως οἰκήσεων), allow that we have found that these things are possible, as you ordered (473a1-b1, transl. Laks).

Laks rightly emphasizes that this is not a Kantian account of possibility, according to which “nothing distinguishes a real object from its possible concept except its actual existence.”169 Rather, Socrates’ lexis/praxis distinction suggests “something like not taking the details into account.”170 The city and regime of the Republic, then, is possible in this “weak sense” of the term.171 The problem, however, is that in the Republic, “Plato does not describe praxis, that is, under what conditions the paradigmatic city is to be realized.”172 He “does not specify the criteria on the basis of which something is taken to be ‘close’ to its model, nor, for that matter, ‘as close as possible.’ It does not tell us what is to be counted as practical.”173

Now the definition of “possibility” in terms of “greatest proximity” matches exactly the one, which the Laws uses to describe its relation to the paradigmatic regime.174 The Laws, then, could be read as Plato’s attempt to fill this lacuna left in the Republic; it is a complement to the Republic, not a rejection, or development of Plato’s

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170 Laks (1990) 216.
171 Laks (1990) 216.
174 Laks (1990) 216; See the use of ἐγγύτατα at Laws 739e4.
previous principles. As Malcolm Schofield so eloquently described Laks’ complementarian position: “Whereas the Republic paints an ideal, the Laws tries to flesh out how the approximation to it which the Republic envisages might be worked out in practice.”\textsuperscript{175} It is for this reason that the Laws is so heavily concerned with details that the Republic is loathe to account for. The Laws, therefore, develops a very strong criterion of possibility: “possible” means “humanly possible,” and this “human factor” is “the most important of all ‘empirical’ factors.”\textsuperscript{176} “But,” Laks contends, “if the possibility is an anthropological one, then ‘the closest possible’ may well be far indeed from the starting point—as the Laws is in fact far indeed from the Politeia— because no approximation, within the limits of human territory, will ever leap over the distance that separates man from god.”\textsuperscript{177}

Throughout this dissertation I will work within the complementarian framework provided by Laks and Morrow. In other words, I agree that city and regime of the Republic is the paradigmatic, first-best city and regime alluded to in book V of the Laws (739a-e), and that the second-best city and regime outlined in the pages of the Laws is the best humanly and historically possible approximation of the Republic’s ideal state. It should be noted here that Morrow’s and Laks’ accounts of the relationship between the Republic and Laws are not incompatible; Laks clearly sees his essay as a “supplement” to Morrow’s work.\textsuperscript{178} One of my aims in this chapter, and in this dissertation as a whole, is

\textsuperscript{175} Schofield (1999) 36.
\textsuperscript{176} Laks (1990) 217.
\textsuperscript{177} Laks (1990) 216.
\textsuperscript{178} Laks (1990) 228.
to contribute further to this complementarian position, to provide additional textual support for, and so, to defend, their arguments against their critics.

1.4.2 Utopia or Practical Political Proposal?

Both Morrow and Laks agree that the best possible approximation of the Republic’s rule of the philosopher-king is the Law’s rule of law and mixed constitution.\(^{179}\) It should also be noted, however, that Morrow and Laks disagree over whether this second-best regime can ultimately be realized. Laks argues that Plato’s political project in the Laws turns out to be “a legislative utopia” because the legislator must ultimately have recourse to the violence inherent in the form of law, the absence of which is a necessary condition of the Platonic πολιτεία.\(^{180}\) Morrow, on the other hand, insists that the city and regime of the Laws is “not a Utopia” or “an ideal state, in the strict sense of the word.”\(^{181}\) In the Republic, he argues, “the ideal is independent of geography and history,” but Magnesia is a Cretan colony with “a definite location in Greek space and time.”\(^{182}\) The Laws was the “translation” of Plato’s political ideal “into the terms of fourth-century Greek politics,” i.e., it was intended to give “guidance to actual statesmen.”\(^{183}\) On this point, my own views are closer to Laks’, though for different reasons.\(^{184}\)


\(^{184}\) I will return to Laks’ interpretation of the legislative preludes and their relationship to the possibility of the πολιτεία of the Laws in the final chapter.
First, P. A. Brunt has argued persuasively *contra* Morrow that the setting of the *Laws* is “not only fictitious but quite unreal.”\(^{185}\) Brunt contends that, given the amount of cultivable land necessary for each of the 5,040 citizens to be truly self-sufficient (737b-c), Magnesia would have been a very large city, “almost equal to Argos.”\(^{186}\) The average Cretan city, Brunt argues, contained “not many more than 1,000 citizens.”\(^{187}\) Even more problematic, however, is the fact that “neither in Crete not anywhere on the shores of the Mediterranean would it have been possible to find such vacant land.”\(^{188}\) In order to acquire a territory of this size, it would have been necessary to drive out, or enslave, the existing inhabitants, and Plato makes no mention of any such preliminary measures. Finally, Brunt notes: “Very few colonies were founded between the archaic and Hellenistic periods, precisely because there was little land that Greeks could forcibly occupy.”\(^{189}\) Thus, he concludes: “Magnesia is not a colony truly located in space and time: it is a theoretical model.”\(^{190}\)

Secondly, I would add that throughout the dialogue, the interlocutors repeatedly stress the fact that the constitution and legislation they are outlining is only “coming-into-being in speech,” and so may have to be changed, our adapted, when the time comes for its actual founding “in deed” (736b, 737d, 778b, 800b, 804c-805d, 814c-d, 832c-d). At one of the central turning points in the action of the dialogue, when Kleinias

\(^{185}\) Brunt (1993) 246.
\(^{188}\) Brunt (1993) 246.
\(^{189}\) Brunt (1993) 247.
\(^{190}\) Brunt (1993) 247.
reveals that he is part of a commission to establish laws for the colony of Magnesia, he
suggests the following to his companions:

Making a selection from the things that have been said, let’s construct a city in speech, just
as if we were founding it from the very beginning (τῷ λόγῳ συστησόμεθα πόλιν ὀίνον ἤξ
ἄρχης κατοικέωντες). That way there will be an examination of the subject we are
inquiring into, while at the same time I may perhaps make use of this constitution, in the
city that is going to exist (ἀμα δὲ ἐγὼ τάχ’ ἀν χρησαίμην εἰς τὴν μέλλουσαν πόλιν
ταύτη τῇ συστάσει, 702d). 191

Both Megillos and the Athenian agree to this proposal (702e). And the intention here is
clear: they are constructing a theoretical model that Kleinias will use to help guide him
in the founding of “the city that is going to exist.”

Later in book V, the Athenian alludes to the necessity of outlining a “third-best”
city and regime, after he finishes constructing “the second-best” city and regime (739a):

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 to whoever is to be in charge
of the founding in each case. Let us, too, follow this procedure now: let’s state what
regime is first as regards virtue, what is second, and what is third. Then let’s give the
choice to Kleinias, in the present circumstances, and to anyone else who might be willing,
at any time, to proceed to choose among such things (739a-b).

The Athenian promises to elaborate the third regime later, “if god is willing” (ἐὰν θὲ ος
ἐθέλη, 739e), but he never does. Although this promise remains unfulfilled, it is not
difficult to see why such a constitution might be required. As R.F. Stalley has observed:
“In founding his imaginary state the Athenian assumes the best conditions likely to
come on earth but he is conscious that most legislators will not be so lucky… One must
not suppose that a legislator will ever encounter such favourable circumstances that all
the proposed arrangements can be applied in all their details.” 192 Thus, it seems that the

191 On the translation of σύστασις as “constitution”, see LSJ B II b; cf. R. 546a.
third-best city and regime would be the one that Kleinias actually helps to establish, i.e., “the city in deed” that the interlocutors repeatedly refer to.

That the city in deed will differ in some respects from the city in speech is clearly marked later in book V, right after the Athenian claims to have “completed the settlement of the colony” (745e):

We must by all means keep in mind something like the following: the things that have just been described may never all coincide with such opportune circumstances as would allow all of them to come to pass exactly the way the argument has indicated. There may not be found men who will live together in such a fashion without complaint, who will tolerate the stated and fixed limits on money throughout their whole lives, and the childbirth policies we’ve ordained for each person, or who will live deprived of gold and the other things the lawmaker must clearly proscribe according to what’s been said now. They may not accept a territory and city such as he’s described, with dwellings located at the center and all around; in fact, he’s been talking in every respect almost as if he were telling dreams, or as if he were molding a city and citizens from wax. In one way it wasn’t bad to talk that way, but he has to remind himself of things such as the following… “Friends, you shouldn’t suppose that in the course of this discussion I have overlooked the fact that what has just been said is in a way true. But I think that when future courses of action are being considered, the most just thing to do in each case is this: he who presents the model of what should be attempted should depart in no way from what is most noble and most true; but, when some aspect of these things turns out to be impossible for a fellow, he should steer away and not do it. Instead, he should contrive to bring about whatever is the closest to this from among the things that remain, and by nature the most akin from among the things that are appropriate to do. He should allow the lawmaker to complete things according to his wish; then, when that is done, he should investigate in common with him to see which part of what he has described is expedient and which part of the legislation he has described is too difficult. For a craftsman (δημιουργὸν) of even the meanest thing, who’s going to be worth anything, must be everywhere consistent in his activity, I suppose.” (745e- 746d).

This passage, in my view, explains the relationship between the city and regime outline in the Laws (i.e., the second-best city), and the city that Kleinias and his colleagues will go on to found (the third-best city). The city and regime of the Laws is, therefore, still a theoretical model. In other words, the Athenian, the philosophical legislator, looks to the paradigmatic city of the Republic as the theoretical model of what is absolutely best in order to create the second-best theoretical model of the city of the Laws—a city that is
second-best because it is limited in a way that the city of the Republic is not, viz., it must be possible under human conditions. Kleinias, the non-philosophical statesman, will look to the Athenian’s second-best theoretical model—he will put what he has learned into practice—in order to construct the “third-best” city of Magnesia. When the time comes to actually found Magnesia, the Athenian and Kleinias will decide together what aspects of the constitution and legislation outlined in the pages of the Laws are too difficult to institute. Any number of empirical factors may necessitate certain compromises, or deviations from the model, but they cannot know what these will entail until they are on the ground. As the Athenian tells Kleinias at the beginning of the legislative project: “When we have looked over the territory and the neighbors we will decide on these things in deed as well as in speech” (737d).

In the Republic, Socrates founds a “city in speech” (369c) so that the philosopher may look to this “model in heaven” (ἐν οὐρανῷ... παράδειγµα, Rep. 592b) as he creates a just city “within himself” (592a-b). This city and regime is possible, we have said, only if we do not take the details into account. “It doesn’t make any difference,” Socrates says, “whether it exists, or will exist, somewhere” (διαφέει δὲ οὐδὲν εἶτε που ἕστιν εἶτε ἕσται, 592b). In the Laws, the Athenian makes a very similar observation about the first-best city and regime: “If this really exists somewhere now, or if it will ever exist someday” (τοῦτ’ οὐν εἶτε που νῦν ἕστιν εἶτ’ ἕσται ποτέ, 739c3). It does not make any difference whether or not the first-best city and regime of the Republic comes into existence because it is not a practical political proposal. Socrates’ reason for founding an ideally just city in the first place was to help his interlocutors to better see justice in a
single human being, and, in turn, the nature of justice itself (434e). The Republic therefore tells us what constitutes “the extreme as regards virtue” (ὑπερβολὴ πρὸς ἀρετὴν, Laws 739d), i.e., the limit of what is possible in theory regarding the just society.

The Laws, by contrast, begins with a much stronger criterion of possibility; its city and regime must be both historically and humanly possible. It must be a city that could exist at a given point in space and time, and that could be inhabited by flesh and blood human beings. The Laws, therefore, tells us what is possible in practice. This is why the city of the Laws requires not a philosopher-ruler, but a political demiurge—someone who has both the theoretical knowledge of the Forms, and the practical experience of dealing with human beings, their history, culture, and social and political institutions. It is not enough to know what would be best under ideal conditions; the true legislator must also know what is the best possible under human conditions. As Socrates observes in the Philebus, he must know not only “the divine circle and sphere,” but also “the human sphere and circle” (62a7-9).

1.5 Conclusions

In this chapter, I have argued that the stylistic idiosyncrasies of the Laws should not be interpreted as a sign of Plato’s declining artistic powers, or as the result of his disillusionment with politics following his disputing experiences in Syracuse, but rather as a consequence of the practical political aims of the dialogue. The Laws is unique in the Platonic corpus in that it is the only political dialogue; it is not organized around a philosophical question, but around a political problem, viz., what is the best city and
political regime possible under human conditions? This anthropological condition marks the central difference between the paradigmatic city and regime of the Republic and that of the Laws. The second-best city and regime of the Laws is still a theoretical model—a “city in speech” (702d)—but it is the closest approximation of the Republic’s ideal model that could be achieved within the limits of human nature. The human factor explains why the Laws must compromise on the three most controversial theses of the Republic—communal property and wives, the eugenics program, and the rule of the philosopher-king. Laws such as these would be “too demanding for the birth, upbringing, and education” of ordinary human beings (740a).

The practical, political aims of the Laws also explain its unusual literary form. Public oratory in the form of legislative preludes is the dominant mode of discourse. The predominance of rhetorical speech in the Laws, however, does not rule out dialectic altogether. At various points throughout the dialogue, the Athenian attempts to lead his non-philosophical companions, Kleinias and Megillos, in philosophical conversations, for example, about the proper aims of legislation (626b- 634e), or whether a person commits an unjust act voluntarily or involuntarily (857c- 864c). Furthermore, the legislative preludes themselves, even though they are formally speeches, aim at a kind of dialogue between the philosophical legislator and the ordinary citizen. The preludes to the laws are not to be stored away in the archives and known only to officials, for they are to be the model of prose literature that all the citizens of Magnesia will learn by heart (811c- e). That means nothing less than that all citizens will have the opportunity to read, re-read, examine, and question the Athenian’s speeches, i.e., to respond to the
Athenian’s arguments in a way that “comes close to philosophizing” (857d). In short, even slow learners like Kleinias and Megillos can become practiced readers of the dialogue. They may never reach the level of understanding of a philosophical reader, but neither are they expected to blindly follow and obey the Athenian’s commandments; they are invited to participate in the political conversation.

The philosophical readers of the Laws will read the intertextual resonances as an invitation to return to other Platonic dialogues for the required level of justification to arguments, and conclusions reached in the Laws. At an even more basic level, the philosophical reader will understand that the kind of rhetoric displayed by the Athenian in the legislative preludes is the best form of discourse possible in an actual city-state. Plato’s innovative dual method of legislation allows the lawgiver not only to institute political order through the law, but also to educate the citizens in virtue, and to gain the citizens’ willing obedience to the law by demonstrating to them that the laws aim at virtue.

Even if the reader finds the argument for my approach to reading the Laws persuasive, and even if he grants my interpretation of the relationship between the Republic and the Laws, he may still rightly ask at this point: What does this mean for kind of regime advocated in the Laws? In other words, we know that the regime of the Republic is the rule of philosopher-kings, but what kind of regime is established in the Laws? Morrow and Laks, I noted above, argue that the best possible approximation of the Republic’s rule of the philosopher-king is the Law’s rule of law (or nomocracy) and
mixed constitution. But this conclusion runs into one obvious difficulty. In book IV of the *Laws*, the Athenian argues that their regime should take “the name of the god who truly rules as despot over those who have νοῦς” (τὸ τοῦ ἀληθῶς τῶν τὸν νοῦν ἐχόντων δεσπόζοντος θεοῦ ὄνομα, 713a3- 4). This is what distinguishes a true political regime (πολιτεία, 715b3) from the different kinds of “partisan-state” (στασιώτας, 715b5)—i.e., democracies, monarchies, oligarchies, and aristocracies. He says: “there is no rest from evils and toils for those cities in which some mortal rules rather than a god” (ὅς ὡς ἄν πόλεων μὴ θεός ἀλλὰ τις ἀρχὴ θνητός, οὐκ ἐστιν κακῶν αὐτοῖς οὐδὲ πόνων ἄνάφυξις, 713e3- 6). It is not surprising, then, that many scholars have concluded that the political regime of the *Laws* is in fact a “theocracy.” Yet, how do we square these theocratic overtones with Morrow and Laks’ assessment that the regime of the *Laws* is the rule of law with a mixed constitution? This is the question we will take up throughout the remainder of this dissertation.

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2. Plato’s Theology of Noûς

This most beautiful system of the sun, planets and comets, could only proceed from the counsel and dominion of an intelligent and powerful Being... This being governs all things, not as the soul of the world, but as Lord over all... Blind metaphysical necessity, which is certainly the same always and everywhere, could produce no variety of things. All that diversity of natural things which we find, suited to different times and places, could arise from nothing but the ideas and will of a Being necessarily existing.

—Isaac Newton

At the end of book III, the narrative of the Laws reaches a decisive turning point. Kleinias reveals that he is part of a commission to establish laws for the colony of Magnesia, and he asks Megillos and the Athenian to help him construct a model constitution that could guide him in the founding of “the city that is going to exist” (702c-e). The Athenian agrees, and at the beginning of book IV, asks his companions:

“Now what sort of regime do we have in mind to arrange for the city?” (Ἀλλὰ τίνα δῆ ποτε πολιτείαν ἔχομεν ἐν νῷ τῇ πόλει προστάττειν; 712b8-c1). In spite of their thorough review of all the different types of historical constitutions in book III (676a–702b), neither Kleinias nor Megillos can answer. The Athenian then attempts to persuade his companions that their regime should take “the name of the god who truly rules as despot over those who have noûς” (τὸ τοῦ ἀληθῶς τῶν τὸν νοῦν ἐχόντων δεσπόζοντος θεοῦ ὑπὸ ὄνομα, 713a3-4). He says: “there is no rest from evils and toils for those cities in which some mortal rules rather than a god” (ὡς ὅσων ἀν πόλεων μηθεὸς ἀλλὰ τις ἄρχη θετός, οὐκ ἐστιν κακῶν αὐτοῖς οὐδὲ πόνων ἀνάφυξις, 713e3-6). As Christopher Rowe rightly notes:

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1 The General Scholium to Isaac Newton’s Principia mathematica, published as an appendix to the 2nd edition of 1713.
No one reading this passage who has the slightest familiarity with the Republic can surely fail to hear an echo of that ringing statement, in Book 5, about the need to bring political power and philosophy together: “Unless... either philosophers exercise kingly rule in cities or those presently called kings and dynasts philosophize genuinely and sufficiently..., no respite from bad things is possible... for cities” (473c11- d6).2

The question, of course, is: why does Plato draw the practiced reader’s attention to this passage in the Republic? Given the context of the passage, we are obviously meant to draw some parallel between the πολιτεία of the Laws and that of the Republic.

As we saw in the last chapter, many commentators have concluded that Plato has abandoned the rule of the philosopher-king in the Laws, and has replaced it with a “theocracy.”3 George Klosko, for example, argues that Plato replaces philosophical reason with “faith” in the gods as the source of the authority of the laws: “Instead of deducing Magnesia’s institutions from the moral demands of the Forms, Plato relies on what men have made...[his] overall position resembles the belief system of the traditional polis according to which the gods enforce the laws of justice.”4 Straussians, on the other hand, argue that the theocracy proposed here at the beginning of the dialogue gradually gives way to the rule of the philosopher by the end of the dialogue.5 I myself argued in the previous chapter that the rule of the philosopher-king was one of the points on which the regime of the Laws must compromise, i.e., given the clear constraints placed on the foundation of the colony of Magnesia, it was not likely that the Athenian and his companions could find a human being who possessed both

2 Rowe (2010) 42.
5 See my summary of Pangle (1980) in Section 1.4.1.
philosophical knowledge and political power. But, if the *Laws* does compromise on rule of the philosopher-king, then what kind of regime replaces it? Based on the context, the simplest answer seems to be a theocracy. As André Laks observes: “Although Plato does not use the word ‘theocratic’, he is not far from coining it.” Yet, how do we square these theocratic overtones with Morrow and Laks’ assessment—an assessment that I agree with—that the regime of the *Laws* is the rule of law with a mixed constitution? The solution, everyone seems to agree, is to be found in the identity of “the god” referred to at 713e. Yet, again, there seems to be little agreement about who this god is, that the Athenian envisions as the ruler of their city.

When Kleinias asks, “Who is this god?” (Τίς δ’ ὁ θεός; 713a5), the Athenian, instead of answering directly, tells his companions a “myth” about the “very happy rule and administration” (τις ἀρχή τε καὶ οἰκησία... μάλ’ εὐδαίμον) said to have existed during the age of Kronos (713a-b). “Kronos,” he says, “understood that human nature (ἀνθρωπεία φύσις) is not at all capable of regulating the human things without becoming swollen with insolence and injustice” (713c). So, the god set over us “the better species of daimons, who supervised us in a way that provided much ease both for them and for us” (713d). The daimons provided us with “peace and awe and good laws and justice without stint” (εἰρήνην τε καὶ αἰδώ καὶ εὐνομίαν καὶ ἀφθονίαν δίκης), thereby

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6 See my argument in Section 1.4.
8 cf., Menn (1995); Mayhew (2010); Van Riel (2013).
9 As has often been observed, this is a shorter version of the same myth of the age of Kronos that appears in the *Statesman* (268e-274e). I will offer my interpretation of the relationship between these two dialogues in the chapter five.
making it so that “the races of men were without civil strife, and happy” (εὐδαιμόνα, 713d-e). The Athenian then explains the meaning of this myth to his companions:

The argument (ὁ λόγος) thinks that we should imitate by every device the way of life that is said to have existed under Kronos; in public life and in private life—in the arrangement of our households and our cities—we should obey whatever within us partakes of immortality, giving the name “law” (νόμος) to the regulation (διανομη) of νοῦς (713e4-714a2).10

According to the Athenian’s myth, then, Magnesia’s πολιτεία should be an imitation of the rule of Kronos. As Rowe rightly observes, however, “it looks clear enough that we are not straightforwardly to identify the god in question with Cronus: the rule of Cronus, after all, ended with the end of his age.”11 As has often been observed, the Athenian’s myth is a truncated version of a similar myth of Kronos that appears in the Statesman (268e-274e), and in that version of the myth we are told of two cosmic cycles, one in which Kronos rules over the cosmos and cares for human beings, and another cycle, the age of Zeus, in which Kronos relinquishes his control of the universe and human beings are left to fend for themselves. Many commentators, therefore, drawing on an etymology from the Cratylus—that Kronos’ name is derived from κόρος νοῦς, “pure Reason” (Crat. 396b3-7)—argue that Kronos here is simply the mythical name for νοῦς (intellect/ intelligence/ reason).12 Thus, some argue that in the political philosophy of Plato’s Laws, νοῦς is to be the supreme authority in politics and

10 I follow England (1921) in reading τοῦ νοῦ as an objective genitive denoting “the maker of the arrangement” (διανομην).
law, and νόμοι are the set of arrangements that νοῦς aims at.\textsuperscript{13} Even among this group, however, there is very little consensus about what νοῦς means, and therefore, about how exactly νοῦς is supposed to relate to the establishment of law. Again, some argue that νοῦς refers to “human reason.”\textsuperscript{14} Rowe represents in a refined way what I take to be the essence of this view when he argues that the \textit{Laws’} nomocracy turns out to be “a rather special kind of ‘theocracy’… one that is governed, not so much by some external god, but—so it seems—by the divine in us: by human reason, that is, human reason at its best, and to the degree that human reason successfully reproduces (‘imitates’) the ratiocination of the god or gods themselves.”\textsuperscript{15}

The identification of νοῦς with human reason, however, is not easily reconciled with the Athenian’s descriptions of νοῦς later in \textit{Laws} X and XII. First, he argues “that νοῦς is the orderer of everything in heaven” (ὡς νοῦς εἰὴ ὁ διακεκοσμηκὼς πάνθ’ ὀσὰ κατ’ οὐρανόν, 967b5-6), and “the master of both the stars and of however so many other things [that move about the heavens]” (966e3-4). Secondly, as part of his demonstration that soul is ontologically prior to matter, the Athenian states that νοῦς is “a god, in the true sense of the word, for gods” (νοῦν... θεόν ὁφθὼς θεόις, 897b1-2). Though the passage at 897b is notoriously difficult to make sense of, and perhaps impossible without an emendation,\textsuperscript{16} whether Plato conceived of νοῦς as a god, or as simply divine,

\textsuperscript{15} Rowe (2010) 29-30.
\textsuperscript{16} Most of the controversy seems to be focused on θεός, for which several emendations have been proposed, cf. England (1929) ad loc. For our purposes, however, the central question is whether we should follow A and O, which give νοῦν... θεόν, or L and Eus. (and the margin of O), which give νοῦν... θεῖον. This divergent manuscript tradition—whether νοῦς is a θεός, or simply θεῖος, as the Forms are also said to be
it is hard to imagine human reason either as playing any kind of role in the formation of
the cosmos, or as the διακεκοσµµήκως of the universe and the master of the stars and
everything that moves in heaven.

Other commentators, like Morrow and Laks, argue that νοῦς refers to “divine
reason.” Even though I think that Morrow and Laks are right, the problem is that
neither of them offers any argument for this interpretation of νοῦς. This is completely
understandable because Plato himself does not provide an argument for the divinity of
νοῦς within the text of the Laws. As we saw above there are several passages that state
that νοῦς is a god (897b) and the cause of order in the physical universe (966e, 967b), but
there is no argument to support these claims. The Athenian’s proof in Laws X purports to
establish three theological points: 1) that the gods exist, 2) that they are concerned with
human affairs, and 3) that the gods are just and so cannot be bribed by the unjust (885b6-
9, 899d4-6, 905d1-6, 907b5-9). If Magnesia’s regime is going to imitate “the rule of the
god” (713a3-4), and if that god is νοῦς, then we would naturally expect the Athenian to
prove the existence of the god, νοῦς, in Laws X. He does not. What he does instead is
give an argument for the metaphysical priority of the soul (ψυχή, 888e-899d). This
problem, combined with certain gaps and inconsistencies in the Athenian’s argument for
the priority of the soul, have led certain scholars to conclude that the “theology” of Laws

(e.g., Rep. 500c9-d1)—goes right to the heart of the debate. I have tried to make as much sense as possible
from νοῦν… θεόν ὄρθως θεοῖς, which seems to be the most probable manuscript reading we have. Reason
(νοῦς) is god (θεός) in the true sense of the word (ὄρθως) for gods (θεοῖς). Yet, given the state of the
manuscript tradition, we cannot rely on this passage as evidence for our argument. At best, I would hope
that my argument in this chapter would contribute to this philological debate in favor of reading νοῦν…
θεόν. For the meaning of ὄρθως, I am indebted to Pangle, who pointed me to Burnet’s note on Phaedo, 67b4.
X is really just another noble lie.  

Thomas Pangle, for example, argues that a philosophical reader will be acutely aware of where and how the Athenian’s proof of the existence of providential gods fails. First of all, Pangle complains, the Athenian repeatedly fails “to define ‘soul.’” Pangle suspects that he means “something more or less like the human soul” and then wonders whether soul could be understood “as principally the passions (erōs and thumos).” Relatedly, the Athenian says: “Soul comes into being among the first things” (892a), but he does not explain what the other first things might be, and more importantly, “what is the first cause”, i.e., what caused soul to come into being. Pangle suggests that the Athenian’s argument that “the first causes are the first things in time” shows that he is actually “in agreement with… the atheistic view” and “in opposition to Socrates.” This shared premise, in conjunction with the Athenian’s silence about the cause of the soul, and the fact that the priority of the soul has nothing “to do with the gods,” leads Pangle to surmise that the Athenian’s theology actually “points to the possibility of another account” in which “man [is] much more at the mercy of indifferent or alien forces—forces he may call ‘chance’ and which, in part at least, reflect the tension between the fundamental parts or ‘tribes’ which compose the whole.” In short, Pangle’s esoteric reading of the dialogue shows that the Athenian is much more in

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19 Pangle (1976) 1070.
20 Pangle (1976) 1070.
21 Pangle (1976) 1070.
22 Pangle (1976) 1071. Italics are mine.
23 Pangle (1976) 1071.
24 Pangle (1976) 1070.
agreement with the metaphysical views of the Sophists, and therefore, that the
Athenian’s argument for the existence of the gods in *Laws* X is simply another “noble
lie.”

Robert Mayhew agrees with Pangle that the theology of book X is “imprecise or
incomplete” and that “Plato is aware that his account is vague or under-described.”
He complains, as Pangle does, that the Athenian says he is “proving the existence of a
god” but all he really does is demonstrate that “soul is prior to matter.” Mayhew goes
even further, adding three other issues that are left unresolved at the end of the
Athenian’s argument: “(1) how precisely soul moves or manages the cosmos; (2) how
many gods there are—that is, how many souls there are that manage or supervise the
cosmos; (3) what is the ultimate cause of evil, and specifically, whether it is a kind of
soul.” Mayhew rightly observes that these issues are “at the heart of his [Plato’s]
philosophical theology” but, he goes on to claim, they remain unresolved in the *Laws*
because Plato “was not clear about these issues in his own mind.”

Furthermore, Mayhew argues, Plato did not want to expose the average citizen
to the thornier issues of philosophical theology—issues that Plato himself was unsure
of—because doing so “would not reinforce or solidify proper civic-religious beliefs, but
would in fact undercut them by casting doubt upon them or shrouding them in

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obscurity.”32 Unlike Pangle, Mayhew does not think that Plato secretly holds any “sophistic” views about the gods or about justice and law.33 For Plato, Mayhew contends, “it is crucial that humans not be given credit for laying down laws,” and so Plato advocates “presenting the laws as if they came from the gods.”34 In other words, Plato wants legislators to invent myths about the divine origin of law [sc. the myth of the age of Kronos (713a-714a)] so that the laws seem to be as permanent as possible. Linking the gods to the laws (however fictitiously) would make the laws “absolute or morally binding” since for most people “what the gods say or command is just and true.”35

In this chapter, I argue that the practiced reader, who is familiar with the arguments of the Philebus and Timaeus, is required to fill in the gaps in the theology of the Laws, flesh out the argument, and so come closer to understanding the place of the Laws in Plato’s philosophical theology. These dialogues begin the process of rehabilitating the Anaxagorean concept of νοῦς—the starting point of Platonic theology—a process, that culminates in Laws X and XII. As Catherine Zuckert rightly observes, the Athenian’s arguments in Laws X and XII “are based on, and formulated primarily in reaction to, the doctrines of the pre-Socratic cosmologists.”36 “He seems to be addressing and refuting pre-Socratic philosophers like Archelaus (who was reputedly a student of Anaxagoras

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33 Mayhew (2011) 324.
34 Mayhew (2011) 324.
35 Mayhew (2011) 313.
36 Zuckert (2009) 56.
and a teacher of Socrates) as well as Anaxagoras himself.”37 Yet, as the Athenian says at the beginning of *Laws* X, it is not the older generation of pre-Socratics that pose a real danger to public morality (967c6), but “the new and wise men” (886d2-3). It was these Sophists who taught that all things come-into-being “not because of νοῦς, nor because of some god, nor because of art, but rather by nature and chance” (οὐ δὲ διὰ νοῦν... οὐδὲ διὰ τινα θεὸν οὐδὲ διὰ τέχνην ἀλλὰ... φύσει καὶ τύχῃ, 889c5-6). In other words, what clearly distinguishes the pre-Socratics from the Sophists, is that the pre-Socratics at least posited a basic ordering principle of universe, whether that be Heraclitus’ Λόγος, Parmenides’ Δίκη, Empedocles’ Φιλία, or Anaxagoras’ Νοῦς.

I argue that the civic theology of the *Laws* is not a noble lie, but is, together with the *Timaeus*, Plato’s most original contribution to pre-Socratic περὶ φύσεως ἱστορία (investigation into the nature of things).38 It presents the fullest account of Plato’s view of soul as the principle of motion (cf., *Phdr.* 245c- e; *Ti.* 34b- 37c), which establishes the ontological priority of soul over matter, and paves the way for a new conception of natural law. Plato’s view of soul as the principle of motion, moreover, supplements and corrects Anaxagoras’ doctrine of cosmic Νοῦς. Anaxagoras had argued correctly that νοῦς was the orderer and cause of the material universe, but he was mistaken to then argue that material bodies were the causes of motion. According to the Athenian’s argument in *Laws* X, soul is ontologically prior to matter, is responsible for all motion in the material world, and by producing uniform motions in heavenly bodies (which in

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38 I will argue below that the *Timaeus* and *Laws* should be read together in accordance with the traditional form of a περὶ φύσεως ἱστορία; cf., Kahn (2010); Naddaf (1997) 27- 36.
turn act on corruptible bodies and the souls that inhabit them), creates an imperfect imitation of the ideal world here in the material world (892a- 899b).

This theory was truly original to Plato, as far as we know, and it makes little sense to me to think that he created it only as an elaborate cover for his dangerous atheistic views. It was upon this cosmo-theological argument, I contend, that Plato developed in the Laws—in opposition to the metaphysical views of the Sophists—his own conception of “law” (νόμος) as “the regulation of reason” (τὴν τοῦ νοῦ διανομήν, 714a2). Law, having been set down by Plato’s philosophical legislator, the Athenian Stranger, will embody “order” (τάξις, 673e4, 688a2, 875d4). And order is the defining characteristic of the god, νοῦς, who governs the cosmos (Lg. 966e–967c; Ti. 30a–b, 47b–c). The restraint of desire by law introduces a similar order in the human soul (Lg. 653e, 783a; cf. Ti. 47d; Grg. 503e, 504d, 506d–e). To make the soul orderly thus assimilates it to the divine, that is, to νοῦς (cf. Lg. 716c–d).

If νοῦς cannot be shown to be “the greatest god” (τὸν μέγιστον ὥς, 821a1), the creator, orderer, and ruler of the entire universe, the source, or cause, of everything in the universe that is good, orderly, and rational, including law, then Thomas Pangle is probably right that the exoteric teaching of the Laws turns out to be a noble lie.³⁹ Without the god, νοῦς, it is man and man alone who is the source of law, who is “the measure of all things” (cf. 716c4-6). This is the conclusion I most want to resist. The purpose of this chapter, then, is to show that there is good reason to think that νοῦς is the supreme god of the Laws and of Plato’s theology in general. Furthermore, once we recognize νοῦς as

the supreme god of the *Laws*, many of the so-called gaps and inconsistencies of book X can be easily explained. The ἀριστή ψυχή of *Laws* X is also a god, but just like the cosmic soul of the *Timaeus*, it is subordinate to, and dependent upon, the god, νοῦς. Although our investigation in this chapter will take us on a journey down the “very swift flowing rivers” (892d6-7) that are the cosmological and metaphysical speculations of the *Philebus* and *Timaeus*, I would like to stress that our journey begins with a political end in mind, *viz.*, to demonstrate that νοῦς is the source of law and order in the sensible world, and is therefore the god whose mythical name is Kronos. After we have concluded our investigation of the god in this chapter, we will return in the next chapter to the political consequences of my theological thesis.

### 2.1 What does Noûς mean?

The task of identifying νοῦς as the Platonic god is complicated at the outset by Plato’s very wide application of the terms θεός and θεῖος. In the *Laws* in particular, it is often noted, Plato switches back and forth between the singular and plural form of θεός. In the *Timaeus*, the Demiurge is a θεός, and so is the cosmos itself (34b, 92c). The sun, moon, stars and planets are gods (40d; cf., *Lg.* 821b), as well as the gods of popular theology (40e; cf. *Lg.* 717a). There are, in addition, daimones, ancestral gods, local gods, and heroes—the “children of gods” (*Ti.* 39d-e; *Lg.* 738c-739d). Indeed, Plato has the Athenian quote Thales’ famous expression that “everything is full of gods” (θεῶν εἶναι πλήρη πάντα, *Lg.* 899b).

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The adjective θεῖος is frequently used to describe the Forms (e.g., *Phd. 80b*), as well as the model (παράδειγµα, *R. 500e*). Both the *Republic* and the *Laws* even speak of the possibility of a “divine man” (θεῖος ἀνήρ, *R. 331e, 500c- e; Lg. 666d, 817b, 945c, 951b). According to the detailed study of Van Camp and Canart, this philosophical meaning of the word θεῖος is meant to indicate those who have had contact with the intelligible world.\(^{41}\) Nevertheless, they conclude, θεῖος in this sense is not an independent, technical term: “θεῖος n’a pas de contenu philosophique, mais plutôt un role philosophique.”\(^{42}\) What I take this to mean is that Plato frequently uses θεῖος as a metaphor when he applies it to elements of his philosophical system, i.e., as a description to indicate a special ontological status. For example, we should not think that the θεῖος ἀνήρ is someone who has successfully crossed over the threshold between human and divine, and thus has become a living god. Rather, a θεῖος ἀνήρ is someone who has knowledge of the divine world of the Forms.

Finally, we must consider Plato’s apparent reluctance to speak definitively about the gods. Timaeus, for example, famously declares at the beginning of his speech that it is difficult “to discover” (εὑρεῖν) the god, but “even if one discovers him, it is impossible to speak of/ name (λέειν) him to all men” (28c3- 5). In the *Cratylus*, when Socrates and Hermogenes decide to discuss the etymology of the names of the gods, Socrates cautions: “if we are rational at least” (εἰπεῖν γε νοῦν ἔχοιµεν), then we must admit that “we know nothing about the gods themselves or about the names they call themselves” (400d). Therefore, he concludes, we must follow “custom” (νόμος) in naming the gods,
“since we know no other names,” and “hope that the gods are pleased with the names we give them” (400d- e). In the Phaedrus, Plato perhaps comes as close as he ever does in positing a definition of god, saying that we call the gods “immortal” (ἀθάνατον), by which we mean “an immortal living being with a soul and body united for all time” (ἀθάνατόν τι ζωًν, ἔχον μὲν ψυχήν, ἔχον δὲ σῶμα, τὸν ἄει δὲ χρόνον ταύτα συμπεφυκότα, 246c6- d2). Yet, he immediately adds that we should let this be, “as it pleases the god” because this conception has “no basis in reasoned argument at all, but rather, we imagine it, having neither seen, nor sufficiently conceived, god (οὐδ' ἐξ ἐνός λόγου λελογισμένου, ἀλλὰ πλάστομεν ούτε ἴδοντες οὔτε ἰκανός νοήσαντες θεόν, 246c- d). During the discussion of higher education in the Laws, the Athenian cautions: “With regard to the greatest god, and the cosmos as a whole (τὸν µέγιστον θεόν καὶ ὅλον τὸν κόσµον), we assert that one should not conduct investigations, nor busy oneself with trying to discover the causes (τὰς αἰτίας)—for it is not pious to do so (821a).

Since many things seem to count as “gods” in Plato’s universe, and since Plato never defines θεός, scholars have tried to establish some criteria for deciding who, or what, if anything, is Plato’s God. Nearly everyone agrees that god must be “the source, or cause [αἰτίω], of all in the Universe that is good, orderly and rational, but not of what is bad, disorderly and irrational.” This criterion has such broad acceptance because it is based on the first of the τύποι περὶ θεολογίας discussed in book II of the Republic (379b-c), and as Hackforth rightly argues, “there is no reason to suppose that Plato ever

43 cf., Philb 12b- c for a similar caution in naming the gods.
abandoned [it]." The second τύπος, however, has not enjoyed the same kind of consensus. It establishes that the god never “departs from his own Form” (τις ἐαυτοῦ ἑδέας ἐκβαίνειν), and thus never “changes” (μεθίστασθαι) nor “moves” (κινεῖται, 380d-e). “The god is altogether simple and true in deed and speech, and he doesn’t himself change or deceive others by illusions, speeches, or the sending of signs either in waking or dreaming” (382e). What this means is that the god must have “independent, not derivative, existence,” i.e., he must belong to the world of intelligible Being, not the world of sensible Becoming. Thus, many scholars identify Plato’s supreme god with his highest metaphysical principle.

Other scholars contend, however, that Plato’s “later” theology explicitly contradicts this. The Laws, for example, describes “soul” (ψυχή) as “the god” and “the cause” of all good things in the cosmos (899a-b). Soul, moreover, is said repeatedly to “move” (894b, 895e-896a, 898a-b) and to belong to the world of Becoming (891-899, cf., Timaeus 34c). Thus, these scholars posit a cosmological interpretation, according to which Plato’s god, or gods, should be identified with soul, or souls, or the Demiurge, all of which must be thought of as subordinate in some way to metaphysical principles.

As Michael Bordt rightly points out, scholarship on Plato’s theology has reached an

45 Hackforth (1936) 5.
46 Note here that in the Republic Socrates refers to the singular, ὁ θεός, when investigating the divine character (379a, b, c; 380b, c; 381b, c; 382d, e).
47 Zeller (1889), Wilamowitz-Moellendorff (1920), Ritter (1923), Friedländer (1928), Hackforth (1936), Robin (1968), and de Vogel (1970) all identify Plato’s god with the Form of the Good. Brisson (1974) and Menn (1995) argue that the Demiurge is Plato’s god, but the Demiurge in turn is to be identified with Νοῦς. Bordt (2006) agrees with Brisson and Menn, but goes further, arguing that Plato’s god is ultimately identified with the Form of the Good.
48 Those committed to this “cosmological interpretation” include: Brochard (1900), Bovet (1902), Piat (1905), Burnet (1914), Shorey (1934), Cornford (1935), Cherniss (1944), Taylor (1949), Ross (1951), Ferrari (1998), and Van Riel (2013).
impasse; these two basic positions were mostly framed before the second half of the 20th century, and still dominate the field today.\(^\text{49}\)

My aim in this chapter is not to resolve this seemingly intractable debate, as any attempt to do so would require a book length project in itself. Rather, my goal is to show that, in spite of the lack of a clear consensus, there are legitimate reasons, both logical and textual, for believing that Plato conceived of νοῦς as the supreme god, and that, if we understand νοῦς, not ψυχή, as “the greatest god” of the Laws (821a), then many of the so-called gaps and inconsistencies in the Athenian’s argument in Laws X can be resolved. Thus, I advocate a version of the metaphysical interpretation. If I have anything to add to this long-standing debate, it is to defend the Hackforth-Brisson-Menn thesis against the most recent attack levied by Van Riel.\(^\text{50}\) In short, I argue that the metaphysical interpretation is compatible with, at least, the main outlines of the cosmological interpretation, but not vice versa.\(^\text{51}\) On this point, I agree with Bordt that Plato endorses a kind of weak monotheism: “Einerseits gibt es im strengen Sinne tatsächlich nur einen Gott, andererseits wird nicht die für den starken Monotheismus charakteristische These vertreten, daß es nur einen Gott und keine weiteren Götter gibt.”\(^\text{52}\) In the strict sense, νοῦς is the God; all other “gods” become divine by

\(^{49}\) Bordt (2006) 21- 22. Bordt (2006: 43- 54) himself has tried to advance the discussion by arguing that the two τύποι of the Republic are rules for the poets of how to talk about the gods, and theology, as such, is not a satisfactory method of philosophical investigation of the god. In my view, this is a misguided approach because what it does, in effect, is rule out the Timaeus as a legitimate inquiry into the nature of the god. This, presumably, is why the Timaeus gets such short shrift in Bordt’s account.

\(^{50}\) Hackforth (1936); Brisson (1974); Menn (1995); Van Riel (2013).

\(^{51}\) The one irreconcilable claim made by the advocates of the cosmological interpretation is that νοῦς cannot exist without a soul: cf., Cornford (1937) 38- 39, 197; Van Riel (2013) 94, 108- 109. We will return to this issue below.

\(^{52}\) Bordt (2006) 86.
participating in νοῦς (Τι. 30a- c). Likewise, even human beings can become θεῖοι ἄνθρωποι to the extent that their souls participate in νοῦς (Ηγ. 714a, 897b). This becomes much easier to understand once we are clear on what νοῦς means.

Earlier readers of Plato tended to adopt the conventional translation of νοῦς as “mind” by which, it seems to me, they mean a kind of power or faculty, or the substance that possesses this power. While no English word will ever be equivalent to νοῦς in all its uses, many recognized that “mind” was all too often a very misleading translation. Van Riel, for example, observes:

[N]οῦς… is a cognitive act… namely, that of ‘looking at’ or contemplating true being… That contemplation is an activity, however, and not a power, seems very clear. It has been remarked that νοῦς is never mentioned as a synonym of λόγος, which—apart from its obvious reference to ‘the word’, discourse, or speech—has the connotation of rational powers with which a rational soul is endowed; while in certain other contexts, νοῦς is described as actual ‘thinking’.

Thus, Van Riel and others have adopted “intellect” as a better translation. While I agree that there is certainly an aspect of νοῦς that refers to this contemplative activity, “intellect”, in the view of many (myself included), still strongly suggests a “power” or “faculty.” There is, therefore, a growing consensus of scholars on both sides of the divide (i.e., both those who favor a cosmological interpretation, as well as those who subscribe to the metaphysical approach), that “reason” is the English word that most closely expresses νοῦς, especially in cosmological contexts. The translation of νοῦς as “reason” also enjoys the support of Kurt von Fritz’s landmark study of the meaning of

53 Jowett (1924); Fowler (1966); Solmsen (1967).
55 Strauss (1975); Pangle (1980); Van Riel (2013).
56 OED ad loc., 1a.
57 Hackforth (1936), (1945); Cornford (1957); Stalley (1983); Morrow (1993); Menn (1995); Bobonich (2002).
meanings of the words νοῦς and νοείν (as well as their derivatives) in Greek literature
from Homer to Anaxagoras.\textsuperscript{58}

Von Fritz showed through careful and painstaking analysis that the fundamental
meaning of the word νοείν in Homer is “to realize or to understand a situation.”\textsuperscript{59}

“Etymologically, the words νόος and νοείν are most probably derived from a root
meaning “to sniff” or “to smell.” But in the stage of the semantic development
represented by the Homeric poems, the concept of νοείν is more closely related to the
sense of vision.”\textsuperscript{60} Νοείν is distinguished from ιδέειν and γιγνώσκειν insofar as νοείν is
used mainly in situations where “recognition of an object leads to the realization of a
situation, especially a situation of great emotional significance and importance.”\textsuperscript{61} From
this fundamental meaning of νοείν, several derivative connotations developed. For our
purposes, the most important is νόος, in the sense of “a deeper insight… [that]
penetrates beyond the surface appearance [and] discovers the real truth about the
matter.”\textsuperscript{62} It is important to note that νόος in Homer never means “reason,” but von
Fritz argues, it is possible to discern traces of this meaning in the Homeric poems:

When a man who at first has been deceived by a seemingly friendly attitude begins to
suspect that evil intentions may be hidden behind the friendly appearance, he does so on
the basis of certain observations. Putting these observations together, he deduces, as we
would say, that the appearance must be deceptive. A certain amount of reasoning,
therefore, seems to enter into the process. Yet there is absolutely no passage in Homer in
which this process of reasoning is so much as hinted at, when the terms νόος or νοείν are
used. On the contrary, the realization of the truth comes always as a sudden intuition: the
truth is suddenly “seen.”\textsuperscript{63}

\begin{itemize}
  \item \textsuperscript{58} Von Fritz (1943), (1945), (1946), (1964).
  \item \textsuperscript{59} Von Fritz (1945) 223.
  \item \textsuperscript{60} Von Fritz (1945) 223.
  \item \textsuperscript{61} Von Fritz (1945) 223.
  \item \textsuperscript{62} Von Fritz (1945) 224; cf. Homer, \textit{Iliad} XXII 90 ff., III 386 ff., XIX 112; \textit{Odyssey} I 322, IV 653.
  \item \textsuperscript{63} Von Fritz (1945) 225.
\end{itemize}
From this root sense of νοεῖν, “to realize or to understand a situation,” Von Fritz systematically analyzes the development of νοῦς in pre-Socratic philosophy. Of particular relevance to our own investigation, are the uses of νοῦς in Parmenides and Anaxagoras. Von Fritz argues that Parmenides “marks the most decisive turning point in the history of the terms νόος and νοεῖν,” because “he was the first consciously to include logical reasoning in the functions of the νόος.” Nevertheless, for Parmenides, the primary function of νόος was still “to be in direct touch with ultimate reality…” [Νόος] reaches this ultimate reality not only at the end and as a result of the logical process, but in a way is in touch with it from the very beginning.” Thus, in Parmenides, νόος becomes a rational intuition into the nature of reality.

In the philosophy of Anaxagoras, νοῦς is no longer simply the contemplative act of human beings, or even a “divine principle” (θείον) as it is, for example in Parmenides, but a “god” (θεός), who consciously directs the world by his understanding (Einsicht). According to Anaxagoras, νοῦς is “the creator and pilot of an ordered world.” Νοῦς is “the finest of all things and the purest” and it “rules over everything, both the greater and the smaller, however many things that have a soul” (καὶ ὅσα γε ψυχὴν ἔχει καὶ τὰ μείζω καὶ τὰ ἐλάσσω, πάντων νοῦς κρατεῖ). “Νοῦς ordered everything (πάντα διεκόσμησε νοῦς), all the things that were to be—those that

64 Von Fritz (1943) 93.
65 Von Fritz (1945) 242.
66 Von Fritz (1945) 241.
67 Von Fritz (1964) 95.
68 Von Fritz (1964) 95.
69 Diels, fr. 12, 12-15.
were and those that are now, and those that shall be—even this rotation in which are
now rotating the stars, the sun and moon, the air and the aether that are being separated
off.”70 Since, we shall see, Plato starts from a basic Anaxagorean concept of νοûς, it is
helpful to keep in mind this basic point, namely, that νοûς is a god (θεός) who “orders”
(διακοσμεῖν) everything in the physical universe, and who “rules everything that has a
soul.”

Unfortunately Von Fritz never fulfilled his promised study of the Platonic use of
νοûς.71 He does, however, note in passing that Plato uses νοûς in the sense of “an
infallible direct intellectual intuition.”72 For Plato, he argues, “the knowledge of the
intelligible world through νοûς is of crucial significance for action, since the knowledge
of the Form of the Good leads to right action.”73 Stephen Menn picks up where Von
Fritz’s study of νοûς leaves off, analyzing the meaning of νοûς and its derivatives in
Plato.74 First of all, Menn rejects both “mind,” and “intellect” as translations of νοûς,
especially in cosmological contexts.75 He argues, for example, that in the Phaedo, Socrates
criticizes Anaxagoras’ argument that νοûς orders all things because Anaxagoras goes on
to explain the order of the cosmos through material causes (98b-c). Socrates says that
this is like saying “that I do what I do through... bones and sinews... and that I perform
these things with νοûς (καὶ ταύτα νῷ πράττων, 99a8) but not by choosing the best”
(99a5-b1). Menn concludes that νῷ πράττειν here cannot be acting with one’s mind, but

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71 Von Fritz (1943) 80.
73 Von Fritz (1964) 89.
75 Menn (1995) 14, 68 n.1.
acting prudently, i.e., with the virtue of ἴος. But this passage also shows that ἴος in human affairs is analogous to the cosmic ἴος, and therefore, that the cosmic ἴος must also be the virtue.

When Menn says that ἴος, in the sense of the virtue, is not a power, he means: “it is not the human faculty of thought but rather that in which we participate when we use that faculty correctly... Nous, as a power, would mean ‘mind’; nous, as a virtue, means ‘reason’.” He acknowledges that in some contexts ἴος is not a virtue, but the reasoning faculty (e.g., Men. 88b), but that the more frequent use in Plato is found in idioms, like νοῦν ἐχειν and νοὐ μετέχειν, where νοὐς is clearly something we ‘participate in’ or ‘have a share of’. Similarly, expressions like σὺν νῷ, μετὰ νοὖ, and ἂνευ νοῦ indicate that νοὖς “is imagined as being present in or as accompanying the agent or his soul,” as, for example, in Laws X, where the soul is either νοῦν...

προσλαβόωσα or ἀνοί... συγγενομένη (897b1-3). Νοὖς is a virtue that some souls possess and some do not.

This use of νοὖς is supported by Plato’s frequent doubling of νοὖς with other virtues, as, for example, in the phrase “νοῦς καὶ φρόνησις” (Phlb, 28d8, 59d1, 63c5-7, 66b5-6; Lg. 631c6-8; Ti. 34a2) or “νοῦς καὶ σοφφοσύνη” (Phlb., 55b; Phdr., 241a; Lg., 963a, 965d). For example, in the Philebus, “all the wise agree that νοὖς is king of heaven and earth,” (28c6-8) and that “all things and this so-called universe... are governed by a certain marvelous coordinating νοῦς and φρόνησις” (28d5-9). Menn argues: “nous kai

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77 Menn (1995) 69, n.5.
*phronēsis* here are clearly a single entity…the *nous* that all the wise agree to be king of heaven and earth, since it is the same as this *nous kai phronēsis*, is … the universal principle or virtue.”79 Thus, Menn argues that in the late dialogues in particular Plato develops a special philosophical use of the word νοῦς as the virtue of Reason. Menn’s study demonstrates fairly conclusively, I think, that for Plato νοῦς is the virtue of Reason, and that on a cosmological level, νοῦς is what the good soul partakes of when it gives motion to all things. Our next task is to show that νοῦς is the ὁ μέγιστος θεός, the Platonic god *par excellence*.

### 2.2 The *Phaedo*: Cosmology and the Theory of Forms

In the *Phaedo*, Plato has Socrates relate a kind of intellectual autobiography, detailing his turn from what we might call natural philosophy to a metaphysics centered on the theory of Forms (96a6-99d2). Socrates’ intellectual autobiography is delivered in response to Kebes’ reservations about Socrates’ proof for the immortality of the soul (86e6-88b8). In particular, Kebes is concerned about the relationship between soul and body. He argues that Socrates should fear death (and, therefore, should seek to escape execution) because, even if the soul may have existed for a very long time before our birth, as Socrates had argued, its entrance into the body at birth could be “the beginning of its dissolution” (95d2). “So,” Kebes concludes, “we cannot trust this argument and be confident that our soul continues to exist somewhere after our death” (87e6-88a1).

Socrates replies that to answer Kebes’ problem would require an investigation into “the cause of generation and decay” (περὶ γενέσεως καὶ φθορᾶς τὴν αἰτίαν, 95e9), and also

“the causes of each thing—why each thing comes-into-being, why it perishes, and why it exists” (τὰς αἰτίας ἐκάστου, διὰ τί γίγνεται ἕκαστον καὶ διὰ τί ἀπόλλυται καὶ διὰ τί ἔστι, 96a9-10).

Socrates then relates that as a young man he was extraordinarily desirous of “that wisdom which they call ‘natural science’” (ταύτης τῆς σοφίας ἣν δὴ καλοῦσι περὶ φύσεως ιστορίαν, 96a8), i.e., in knowing the answers to precisely those questions concerning causality. In particular, he notes that he once heard from a man reading Anaxagoras that “νοῦς is both the orderer and cause of all things” (νοῦς ἐστιν ὁ διακοσμῶν τε καὶ πάντων αἰτίων, 97c1-2). He says that at first he was pleased with “this theory of the cause” (ταύτη δὴ τῇ αἰτίᾳ, 97c2, transl. Fowler), and that “it seemed somehow right” (ἔδοξέ μοι τρόπον τινὰ εὖ ἔχειν, 97c3) to him that νοῦς should be the cause of all things (τὸ τὸν νοῦν εἶναι πάντων αἰτίων, 97c3-4). Socrates says that he expected Anaxagoras to explain that “νοῦς, when it orders, orders all things and puts each one of them where it is best for it to be” (τὸν γε νοῦν κοσμοῦντα πάντα κοσμεῖν καὶ ἐκαστὸν τιθέεναι ταύτῃ ὁπι ἀν βέλτιστα ἔχη, 97c4-6). But, he says, he was disappointed to find that Anaxagoras “made no use of νοῦς [in his explanation of the order of the material universe], and did not assign any real causes (αἰτίας) for the ordering of things, but mentioned as causes air and ether and water and many other absurdities” (98b8-c1). Socrates expresses his dissatisfaction with those who mistake final causes for material causes:

Imagine not being able to distinguish the real cause, from that without which the cause would not be able to act, as a cause. It is what the majority appear to do, like people
groping in the dark; they call it a cause, thus giving it a name that does not belong to it. That is why one man surrounds the earth with a vortex to make the heavens keep it in place, another makes the air support it like a wide lid. As for their capacity of being in the best place they could be at this very time, this they do not look for, nor do they believe it to have any divine force, but they believe that they will some time discover a stronger and more immortal Atlas to hold everything together more, and they do not believe that the truly good and 'binding' (ἀληθῶς τὸ σκαθόν καὶ δέον) binds and holds them together (99b2-c6, transl. Grube).

In other words, Socrates clearly expected Anaxagoras to explain that νοῦς' status as a cause must be connected to its activity of ordering, and ordering, for Socrates, must mean putting “each thing where it is best for it to be” so that “what is good for all in common” would obtain (98b1-3). The best account must be teleological in nature—in terms of the Good.

Socrates then tells Kebs that, although he was disappointed with Anaxagoras' explanation of the cause, he still “would gladly become the student of anyone who would teach [him] the nature of such a cause” (99c6-8). Since he could find no teacher at the time, however, and since he could not figure it out for himself, he tells Kebs, he made “a second voyage into the investigation of the cause” (τὸν δεύτερον πλοῦν ἐπὶ τὴν τῆς αἰτίας ζήτησιν, 99c9-d1). That “second sailing” he describes as “a method of hypothesis” (100a3). Socrates explains that, in his “investigation of what is” (τὰ ὀντα σκοπῶν, 99d5), he stopped trying to grasp things with his senses” and instead turned to λόγοι (propositions/ accounts) as a means of investigating “the truth of what exists” (σκοπεῖν τῶν ὀντὼν τὴν ἀλήθειαν, 99e2-6). He continues: “I started in this manner: taking as my hypothesis in each case the theory that seemed to me most compelling, I would consider as true, about cause and everything else, whatever agreed with this, and as untrue whatever did not agree” (100a3-7). Socrates then goes on to relate his first
hypothesis—the hypothesis of Forms as causes—and the consequence of that hypothesis, namely, that particulars come-to-be what each is in virtue of partaking in Forms (100b-e).80

If we may put any stock in this autobiography, then Socrates’ failed experiment with Anaxagorean teleology and cosmology paved the way for a landmark in the history of western philosophy—Plato’s theory of Forms.81 What I want to suggest, however, is that Plato never fully abandons the theory of νοῦς.82 Socrates’ abiding desire to become the student of someone who could explain the order of the universe through νοῦς suggests that theory of Forms should not be seen as a replacement for a theory of νοῦς, as some have argued.83 Even after having worked out the theory of Forms, Socrates still wants to know about νοῦς. Furthermore, Socrates clearly describes the theory of Forms as a “second sailing” (δεύτερος... πλοῦς, 99c9- d1). According to Seth Benardete: “‘A second sailing’ means to rely on one’s own power and not do what otherwise would be best under favorable conditions; it refers to rowing rather than to any reliance on the winds.”84 The phrase, δεύτερος πλοῦς, occurs twice elsewhere in the Platonic corpus. First, in the Philebus (19c2- 3), Protarchus describes Socrates’ argument that the life of knowledge mixed with pleasure as a “second sailing,” i.e, it is the best

80 I cannot delve here into the complex and controversial question of the connection between the Phaedo’s and the Republic’s accounts of the method of hypothesis. For an introduction to the problem, cf. Wedberg (1971); Robinson (1953), ch. X.
81 Surely, we are not to take this autobiography seriously. But the point still stands that the theory of Forms was developed as a response to pre-Socratic cosmological speculation.
82 My argument here does not depend on any strict chronology. My argument is aimed at those who claim that the theory of Forms replaces Anaxagoras’ theory of νοῦς, e.g., Benardete (1989) 1-5.
83 Alternately, I will argue, the cosmological investigations of Plato’s “late” dialogues should not be interpreted as a rejection of the theory of Forms, cf. Sayre (1996).
84 Benardete (1991) 14, n. 34.
possible life for human beings, whereas the gods are capable of a life of unmixed reason.

Secondly, in the Statesman (300c), the Visitor from Elea describes the rule of law as a “second sailing,” i.e., a second-best alternative to the ruler who possesses political knowledge. Socrates’ description of the theory of Forms as a second sailing, then, strongly suggests that a theory of νοῦς would still be the best explanation of the cause of order in the universe.

A general account of the “classical” theory of Forms is not possible here for a number of reasons. In the first place, even though the theory of Forms can be found to varying degrees in a number of dialogues (e.g., Symposium, Phaedo, Cratylus, Republic, and Phaedrus)—just to name those dialogues that belong to the so-called “middle” period, and so, it is presumed, represent the “classical” formulation of the theory)—Plato never argued for it systematically; i.e., a full explanation of the theory is not stated in any one dialogue. Secondly, it is not clear that Plato’s presentation of the theory of Forms in these various dialogues represents a single, cohesive, theory. Finally, Plato himself subjects the classical theory of Forms, as it is developed in the Phaedo, Symposium, and Republic, to intense criticism in the Parmenides, and the problems raised there are never directly addressed. One of the central questions of the Parmenides is how exactly sensible things “participate in,” or “partake of” intelligible Forms (130e- 133a).

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85 For an excellent survey of the theory of Forms, see Kahn (1996) 329- 370.
87 Given the intense scholarly debate surrounding this dialogue, I refrain from offering any but the most basic observations here. The literature on the Parmenides and its problems is massive, but one could not go wrong by starting with Allen (1997). One should also consult Vlastos (1954), (1955), (1956), Moravcsik (1963), and Rickless (2007). The problem of participation, or partaking, is also the basis of Aristotle’s criticism of Plato’s theory of Forms, cf. Metaphysics Λ.10.1075b16- 20; On Generation and Corruption II.9.335b18- 24.
In spite of these difficulties, however, a few points must be made concerning the theory of Forms as it is presented, chiefly, in the *Phaedo* and *Republic*.

First, I think, it is probably not controversial to say that, in the *Phaedo* and *Republic*, the Forms are described as eternal, unchanging objects, each with a unique nature, which we grasp with our intellect (νόοησις) but not our senses. The theory of Forms purports to explain the properties of things that we experience with our senses in the changing world around us. Secondly, even though the theory of Forms explains, or attempts to explain, why a given sensible object has the properties it does (viz., because it participates in the Form), nevertheless the focus of the “middle” dialogues is to provide an account of the intelligible world rather than of the sensible world (cf., *Phd.* 83a1-b4, R. 508b–509c, 509d–513e, 514a–520a, 531d–534e). In none of these dialogues is there any attempt to provide an account of nature and change, i.e., a περὶ φύσεως ἱστορία. The *Phaedo*, as we saw, describes the theory of Forms specifically as a reaction to pre-Socratic περὶ φύσεως ἱστορία (99c- d).

The problem with the theory of Forms that concerns us here is that as an account of nature and change it only explains why some matter has the features it has; it does not explain why this matter has the features it does in this place and at this time or how this piece of matter relates to other matter so that the whole universe is harmonious and intelligible. Yet, as we saw above, this is precisely what Socrates assumed Anaxagoras

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88 It should be noted here that this problem with the Theory of Forms is different from the problems of unity and participation explored in the *Parmenides*. The hypothesis of νοῦς is clearly intended to give an account of the order of sensible world, i.e., why the world we experience with out sense is a cosmos rather than chaos. While the problems of the *Parmenides* may be relevant at some level, especially insofar as I will argue
was going to explain when he posited νοῦς as the διακοσμῶν of the universe. As

Stephen Menn explains:

[The Theory of Forms] does not explain the order of the universe. The fiery parts of the universe are fiery because they participate in fire... but this does not explain why it is this region of the universe here that participates in fire... The explanation through forms... cannot explain why the different types of body should be arranged in a kosmos instead of occurring randomly at different places and times... The cause... of this particular participation... cannot lie in the nature of the form [because forms are eternal, immutable, and non-spatial and so must be equally disposed towards all regions of space]. But neither can it lie in the matter. [Just because one piece of matter has a disposition to receive a particular form does not explain why it participates in that form.] If we want to explain why different parts of matter should come in the first place to participate in different forms, not randomly but in an orderly and rational way, then neither the form nor the matter will be a sufficient cause of the form's being received into the matter; if there is such a cause, it must be a third principle distinguished equally from form and matter.89

Following Hackforth and Menn, I will argue that this third principle is νοῦς.

Though Socrates in the Phaedo ultimately finds Anaxagoras' explanation of νοῦς unsatisfactory, we can still learn a great deal from this passage about what it would take to make it satisfactory. First, Socrates thought that it seemed right that the “cause” (αἴτιος) of all things is νοῦς; he never entertains any other cause than νοῦς. Secondly, νοῦς' status as cause must be connected to the activity of ordering (διακοσμεῖν, κοσμεῖν), and ordering must mean putting each things where it is best for it to be.

Finally, for Socrates, this cause of order in the universe must be related somehow to “the Good” (τὸ ἀγαθόν, 99c5). The Phaedo, then, sets the stage, as it were, for what a

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89 Menn (1995) 4. This chapter is heavily influenced by Menn's work. Though I have substantive disagreements with Menn, especially concerning the causal relationship between νοῦς and the cosmic soul, and ultimately νοῦς' divine status, I think his arguments for the explanation through νοῦς as a supplement to the Theory of Forms, and for the identification of the demiurge of the Timaeus with νοῦς in the Philebus, Statesman, and Laws, are correct.
“probable” or “rational” account of νοῦς as the cause and orderer of the universe might look like.\(^\text{90}\)

2.3 Noûς as the Cause of Order in the Philebus

The Philebus is the Platonic dialogue that is most explicitly concerned with νοûς, and especially with its ontological status as “cause” (αἰτία). Yet, the Philebus’ dialectical account of νοûς is secondary to the overall aim of the dialogue, which is to show that “happiness” (εὐδαιμονία) for human beings consists in a life of “knowledge” (ἐπιστήμη) mixed with pleasure. And, in order to prove this, Socrates, argues, they must look not only toward “things that are always in the same way and the same state” but also to “things that come-into-being and perish” (61d-e). In other words, if he is to prove that the life of knowledge mixed with pleasure is what makes us happy, then he must not only give an account of the theory of Forms, but also provide an inquiry into nature and change. This is not to suggest that the “late” Plato turned his back on the Forms. Knowledge of intelligible reality is still the most important thing—it is “the truer” knowledge (61e)—but, as I argued above, in order for Socrates to know anything other than purely intelligible reality, he needs an additional principle, a cause of the imposition of form and order on chaotic matter, which will explain why this sensible world is ordered as rationally as it is. To this end, Plato has Socrates in the Philebus actively reappropriate an Anaxagorean concept of νοûς.

In the cosmological section of the Philebus (27c-31b), Plato has Socrates apply the dialectical method of collection and division to the nature of Being and Becoming (16c).

\(^{90}\) See Burnyeat (2009) for the translation of εἰκώς as “rational” or “probable”; cf., Ti. 29c4-d3, Plt. 270b1.
He begins by dividing “all that now exists in the universe” (πάντα τὰ νῦν ὄντα ἐν τῷ πάντι) into four classes (γένος)—“the unlimited” (τὸ ἀπειρον), “the limit” (τὸ πέρας), “the mixture of these two” (τὸ ἐξ ἀμφοῖν τούτων συμμισγόμενον), and “the cause of this mixture” (τῆς συμμείξεως τούτων πρὸς ἀλληλα τὴν αἰτίαν, 23c-d). Into the class of the unlimited, he collects qualities capable of being “more or less” (μᾶλλον τε καὶ ἢττον), for example, hotter and colder (24a). The class of the limit includes “quantity” (πόσον), “due measure, proportion, and ratio” (τὸ μέτριον), and “the equal and equality” (τὸ ἴσον καὶ ἴσότητα)—i.e., everything that “puts a stop to the things that are contrarily at odds with one another, and by the insertion of number render them commensurate and consonant” (σύμμετρα δὲ καὶ σύμφωνα, 25d-e). The mixture of the limit and the unlimited is described as a “becoming into being” (γένεσιν εἰς οὐσίαν, 26d8) from the “measures” (μέτρα) produced with the limit, and as a “mixed and generated being” (μεικτὴν καὶ γεγενημένην οὐσίαν, 27b8). The class of the mixture is thus presented in the Philebus as a “nature” (φύσις) in which Being is mixed with Becoming (31d5-8, 32a2-b1). The mixture, moreover, is said to produce “law and order” (νόμον καὶ τάξιν), and “everything beautiful” (καλὰ πάντα) in the sensible world (26b). What is most important for our present inquiry, however, is that the “cause” (αἰτία) of the mixture is said to be νοῦς (28c).

Socrates begins by establishing the ontological priority of the cause. The other three classes—the limit, the unlimited, and the mixed—all belong to the world of Becoming (τὰ γεγονόμενα, 26e), and, therefore, are “enslaved to the cause for the purpose of generation” (δουλεύον εἰς γένεσιν αἰτία, 27a). In other words, as generated,
or created, beings, they are lower on the ontological hierarchy than the cause. But the “cause” (αἰτία), Socrates maintains, is “different and not at all the same” (ἄλλο ἄφα καὶ οὐ ταύτων, 27a). He does not say explicitly that the cause belongs to the world of Being (τὰ ὄντα), but, presumably, this is part of what we are meant to infer based on the context.91 Socrates continues:

It is necessary that everything that comes-into-being come to be through some cause (αἰτία)... But the nature of the maker/ doer (τὸ ποιοῦν) differs only in name from a cause, so that the maker/ doer and the cause can rightly be said to be one... And again, the thing that is made/ done (τὸ ποιοῦμένον) and what comes-to-be (τὸ γεγονόμενον) differ only in name (26e).

The cause is “the maker/ doer” and “craftsman” (δημιουργὸν, 27b) of all the things that come-into-being (τὰ γεγονόμενα... πάντα ταύτα, 27a- b), a description that suggests a parallel with the cosmic demiurge of the Timaeus (29d- 34b). In fact, as we shall see, Socrates’ identification of causation with “making/ doing” (ποιέων) provides justification for the assumption with which Timaeus begins his cosmology, viz., that the principle of causality implies the rational action of a maker or demiurge (Ti. 28a).92 Furthermore, as Kahn rightly notes, this identification of causation and making reflects “the distinction... between an explanatory cause (aition) and a necessary condition (sunaition): between a rational explanation of some end to be achieved, and the instrumental account of a

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91 The ontological status of νοῦς is a controversial subject, to which we shall return momentarily. Here I am merely laying out evidence for my interpretation that νοῦς is a Form and as such belongs to the world of Being.

92 To be clear, I am not arguing here that the Philebus was written before the Timaeus; it makes no difference to my argument which dialogue was written first. All that I am suggesting is that the Philebus provides justification for a key assumption of the Timaeus. Whether Plato wrote the Philebus after the Timaeus in order to deal explicitly with such problems, or before, to prepare the way for the Timaeus, does not affect my argument.
needed mechanism.” Socrates’s identification of causation with making/doing is the first step in his argument against Anaxagoras, who said that “air and ether and water and many other absurdities” were the real causes (αἰτίας) for the ordering of things (Phd. 98b8- c1). According to Socrates it is not the Empedoclean elements that are responsible for order, but νοὺς itself created these elements, set them in regular motion, and ordered them into a cosmos.

With perhaps a subtle allusion to Anaxagoras, Socrates says that he agrees with “all the wise” (πάντες… οἱ σοφοὶ) that “νοὺς always rules the universe” (ὡς ἀεὶ τοῦ παντός νοὺς ἀρχεῖ, 30d), and is “the king of heaven and earth” (νοὺς ἐστι βασιλεύς ἡμῖν οὐρανοῦ τε καὶ γῆς, 28c). The “spectacle of the ordered universe, of the sun, the moon, the stars, and the entire orbit of the sky” is evidence that the universe must be “governed by a wonderous, regulating νοὺς καὶ φρόνησίς,” and not “by a power that is irrational and blind, and by mere chance” (τὴν τοῦ ἀλόγου καὶ εἰκῇ δύναµιν καὶ τὸ ὀπὴ ἐτυχεν, 28d- e). Νοὺς not only “orders (διακοσµέει) celestial bodies and their movements, but also “orders and arranges years, seasons, and months” (κοσµοῦσά τε καὶ συντάττουσα ἐνιαυτοὺς τε καὶ ὥρας καὶ μῆνας, 30c). Moreover, the material elements that make up the universe are also present in human beings, though in a small and insignificant proportion: the fire in human nature, for example, is derived from a “pure, powerful, beautiful, and overwhelming cosmic fire” (τὸ τοῦ παντός πῦρ, 29b- d). Likewise, νοὺς “puts together” (σύνθετον) human bodies from the material elements of the cosmos, and “produces (ἐµποιοῦν) the art of bodily exercise, and medicine, when a

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94 We will address below this doubling of νοὺς καὶ φρόνησίς, as well as σοφία καὶ νοὺς (30c4- 7).
body stumbles” (30b). Finally, νοῦς “furnishes” our bodies with a “soul” (ψυχήν... παρέέχον) that is derived in similar fashion from the cosmic soul (29e- 30b). By mixing the limit and the unlimited, νοῦς causes “health” in our bodies and “countless fair things in our souls” (25e- 26b). To put this in Aristotelian terms, Socrates argues that νοῦς functions as an “efficient cause,” i.e., “the source of the first beginning of change and rest” (ὁθεν ἐ ἀρχὴ τῆς μεταβολῆς ἡ πρώτη ἡ τῆς ἡρεμήσεως) for souls and bodies in the sensible world, beginning with the cosmic soul and body, but including the souls and bodies of lesser deities as well as human beings.95

Socrates then sums up his cosmology as follows: “There is in the universe much unlimited, and sufficient limit, and in addition a cause that is not insignificant, which orders and arranges” (κοσμούσα τε καὶ συντάαττουσα), and which “is most justly called σοφία καὶ νοῦς” (30c4-7).96 After securing Protarchus’ agreement, he adds: “And truly σοφία καὶ νοῦς could never come into being without soul” (Σοφία µὴν καὶ νοῦς ἀνευ ψυχῆς οὐκ ἀν ποτε γενοίσθην, 30c9-10). “Therefore,” Socrates concludes, “both a kingly soul and a kingly νοῦς come to be (ἐγγίίγνεσθαι) in the nature of Zeus through the power of the cause, and in the other [gods] other noble things come into being, according to the names by which they are pleased to be called” (30d1-3). “This latter argument” (τοῦτον δή τὸν λόγον), Socrates cautions rather obliquely, “was not spoken in vain (µή τι μάτην), but rather is an ally (σύμμαχος) to those ancient thinkers who declared that νοῦς always rules the universe” (ὡς ἀεὶ τοῦ παντὸς νοῦς ἀρχεῖ, 30d6-8).

95 Arist., Metaph. V. 1013a30; Aristotle gives here an example of an efficient cause: “the maker is the [efficient] cause of the thing made” (τὸ ποιοῦν τοῦ ποιουμένου). cf., also Hackforth (1945) 36; Menn (1995) 47-48.
96 On the doubling of σοφία and νοῦς, see p. 19.
What Socrates is stressing here, I think, is an argument that is not fully articulated here in the *Philebus*, but that is essentially Plato’s original contribution to περὶ φύσεως ἱστορία.

Building upon an Anaxagorean concept of νοῦς, Plato introduces a sharp distinction between a transcendent αἰτία (which at 30c6 was identified with σοφία καὶ νοῦς) and a νοῦς immanent in the universe which the world soul participates in. Just as the “kingly νοῦς” that comes-to-be in the nature of Zeus is not the same as the νοῦς that is the cause, so too, the transcendent αἰτία, which is identified with νοῦς at 30c6, is not the same as the νοῦς that comes-to-be in the cosmic soul. Hackforth explains:

> Although we may admit that Plato has not expressed his meaning with perfect lucidity, yet the difficulty largely disappears if we realize that the distinction is one of aspect rather than of being. Transcendent νοῦς and immanent νοῦς are not two different Reasons: the latter is a self-projection of the former. It is qua projected that νοῦς must be οὐκ ἀνεβ ψυχής, just as at *Tim.* 30b the Demiurge is said to have found that νοῦν χωρίς ψυχῆς αὖθανατον παραγενέσθαι τῷ.⁹⁸

This final argument, as Kahn rightly observes, “connects the notion of world soul with the teleological interpretation of nature, and thus prepares the way for the thesis of *Laws* X, where psyche as source of motion (*archê kinēseōs*) is presented as the ruling principle of nature.”⁹⁹ This argument as a whole, and especially the relationship between νοῦς and ψυχή, is developed further in the *Timaeus*.

### 2.4 Noûς, the Demiurge, and the Cosmic Soul in the *Timaeus*

As we observed in our analysis of the *Philebus*, Socrates’ identification of causation with “making/ doing” (ποεῖν) provides justification for the assumption with

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⁹⁸ Hackforth (1945) 56-57, n.1.
which Timaeus begins his cosmology, viz., that the principle of causality implies the rational action of a maker or demiurge. Timaeus begins his speech by positing the framework of ontological dualism that is a key feature of the classical theory of Forms:

“One must first distinguish the following: what is it that always is and has no becoming, and what is it that becomes, but never is? (τί τὸ ὁν ἀεὶ, γένεσιν δὲ οὐκ ἐχον, καὶ τι τὸ γιγνόμενον μὲν ἀεὶ, ὁν δὲ οὐδέποτε; 27d6- 28a1). The former is grasped by “understanding accompanied by a rational account” (νοήησει μετὰ λόγου), while the latter is opined by “opinion accompanied by unreasoning sense perception” (δόξῃ μετ’ αἰσθήσεως ἀλόγου, 28a1- 3). Then, Timaeus reiterates the premise set down by Socrates in the Philebus: “Everything that comes-into-being, of necessity comes into being by some cause; for apart from a cause, it is impossible for anything to have a coming-into-being” (πᾶν δὲ αὐ τὸ γιγνόμενον ὑπ’ αἰτίου τινὸς ἓξ ἀνάγκης γίγνεσθαι· παντὶ γὰρ ἀδύνατον χωρὶς αἰτίου γένεσιν σχεῖν, 28a4- 6; cf., Philb. 26e).

Recall that in the Philebus, Socrates posits νοῦς as the cause of everything that comes into being (28c, 30d); he never considers any other cause. Socrates also identifies the cause as “the maker/ doer” (26e), and “craftsman” (δημιουργοῦν, 27b), of “the things that come-into-being” (πὰ γιγνόμενα, 27a). Timaeus does not refer to νοῦς explicitly here as the cause; he posits “the Demiurge” (ὁ δημιουργὸς, 28a6) as the cause. Yet, almost immediately, Timaeus adds the following qualification: “Certainly it is difficult

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100 Timaeus will later add a third ontological element, namely, the “receptacle of all becoming” (πάσης... γενέσεως ὑποδοχῆν, 49a5- 6). The exact nature of the receptacle need not concern us at present for two reasons. First, Timaeus insists that the introduction of this third kind does not change the relation between Being and Becoming (48e- 49a, 50c- d). Secondly, no one has suggested that the Demiurge, or νοῦς, belongs to this kind. The best recent analysis of the receptacle and its place in Timaeus’ ontology is Kahn (2013) 188-203.
to discover the maker and father of this universe, but even if one discovers him, it is impossible to speak of/ name him to all men” (τὸν μὲν οὖν ποιητὴν καὶ πατέρα τούτῳ θαν οὖν τού παντὸς εὑρεῖν τε ἔργον καὶ εὐφόρντα εἰς πάντας ἀδύνατον λέγειν, 28c3-5).

Because of this difficulty, Timaeus argues, we must look to the creation (i.e., the universe), and try to determine, as best we can, the nature of the creator from the nature of the created (28c-29a). We must determine “to which of the two models (παραδειγμάτων) the maker looked when he produced the universe,” i.e., to world of Being or to the world of Becoming (28c6-29a2). “It is clear to everyone,” Timaeus concludes, that he was looking to the world of Being because “this cosmos here is the most beautiful of things that have come-into-being... [and] therefore, has been crafted with reference to that which is grasped by reason and wisdom (λόγῳ καὶ φρονήσει) and is in the self-same condition” (29a5-7). The demiurge, then, is “good” and “the best of causes” (δημιουργὸς ἀγαθός... ὁ δ’ ἄριστος τῶν αἰτίων, 29a3-6). Thus, as I suggested above, Timaeus begins with the assumption that the principle of causality implies the rational action of a maker or demiurge. Timaeus’ task is to show how the demiurge’s ordering activity is teleological, and thus is directed toward “the Good” (τὸ ἀγαθὸν, 29e, cf. Phd. 99c5).

Timaeus tells us that the Demiurge wanted to transmit goodness to the world because he himself was “good” (ἀγαθός), and “he wanted everything to become as much like himself as was possible” (κατὰ δύναμιν), since it is impossible that one who is supremely good should do anything but what is best (29e1-3).

The god (ὁ θεός) wanted everything to be good and nothing to be bad so far as that was
possible, and so he took over all that was visible. And since it [sc. the visible world] moved in an unmusical and disorderly way (πλημμελῶς καὶ ἀτάκτως), he brought it from a state of disorder to one of order (τάξιν), since he believed that order was in every way better than disorder. Now it wasn’t permitted (θέμις), nor is it now, that one who is supremely good should do anything but what is best. Accordingly, the god reasoned and concluded that in the realm of things naturally visible no irrational thing could as a whole be better than anything which does possess reason as a whole (οὐὐδὲν ἄνοιγτον τοῦ νοῦν ἔχοντος ὅλον ὅλον κάλλιον ἔστεθαι ποτε ἑργον), and he further concluded that it is impossible for anything to come to possess reason apart from soul (νοῦν δ’ αὖ χωρὶς ψυχῆς ἀδύνατον παραγενέσθαι τῳ). Guided by this argument, he put reason in soul, and soul in body, and so he made the universe (νοῦν καὶ ἐν ψυχῇ, ψυχὴν δ’ ἐν σῶματι συνιστάς τῷ πᾶν συνετεκαίνετο), so that he produced a work that would be most beautiful and best according to nature (κάλλιστον εἴη κατὰ φύσιν ἄριστον). This, then, in keeping with our rational account (κατὰ λόγον τὸν εἰκότα), is how we must say that this cosmos here in truth came into being as an animal endowed with a soul and with reason through the forethought of the god (τὸνδε τὸν κόσμον ἐκὼν ἐμψύχον ἔννυν τῇ ἀληθείᾳ διὰ τήν τοῦ θεοῦ γενέσθαι πρόνοιαν, 30α2-ε1).

In this passage, Timaeus begins by assuming the first τύπος περί θεολογίας of the Republic, viz., that god is good and so must be the cause of all that is good. Secondly, Timaeus explicitly connects the Demiurge’s status as cause to its ordering activity: since the god is good, and since order is better than disorder, he brought the universe into a state of order. Thus, Timaeus reminds us of Socrates’ criticism of Anaxagoras in the Phaedo that νοῦς’ status as cause must be connected to its ordering activity, and that ordering must be related to the Good. Because the god is good, he always acts for the best. Therefore, he brought the universe into a state of order, because order is good.

Finally, Timaeus adds that the god put νοῦς in the cosmic soul, and the cosmic soul in the cosmic body in order to bring order to the sensible world. Thus, the cosmos is a living animal endowed with reason and soul.

One may rightly object here that Timaeus has not said that the Demiurge is to be identified with νοῦς, and that is certainly true. Nevertheless, all the attributes and functions that the Timaeus assigns to the Demiurge have a parallel in the descriptions of
νοῦς in the *Philebus*, and *Phaedo*. The *Philebus* says that the cause (αἰτία) differs from the ποιοῦν (26e6-8) or δημιουργοῦν (27b1) only in name; the *Timaeus* describes god as the δημιουργός (*Ti. 28a6; cf. R. 530a6; Sph. 265c4; Plt. 273b1*), as well as αἰτίον (28a4-5) and ποιητής (28c3). Νοῦς is repeatedly described as ordering the heaven or the world with συντάττειν (*Phlb. 28d9, 30c5*), κοσμεῖν (*Phd. 97c5, 98a7; Philb. 30c5*), and especially the Anaxagorean verb διακοσμεῖν (*Phd. 97c2; Philb. 28e3; cf., Lg. 966e4, 967b5-6*). But the god of the *Timaeus* is also described as ordering the heaven (διακοσμῶν... οὐφανόν, 37d5-6), and as setting the primeval materials in order (διεκόοσµήσεν, 69c1). Again the *Phaedo* suggests that νοῦς is the orderer of the world if and only if each part of the world is put where it should be for the good of the whole. The god of the *Timaeus* is also said to be acting “for the best,” and he decides for this reason to bring the world into order (τὰξις) out of disorder (ἀταξία, 30a5). And in case there was any doubt that the Demiurge is to be identified with νοῦς, Timaeus concludes his account of the birth of the cosmos by observing that everything that has been discussed so far “has been crafted by νοῦς” (τὰ διὰ νοῦ δεδηµιουργηµένα, 47e-48a).

Nearly everyone, even those who deny that νοῦς is the Platonic god par excellence, agree that the Demiurge is to be identified with νοῦς.101 The central dispute in the scholarship on Platonic theology is over the ontological status of νοῦς. Cornford, for example, argues that the Demiurge “stands for a divine Reason [νοῦς] working for ends that are good... The whole purpose of the *Timaeus* is to teach men to regard the universe as revealing the operation of such a Reason, not the fortuitous outcome of blind

101 e.g., Cornford (1957) 38 ff.; Van Riel (2013) 81.
and aimless bodily motions.” 102 Yet, Cornford also maintains that the Demiurge is a “mythical symbol,” and as such, “he is not really a creator god, distinct from the universe he is represented as making… the Demiurge is to be identified with the Reason in the World-Soul.” 103

Van Riel pursues a similar line of argumentation. He also concedes that the Demiurge is to be identified with νοῦς, but then he goes on to argue that the Demiurge should not be seen “as a divinity” or even “a metaphysical principle on its own” (i.e., with an independent existence), but rather as “the intellect [νοῦς] that is present in the intelligent souls.” 104 Van Riel explains: “we should not over-interpret the fact that the Demiurge is called a god” since we are dealing here with a “likely myth.” 105 He argues that the Demiurge is “a metaphorical description of the role of Platonic intellect [νοῦς] in the universe,” but is not a “cosmological god.” 106 If νοῦς existed outside soul, he argues, “it could only conceivably be as a Form,” 107 which, in my view, is absolutely correct. But, Van Riel continues, if νοῦς were a Form, it would have to have an ontological “status that would differentiate it from all other Forms” because, in order for it to create order in the universe—in order for it to be “active or efficient” in demiurgic ordination—“it needs a soul.” 108 Hence, Van Riel concludes, “the gods are souls,” and “while souls may ‘share in’ intellect [νοῦς] they are not identical to it.” 109

102 Cornford (1957) 38.
103 Cornford (1957) 38, 197.
107 Van Riel (2013) 95.
Cornford and Van Riel raise two points worth examining. The first is what Plato means by having Timaeus describe his cosmology as a “myth” (29d). The second is the ontological status of the Demiurge, and specifically, whether or not νοῦς (or the Demiurge) can exist apart from soul.

2.4.1 Εἰκός Μῦθος

In the opening scene of the Timaeus, Socrates recalls a conversation he had the previous day with Timaeus, Critias, Hermocrates, and some nameless fourth person, who is absent for some unexplained reason (17a-c). The topic of conversation was “the political regime” (περὶ πολιτείας), and in particular, what sort of regime is “best” (άριστη, 17c). If the phrase περὶ πολιτείας does not draw the reader’s attention immediately to the Republic, then Socrates’ review of that πολιτεία certainly does. As I noted earlier, there is general scholarly consensus that Socrates’ review suggests that his argument from the previous day must have been, at the very least, a version of the argument of books II to V of the Republic. Socrates rehearses the principle of specialization in crafts, the division of classes, the education of the guardians, the equality of women, the abolition of the family and private property, as well as the eugenic program and the elaborate social arrangements intended to support it (17c-19a).¹¹⁰

¹¹⁰ Scholars, of course, have noticed the one glaring omission from Socrates’ recapitulation, viz., any mention of the philosopher-king. cf., Clay (1997) 50-51; Schofield (1999) 31-33. In my view, Schofield (1999: 32) has shown that “Timaeus… is a philosopher and statesman who is to help perform an analogue of the fundamental task assigned to the philosopher rulers in the Republic.”
Socrates then tells his interlocutors that, in exchange for his speeches yesterday (ἀντὶ τῶν χθές λόγων, 26e; cf., 20b- c), he would like to see his “beautiful” (καλά), but “static” (ἡσυχίαν δὲ ἄγοντα), city “in motion” (κινούμενά, 19b). Critias immediately claims that he once heard “an account that comes from old hearsay” (λόγον… ἐκ παλαιῶς ἀκοής, 20d) concerning war fought 9,000 years before between primitive Athens and the island of Atlantis (20c- 27b). And after delivering an abridged version of this story, he goes on to claim that Socrates will find in his account of primitive Athens a city and regime that is “not far off the mark” from the regime that Socrates described on the previous day (25e). It is agreed, therefore, that Critias will relate the whole story of primitive Athens and its war with Atlantis, but not immediately. Before Critias can tell his story, Timaeus must speak first, “beginning from the birth of the cosmos and ending in the nature of humankind” (ἀρχόμενον ἀπὸ τῆς κόσμου γενέσεως, τελευτάν δὲ εἰς ἀνθρώπων φύσιν, 27a). Critias will then take up Timaeus’ account of human nature, and Socrates’ account of “those certain few who have been educated in the highest degree,” and he will show how these exceptional men that Socrates’ spoke of are indeed the Athenians of old (27b). Apart from one brief interjection by Socrates at the beginning (29d), the remainder of the dialogue is one continuous speech delivered by Timaeus on the origin and development of the cosmos (27c- 69b), and humankind (69b- 92c).

111 We should note here that the literary form of the Timaeus-Critias corresponds to the stages of a traditional περὶ φύσεως ἱστορία: cosmogony, anthropogony, politogony; cf., Naddaf (1992), (1997); Burnyeat (2009) 168- 169; Kahn (2013) 176- 180. Also, both Laks (1990: 216- 217) and Naddaf (1997: 34- 36) provide compelling arguments that Critias’ account of Primitive Athens is not, in fact, a “true politogony,” and that Plato’s only attempt to account for the origin and development of political society occurs in book III of the Laws. Primitive Athens as Naddaf (1997: 35) rightly described it, is a “working model,” “a perfect reflection of the intelligible model [i.e., the city of the Republic], a moving likeness of eternity.” What exactly
Timaeus’ monologue, then, is located within the framework of a dialogue between Socrates and his interlocutors. This shift in literary form should not go unnoticed because it suggests an important epistemic distinction. Timaeus immediately draws our attention to this distinction in the proem to his speech (27c- 29d):

This cosmos is necessarily the likeness (εἰκόνα) of something. Now, in any matter it is most important to begin at the natural beginning (κατὰ φύσιν ἀρχήν). Accordingly, we should make the following distinction concerning a likeness and its model (περὶ τε εἰκόνος καὶ περὶ τοῦ παραδείγματος), namely, accounts (λόγους) are akin to those things of which they are exegetes (ἐξηγηταί).

On the one hand, accounts of what is permanent and stable and manifest to reason (µμεταφανοὶς) are themselves permanent and unchangeable—to the extent that it is possible and fitting for accounts to be irrefutable and invincible, they ought (δεῖ) not fall short of this. On the other hand, accounts of that which is made to be like that other [sc., ἐκεῖνο what is permanent and stable to reason], since it is a likeness (εἰκόνος), will themselves be probable (εἰκότας), and will be in relation to those other accounts [i.e., the accounts that are permanent and unchangeable] in the following way: as Being is to Becoming, so truth is to conviction (ὅτι περὶ παρὰ τοῦ πρὸς τῆς ἀλήθειας). If, therefore, Socrates, in saying many things on many topics concerning the gods and the generation of the universe, we become incapable of delivering speeches that are always and in every respect consistent with themselves and drawn with precision (πάντῃ πάντως αὐτοῦς ἐκτὸς ὀμολογομενῶς λόγους καὶ ἀπήκρισθεῖν), you should not wonder; but if we can offer accounts which are no less probable (εἰκότας) than another’s, you must be pleased, remembering that I the speaker and you the judges have a human nature, so that it is fitting for us to receive the rational myth (τὸν εἰκότα μυθὸν) about these things and to seek no more than this (29b1-d3).

So, because the cosmos itself is a likeness of something else (Timaeus has not said what yet), his “εἰκός” account of the origin and development of the cosmos will not be “irrefutable and invincible,” nor, given the subject matter (i.e., the world of Becoming) does it aspire to be. His account will be a “rational myth” (εἰκός μυθὸς), which, 

Hermocrates is supposed to add to this discussion has been the source of endless speculation; cf., Cornford (1957) 6-8; Lampert and Planeaux (1998); Slaveva-Griffin (2005).

112 For the translation of ἔξηγηται as “exegetes,” see Burnyeat (2009) 171- 173. Burnyeat stresses the religious connotation of ἔξηγηται. An exegete is someone who explains something divine or that comes from a divine source, as in someone “who engages in exegesis of the Bible” (2009: 173). This word “should jump off the page to surprise us, showing us how far away we are from the cautious atmosphere of modern empiricist philosophy of science—but also how far away the atmosphere engendered by the metaphysical downgrading of the sensible world in the central Books of the Republic” (2009: 173).

113 The translation of εἰκός μυθὸς as “rational myth” is indebted to Burnyeat (2009).
following the logic of the passage, he clearly regards as a species or type of εἰκός λόγος.

This does not mean that μῦθος is equivalent to, and indistinguishable from, λόγος, but that an εἰκός μῦθος is “a logos as well as a myth.”¹¹⁴ As Alexander Mourelatos argues, an εἰκός μῦθος is “a special kind of logos and a special kind of myth... a blending of the two genres.”¹¹⁵

Timaeus’ narrative will be a myth because it makes important reference to the divine: the cosmos is the work of a god (30c); the cosmos is a god; its birth was the birth of a god (34b). His myth, therefore, it is nothing short of a theogony. As many commentators have noted, Timaeus’ myth recalls both Hesiod’s Theogony as well as the pre-Socratic περὶ φύσεως tradition, which was itself a reaction to the Hesiodic account of the origin of things.¹¹⁶ By describing his project as an εἰκός μῦθος, however, Timaeus attempts to transcend the opposition between a Hesiodic theogony and a pre-Socratic natural science by giving us “a peri phuseōs which is simultaneously a myth: a religious story as well as a scientifcally-mathematical one.”¹¹⁷ Timaeus’ myth (unlike Hesiod’s) will be as well-reasoned as any pre-Socratic cosmogony (μηδενὸς ἕττον... εἰκότας, 29c7-8), yet, unlike some of the pre-Socratics, whom Plato regarded as atheistic materialists (Laws 888e-890a, 966d-967d), his cosmogony will also be a theogony. It will, therefore, on some occasions require a certain degree of “faith” (πίστις).¹¹⁸

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¹¹⁸ We will examine one of these occasions below.
Socrates does not object to Timaeus’ qualifications, but agrees that this is how the discourse should proceed, and settles back to listen and “learn” (μαθοιτε, 27d2). As Burnyeat rightly observes, this passage calls to mind “Socrates’ desire to learn (mathētēs genesthai, mathein) teleological physics at Phaedo 99c.” Interestingly, however, Socrates does not describe Timaeus’ speech as a “μῦθος,” or a “λόγος,” but a νόομος: “Of course, perform the song for us in order” (τὸν δὲ δὴ νόμον ἡμῖν ἐφεξῆς πέραινε, 29d6). Peter Kalkavage notes that τὸν νόμον πέραινε can also be translated as “Carry out the law.” Undoubtedly both meanings of νόμος are intended here (cf., Lg. 700a- 701b, 722b- 723b). Timaeus’ cosmology clearly seeks to define “the laws of nature” (τοὺς τῆς φύσεως… νόμους, 83e4- 5), i.e., the principles that govern the natural phenomena of our world. Yet, music is also central to Timaeus’ account. Most importantly, Timaeus will argue that the Demiurge tunes the cosmic soul in accordance with Pythagorean intervals (35a ff.). The resulting “harmony” (ἁρμονία, 37a) is the paradigm of order for Timaeus; it is what makes a cosmos a cosmos.

Therefore, Cornford’s and Van Riel’s easy dismissals of the divinity of the Demiurge should be viewed with caution. It is certainly fair to say that “Demiurge” is a mythical name if by this we mean that it does not attempt to describe his essential nature. Instead, as Timaeus tells us, it describes his essential activity. But one does not

119 Burnyeat (2009) 177, n. 25.
120 Kalkavage (2001) 60, n. 17.
121 Although this phrase, “laws of nature,” is so familiar to our modern ears, we should note that it only occurs in one other place in Plato. In the Gorgias, Plato has Callicles argue that “the law of nature” (νόμον τὸν τῆς φύσεως) is “the rule of the stronger over the weaker” (τὸν κρείττω τοῦ ἦπτονος ἄρχειν, 483d- e). As Dodds (1959: 268) notes: “Callicles’ ‘law of nature’ is not a generalization about Nature but a rule of conduct based on the analogy of ‘natural’ behavior. As Socrates shows later, it amounts in practice to domination by instinctive appetites.” Thus, Timaeus and Callicles are, as it were, in disagreement as to what constitutes “nature” (φύσις). I will return to this in Section 5.1.4.
have to be a “practiced reader” of Plato to see that the Demiurge is to be identified with νοῦς, only an attentive reader of the dialogue. This leads to our second point: whether or not the Demiurge/ νοῦς is a god.

2.4.2 The Ontological Status of Noûς in the Timaeus

Van Riel’s cosmological interpretation places a great deal of emphasis on Timaeus’ statement at 30b: “Reason (νοûς) cannot be present in anything apart from soul.” If νοûς existed outside soul, he argues, “it could only conceivably be as a Form,” but, if νοûς were a Form, it would have to have an ontological “status that would differentiate it from all other Forms” because, in order for it to create order in the universe—in order for it to be “active or efficient” in demiurgic ordination—“it needs a soul.” For Van Riel, demiurgic actions can only be performed by souls, not Forms.

Van Riel’s argument here is based on his reading of the myth of the winged charioteer in the Phaedrus. Van Riel insists that in that myth Plato describes the Olympian gods as “perfect souls”; they are pure, undisturbed in their contemplation of the intelligible world by their bodies. The gods’ souls have νοûς, and so “their essential activity consists in thinking the Forms,” but their souls also “perform the demiurgic task of transmitting the intelligible structure to the sensible world.” Thus, he concludes that the Demiurge must be a soul, i.e., the “World-Soul,” which he later

123 Van Riel (2013) 95.
124 Van Riel (2013) 95.
127 Van Riel (2013) 52.
equates with Zeus. What Van Riel does, in essence, is privilege the myth of the *Phaedrus* over that of the *Timaeus*. (Recall that Van Riel says that we should not put too much stock in the fact that Timaeus repeatedly calls the Demiurge a god because his cosmology is a myth.) In my view, however, there is no good reason to assume that the *Phaedrus* myth carries a greater authority than that of the *Timaeus*. Furthermore, as we shall see, the cosmological myth of the *Phaedrus* is fully consistent with Timaeus’ εἰκὸς μῦθος, if we do not insist as Cornford and Van Riel do, that νοῦς must have a soul in order to perform demiurgic actions.

The logical problem with Cornford’s and Van Riel’s interpretation is that if Demiurgic νοῦς does not belong to the world of Being, but, instead, is identified with Reason in the World-Soul, then how did the Demiurge create the World-Soul? The *Timaeus* is very explicit that the Demiurge created not only the World-Body, but also the World-Soul (34c- 38b), and that soul belongs to the class of γενοµένη (37a2). But if the Demiurge is the cause of all γιγνόµενα, as Timaeus also clearly states (28a4- 6), then he cannot be part of the world of Becoming, and so not part of the World-Soul. The only other options, given the *Timaeus*’ (and Plato’s) ontological dualism, are either that the Demiurge created himself ex nihilo (which is never even suggested), or that the Demiurge belongs to the world of Being (which is stated several times).

Timaeus clearly distinguishes between the cosmic soul, which is a created god, and Demiurgic νοῦς, which is the eternal Creator god. The cosmic soul “came to be as the most excellent of all the things begotten by him who is himself most excellent of all

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that is intelligible and eternal” (ἁρίστη γενομένη τῶν γεννηθέντων τῶν νοητῶν ἀεὶ τε ὄντων ὑπὸ τοῦ ἁρίστου... γενομένη, 37a). It is the best of all things begotten because the Demiurge wanted it to be like himself, and so he endowed it with νοῦς (30a-c). Thus, the cosmic soul is a god, “the god who was one day to be” (τὸν ποτὲ ἐσώμενον θεόν), because it is endowed with νοῦς (34a-b). The Demiurge, however, is an “everlasting Being” (ἀἰδίων οὐσίαν, 37e5), the “god who always is” (ἄντος ἀεί... θεοῦ, 34a8). This, in my view, satisfies the second τύπος περὶ θεολογίας of the Republic, viz., that god is always unchanging; that he has an independent existence, belonging to the world of intelligible Being.

Furthermore, when Timaeus says that “it is not possible for νοῦς to come-to-be in anything apart from soul” (νοῦν δ᾽ αὐτὰ ψυχῆς ἀδύνατον παραγενέσθαι τῷ, 30b3), just like when Socrates says in the Philebus that “σοφία καὶ νοῦς could never come into being without soul” (30c9-10), he is speaking of the cosmos, not its creator or cause, of “that which has νοῦς, not of that which is νοῦς.”129 We should interpret those passages that seem to deny that νοῦς can exist apart from soul instead as follows:

“although the virtue eternally exists by itself, no temporal thing can participate in it except a soul, or something that has a soul.”130 We must distinguish between the cosmic soul that has νοῦς and the cause which orders and rules over the universe and that is νοῦς. So, when the Demiurge is considering how to make the world νοῦν ἔχειν, and he recognizes that “it is impossible for νοῦς to come-to-be (παραγενέσθαι) in anything without soul,” he does not impose νοῦς directly on the world’s body, but instead “places

νοῦς in soul and soul in body,” producing a ζῷον ἐμψυχον ἐννοεῖ τε (30b1-8). As Menn argues: “Plato is not restricting the conditions under which the virtue can exist but the conditions under which something can participate in the virtue.” To put this in logical terms: “soul is a sufficient as well as a necessary condition for participating in zôê, while it is necessary but not sufficient for participating in nous.”

Since the Demiurge wanted the cosmos as a whole to resemble himself as much as possible, he made it into “a certain moving likeness of eternity” (εἰκὸς... κινήτων τινα αἰώνος, 37d5). Thus, he created “time” (χρόνος), i.e., the days, nights, months, years, as well as the Sun, Moon, stars, and planets “for the purpose of marking off and guarding the numbers of time” (εἰς διορισµὸν καὶ φυλακῆν ἀριθμῶν χρόνου, 37d-38c). These astral gods he made “visible” (θεῶν ὀρατῶν, 40d5) by giving them bodies (38c-e), and placing souls within their bodies (38e5); he ordered them and gave them circular motion in order that they might be “as similar as possible to the perfect and intelligible Animal with respect to the imitation of its eternal nature” (ὡς ὁµιότατον ἢ τῷ τελέω καὶ νοητῷ ζῷῳ πρὸς τὴν τῆς διαιωνίας µίµησιν φύσεως, 39e1-2). We should note here that when Timaeus says that the soul “participates in birth” (γένεσις, γεγονός, γέγονε, 28b) that does not mean that it is created in time, or that there was ever a time when no soul was. “Time” was created after the cosmic soul came into being. When Timaeus says that soul has γένεσις, what he means is that soul is a derivative existent, something whose existence depends on something more ultimate, namely νοῦς. Therefore, there is no real inconsistency with Socrates’ argument in the Phaedrus (245d-e) that ψυχή is

ἀγένητον in the sense of having no beginning of its existence.

Regarding the birth of the traditional gods, the Titans, Olympians, et al., Timaeus says that it is “beyond our power to know,” and so, “we must believe those who have declared in earlier times” (40d). “They are the offspring of gods, so they say,” and even though “they speak without either rational or necessary demonstrations (ἀνευ τε εἰκότων καὶ ἀναγκαίων ἀποδείξεων λέγουσιν), we must follow custom and trust them” (ἐπομένους τῷ νόμῳ πιστευτέον, 40d-e). Timaeus then gives a short, one sentence, account of the traditional theogony: “Gaia and Ouranos gave birth to Okeanos and Tethys, who in turn gave birth to Phorkys, Kronos and Rhea and all the gods in that generation; Kronos and Rhea gave birth to Zeus and Hera, as well as all those siblings who are called by names we know. These in turn gave birth to yet another generation” (40e-41a). Then he tells us that the Demiurge summoned all the gods—“both those who make their rounds in an always apparent way [sc. the astral gods], and those who appear to the extent that they are willing [sc. the traditional gods]” (πάντες ὁσόι τε περιπολοῦσιν φανερώς καὶ ὁσόι φαίνονται καθ’ ὁσὸν ἀν ἐθέλωσιν θεοί, 41a3-4)—and he addressed them as follows:

Gods of gods (Θεοὶ θεῶν), you works of whom I am maker and father (ἄν ἐγὼ δημιουργός πατήρ τε ἔργων) … Three kinds of mortal beings remain begotten; and as

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133 Cornford (1957: 369) departs from Burnet’s text by placing a comma between Θεοὶ and θεῶν, even though there is no dispute over the MS. His justification is that Θεοὶ θεῶν has no discernible meaning. Zeyl (1997: 1244, n. 20) emends θεῶν to θείων and translates θείων with ἔργων, “divine works”. Kalkavage (2001: 72, n. 49) explains θείων as partitive genitive, and then argues that the Demiurge “separates” the astral gods from the deceptive Olympians and chooses to address only the former. The astral gods “are the true gods among the gods.” I see no reason why we should assume that the Demiurge is not addressing the Olympians as well. Why did he summon them in the first place, if not to speak to them? θείων could easily be explained as genitive of source or origin. Thus, the astral gods and the Olympians are gods who came into being through the agency of another god (the Demiurge), and who were formed from, and in imitation of the cosmic god.
long as they have not come to be, the universe will be incomplete (ἀτελής), for it will still lack within it all the kinds of living things it must have if it is to be sufficiently complete (τέλεος). But if these creatures came to be and came to share in life through me, they would rival the gods. So, in order that mortal kinds may be and this universe may truly be a universe, you must turn yourselves in accordance with nature to crafting these animals (ἐπὶ τὴν τῶν ὄντων δημιουργίαν), imitating the power I used in causing you to be. And to the extent that it is fitting for them to possess something that shares our name of immortal, that which is said to be divine and to have authority over those among them who always willingly follow after justice and after you (θεῖον λεγόμενον ἣγεμονοὺς τε ἐν αὐτοῖς τῶν ἀεὶ δίκη καὶ ύμν ἐθελόντων ἐπεσθαὶ), I shall begin by sowing that seed, and then hand it over to you. The rest of the task is yours. Weave what is mortal to what is immortal, fashion, and beget living things. Give them food, cause them to grow, and when they perish, receive them back again (41a-d).

Thus, we can see that the Demiurge, having created and ordered the cosmic soul (34b-37c), the cosmic body (29d-34b), time and the heavens (37c-40d), as well as the astral and Olympian gods—in short everything that is divine in the sensible world—steps back from his creation and explicitly hands over to the astral and Olympian gods certain “demiurgic” functions. And he orders them to imitate his causal activity, and to become the fathers and makers of the mortal races.

Therefore, the cosmological myth of the Phaedrus is consistent with Timaeus’ εἰκός μῦθος. Van Riel is absolutely right that a variety of “demiurgic” tasks are assigned to the Olympian gods, and that their “activity consists in thinking the Forms” because, like their Father, they look to the Forms as a model for transmitting the intelligible structure and order to the sensible world (Ti. 31a, 37c-d, 38b-c, 39e; cf., Phdr. 246b-247c). They are demiurges of a lower order, responsible for creating and ordering the world of mortals. The cosmic soul, the astral gods, and the Olympian gods are all

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134 cf. Lg. 715e-716a, 906a-b
135 Van Riel (2013) 52.
136 Likewise, I will argue in the next chapter that human philosophers can be demiurges of the third order, i.e., political demiurges.
“assistant causes” (συναίτια, 46d1), or “auxiliary causes” (συµµεταίτια, 46e6), but there is only one “efficient cause” (αἰτία) and that is the Demiurge (28a).

It is worth reiterating that I agree with Van Riel that Plato’s universe is filled with gods: the cosmos itself is a god (Ti. 34b), the sun, the moon, the stars, and planets are gods (Ti., 40d; Lg. 821b), the traditional Olympians, Chthonioi, and Titans are gods (Ti., 40e-41a; Lg. 717a), as well as daimones, ancestral gods, local gods, and heroes—the “children of gods” (Lg. 738c-739d). Indeed, Plato has the Athenian quote Thales’ famous expression in the Laws: “everything is full of gods” (θεῶν είναι πλήρη πάντα, 899b).137 But I maintain that above all these gods, Plato posits a supreme god, the father of this whole pantheon, the maker and ruler of heaven and earth, and the orderer of the entire cosmos.138 This god is “the greatest god” (Lg. 821a), and he is, as Van Riel suggested, “exceptional… different from all other gods.”139 He is “the god for the gods” (θεὸν ὡς θεῖς), whom the Athenian Stranger identifies as νοῦς (Lg. 897b).

Demiurgic νοῦς is different from all other gods because it is a Form. Νοῦς is, moreover, a special Form insofar as it resolves the problem of the explanation through Forms. Νοῦς, however, is different from other forms in that it is essentially a cause of order. Menn explains:

If there are many uncoordinated fires participating to varying degrees in the form of fire, this does not subvert the causality of the form of fire, but if there were many uncoordinated orders displaying to varying degrees the ordering effects of nous, this would subvert and nullify the causality of nous. It is essential to nous that it should be primarily the διακοσμηκός of the whole kosmos, of τοῦ παν, and that it should produce order within the particular things inside the world only so far as their internal ordering is

137 cf. Arist. de An. 411a8; Cic. Leg. 2.26.
138 cf., Hackforth (1936); Brisson (1974); Menn (1995).
Thus the explanation through νοῦς bridges the gap between universals and individuals in a way that the explanation through Forms cannot. The Form of fire cannot determine the degree to which any individual instantiation of sensible fire is as perfect as possible, nor can it cause the totality of sensible fire to be arranged in any particular way. But νοῦς can take “the appropriate intelligible totality as its model,” and determine how the sensible world could be as perfect as matter allows, and how the different parts of the world could be ordered according to a particular plan.\(^\text{141}\)

In sum, we have seen that there is good reason to believe that νοῦς in the *Phaedo*, *Philebus*, and *Timaeus* is the supreme Platonic god.\(^\text{142}\) The description of νοῦς in these dialogues conforms to the τύποι περὶ θεολογίας of the *Republic* (379b-c); νοῦς is “the cause” (αἰτία) of all that is good, orderly and rational in the universe, and is unmoving.

\(^{140}\) Menn (1995) 57-8.

\(^{141}\) Menn (1995) 58.

\(^{142}\) I have deliberately omitted the cosmological myth of the *Statesman* from my survey for two reasons. First, the *Statesman* myth is not discussed in the more recent scholarship on Plato’s theology: Menn (1995); Bordt (2006); Van Riel (2013). Undoubtedly, this is in part a result of the scholarly consensus that the myth of the *Statesman* “cannot be taken straightforwardly... as a piece of cosmic speculation” (Rowe: 1999). Most agree that the details of the cosmology have been adapted to fit the broader political aims of the dialogue; cf., Menn (1995) 8; Kahn (2009) 160. We will examine the political significance of the myth of Kronos in the final chapter. The second reason I omitted the *Statesman* from my survey is that it offers nothing new to our investigation of νοῦς. It merely confirms what we have already found: The “god” (ὁ θεός) of the *Statesman* is the “divine cause” of the cosmos (ὁ θεός, αἰτίας, 270a3), “the demiurge” (τὸν δημιουργὸν, 270a5, 273b1), “the orderer” of the world (ὁ κοσμήσας, 273d4), the “king” (βασιλεύς, 269a7), and “father” (πατήρ, 273b2).
and unchanging, existing eternally in the world of Being (380d-e). Νοῦς is, therefore, the Form of Reason, and as such, it is both a “god” with independent, not derivative, existence, and a human virtue. We act rationally to the extent that we participate in, or have a share of, νοῦς. But νοῦς itself exists eternally in the world of Being. Furthermore, νοῦς’ status as the διακοσμηκῶς of the cosmos is intimately connected to the Form of the Good; its ordering activity (διακοσμεῖν, κοσμεῖν) is repeatedly described as “putting each thing where it is best for it to be so that “what is good for all in common” would obtain (Phd. 98b1-3). In this way, Plato’s cosmo-theology of νοῦς is an improvement upon the Anaxagorean concept because it is teleological. Finally, in both the Philebus and Timaeus, Plato argues that νοῦς is a more ultimate principle than the ψυχή τοῦ κόσμου. What I want to consider now is how these conclusions square with that section of Laws X in which Plato works out a theological argument designed to refute atheists.

2.5 “God in the true sense of the word”—Νοῦς in Laws X

We will recall from the introduction to this chapter that Pangle and Mayhew identified six problems with the Athenian’s argument in Laws X. They claim 1) that the Athenian does not define soul, 2) that he does not tell us what the first cause is, i.e., what caused soul to come into being, 3) that soul has nothing to do with the gods, 4) that the Athenian does not tell us how the soul moves or manages the cosmos, 5) that he does not tell us how many gods there are, and 6) that he does not explain the ultimate cause

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143 Bordt (2006: 238-250) argues that νοῦς is ultimately to be identified with the Good. I am not fully convinced, but I would say that νοῦς is the knowledge (ἐπιστήμη) of the Good.
of evil. It was for these reasons that Pangle and Mayhew concluded that the theology of
Laws X is a noble lie. Since a thorough analysis of Laws X would exceed the scope of this
chapter, I will simply organize my argument around showing how all of these issues can
be easily resolved if we understand that νοῦς is the supreme god.

Before we move on to the more substantive issues, however, some preliminary
comments on literary form are again necessary. As I argued in the previous chapter, the
Laws is a political dialogue; it is concerned primarily with a political problem: how to
found the best possible city and political regime. As such, Plato tends to direct practiced
readers to arguments and conclusions reached in other dialogues for the required level
of justification to arguments and conclusions reached in the Laws. Book X of the Laws is
no exception. Thus, Mayhew makes two mistaken assumptions in his reading of the
Laws. First, he claims that Laws X is “philosophical theology”, and secondly, he
deliberately limits himself by focusing on the argument of the Laws in isolation, i.e.,
without consulting other dialogues.144 The latter issue seems entirely reasonable in its
own right, except, I do not see how Mayhew can justify his assessment of “Plato’s
theology” in terms of the Laws alone. The former issue, on the other hand, seems to me
to be a fundamental misreading of the dramatic context of Laws X.

The theology of book X is intended for a certain group of young citizens who
have been negatively influenced by sophistic teachings (886c- 888d). Although the
Athenian employs the language, concepts, and argumentation of philosophy in Laws X,
we must remember that this entire book is ultimately a prelude to the law against

impiety (885b). It is a persuasive speech with a specific political aim. *Laws* X is, thus, not philosophical theology, but political theology with a limited scope. As Hackforth rightly observes: “Plato is not concerned to give us the whole of his metaphysics, or even his philosophy of religion, in the *Laws*; his object is to lay down the necessary minimum of philosophical doctrine required for a sound basis of religion and morality.”145 Since this speech is intended primarily to convince young men, not trained philosophers, of the existence of the gods, it only needs to be good enough to convince them because that is all that is required for the stability of the regime. Nevertheless, the so-called gaps in this proof can also be read as an invitation to the philosophically trained reader, as distinct from the young men, to investigate further the argument for the existence of the gods and their place in the cosmos. Pangle and I are thus in agreement that the gaps and inconsistencies in the Athenian’s argument in book X point to “the possibility of another account.”146 Unlike Pangle, however, I maintain that the political theology of *Laws* X points not to the materialist cosmology of the Sophists, but to the cosmological and theological arguments of the *Philebus* and *Timaeus*.

**2.5.1 Soul as the First Principle of Motion**

The Athenian tells Kleinias and Megillos that it is not the older generation of pre-Socratics, or the poets who wrote “theogonies” (θεογονίαν, 886c3), that pose a real danger to public morality (though their errors certainly paved the way for “many varieties of atheism and other disgusting views,” 967c6), but “the new and wise men”

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145 Hackforth (1936) 6.
146 Pangle (1976) 1076.
These Sophists teach young men that the greatest and finest things in the universe come into being through nature and chance (φύσιν και τύχην), and that only the most insignificant things, like the gods and justice, come about through art and convention (τέχνη... νόμο, 889a, e, 890a).

Fire, water, earth, and air are all by nature and by chance, they claim, and none of these is by art; and the bodies that come after these—of the earth, sun, moon, and stars—came into being through these, which are beings completely without soul. They are each carried about by the chance of the power each has; when they fall together with things that somehow harmonize with what is proper to them—hot things with cold things, or dry things in relation to wet things, and soft things in relation to hard things, and all things that are mixed together, by the mixing of opposites according to chance, that arises out of necessity—then in this way and according to these means, the whole heaven and all things in heaven, and also the animals and all the plants have come into being, once all the seasons had come into being out of these things: not through Reason they claim, nor through some god, nor through art, but, as we are saying, by nature and chance (οὐ δὲ διὰ νοῦν... οὐδὲ διὰ τινα θεον οὐδὲ διὰ τέχνην ἀλλά... φύσει και τύχην, 889b1- c6).

It is in opposition to this view, that the Athenian delivers his own account of nature and change. Yet, he does not address the Sophists directly; rather, he engages in a fictitious dialogue with a young man who has been influenced by this Sophistic doctrine.

“It is Soul” (ψυχήν), the Athenian declares, that all these Sophists and their pupils misunderstand: “what sort of thing it happens to be, what power it has, and, among other things about it, how it comes into being (γενομένη)—how it is among the first things, how it comes into being before all bodies, and how it is, more than anything, the ruling cause of their change and of all their reordering” (892a). The Athenian begins his argument by asking which of the following hold: 1) everything stands still and nothing is in motion (the Eleatic view), 2) everything is in motion and nothing stands still (the Heraclitean view), or 3) some things are in motion and some things stand still.
The Athenian accepts the view that some things are in motion and some things stand still. In other words, just like Socrates in the *Philebus* and *Timaeus*, the Athenian begins his argument by positing the framework of ontological dualism that is a key feature of the classical theory of Forms (cf., *Phlb* 27a; *Ti*. 27d- 28a). The Athenian, however, says nothing more about the things that stand still (i.e., the world of Being). Instead, his goal is to provide an account of change and motion (i.e., the world of Becoming).

In the *Timaeus*, Timaeus identifies seven kinds of motion: up and down, left and right, forward and backward, and circular motion (34a, 43b). In the *Laws*, however, the Athenian describes ten kinds of motion: 1) self-moving motion, 2) non-self moving motion, 3) circular motion, 4) motion in many locations (of which gliding and rolling are two sub-species), 5) combination, 6) separation, 7) growth, 8) decay, 9) generation, and 10) destruction (893b- 894e). Self-moving motion, i.e., “the motion capable of moving both itself and other things” (ἡ δὲ αὐτὴν τ' ἄει καὶ ἑτέρα δυναμένη [κινεῖν κίνησις], 894b9- 10), is singled out as “the most powerful and especially concerned with action” (πρακτικήν, 894d1- 2) because it is ultimately responsible for all motion in the universe, and therefore all change. “Therefore,” the Athenian concludes, “we will assert that the motion which moves itself, since it is the ruling cause (ἀρχὴ... κινήσεων) of all motions, as well as the first to have come into being among things standing still and the

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147 On the Platonic view being “between” Parmenides’ and Heraclitus’, see *Tht*. 179e- 181a; cf., also Irwin (1977).
first to exist among things moving, is necessarily the eldest and the strongest transformation of all” (895b).

In spite of the apparent differences, I think the *Timaeus’* account of motion, and that of the *Laws* can be reconciled. First, I think, Skemp was right to suggest that the second kind of motion—non-self moving motion—is a “genus” of which motions three through ten are “species.” Second, as Mayhew observes, motions three through ten can all be conceived as “sets of opposites” — 1) circular motion and motion in many locations, 2) combination and separation, 3) growth and decay, 4) generation and destruction—and so all refer to the same motion, seen from different perspectives: “The point is that the precise number of the different kinds of motion does not matter. What matters is the essential difference between self-moving motion and non-self moving motion, and especially the priority of the former.” Third, I would add that Timaeus’ seven kinds of motion can all be viewed as sub-species of the set of opposites, circular motion and motion in many locations (i.e., up and down, left and right, forward and backward are all sub-species of linear motion). If this is correct, then the *Laws*’ account of motion is fully consistent with the *Timaeus*. While it is certainly true that the *Laws* presents a more comprehensive account of motion that the *Timaeus*, there is no point at which the two accounts contradict one another.

Most importantly, in the *Timaeus* and *Laws* (as well as the *Phaedrus*), soul is said to move itself. Timaeus tells us that when the Demiurge had completed the construction of the Cosmic Soul, and had placed the Cosmic Soul within the Cosmic Body, “Soul itself

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149 Skemp (1942) 99.
turned within itself and began a divine beginning of unceasing and thoughtful life for all
time” (ἂν αὐτή στρεφομένη, θείαν ἄρχην ἦξετο ἀπαύστου καὶ ἐμφρονὸς βίου πρὸς τὸν σύμπαντα χρόνον, 36e3- 5). The Cosmic Soul is, therefore, “the best of all
begotten things, begotten by the best of things intelligible and which always exist” (τῶν
νοητῶν ἀεὶ τε ὅντων ὑπὸ τοῦ ἀρίστου ἀρίστη γενομένη τῶν γεννηθέντων, 37a1-2). In
the Phaedrus, Socrates argues that the cosmic soul (ψυχὴ πᾶσα, 245c1) is the cause of
motion in the universe because it is the only thing capable of moving itself, and thus it
transmits motion to “the whole universe and everything that comes-into-being” (πάντα
tε οὐρανὸν πᾶσαν τε γένεσιν, 245d8- e1). Furthermore, Socrates argues: “self-moving
motion” (τὸ αὐτὸ ἑαυτὸ κινοῦν) is “the very essence and definition of soul” (ψυχῆς
οὐσίαν τε καὶ λόγον τοῦτον αὐτόν, 245e3- 4). In the Laws, the Athenian asks Kleinias:
“Now what is the definition (λόγος) of this thing to which the name ‘soul’ (ψυχή) is
given? Do we have another besides what was just now said, ‘the motion capable of
moving itself’?” (τὴν δυναμένην αὐτήν αὐτήν κινεῖν κίνησιν, 895e10- 896a2). Thus,
Pangle’s complaint that the Athenian fails “to define ‘soul’” is, in my view,
unfounded. Not only does the Athenian provide a definition (λόγος) of soul, but his
definition matches almost exactly with Socrates’ dialectical account of soul in the
Phaedrus.

Since soul is the only thing capable of moving itself, the Athenian concludes, soul
must be “the cause of all transformation and motion in all things (μεταβολῆς τε καὶ
κινήσεως ἀπάσης αἰτία ἀπασιν, 896b1). “Soul is the oldest of all things, having come

151 Pangle (1976) 1070.
into being as the first principle of motion” (ψυχή τῶν πάντων πρεσβυτάτη, γενομένη γε ἄρχη κινήσεως, 896b2-3). When the Athenian says that soul then is γενομένη or γένεσις (894d10), this does not mean that it is created in time, any more than Timaeus’ statement that the soul “participates in birth” (γένεσις, γεγονός, γέγονε, 28b) means that that there was ever a time when there was no Cosmic soul. The meaning in both cases is that soul is a being whose existence depends on something more ultimate.

Again, neither the Laws nor the Timaeus contradict the Phaedrus (245d-e), where ψυχή is said to be ἀγένητον in the sense of having no beginning of its existence. Thus, Pangle is not right when he claims that the Athenian argues that “the first causes are the first things in time” and so is actually “in agreement with... the atheistic view” and “in opposition to Socrates.”

2.5.2 The First Cause

Soul then drives all things in heaven, on earth, and in the sea through its motions— which are named wishing, investigating, supervising, deliberating, opining correctly and falsely, rejoicing, being pained, being bold, being fearful, hating, and desiring—and through all the motions that are akin to these or primary; these take over the secondary motions of bodies and drive all things to growth and decay, separation and coalescence, and to what follows these—heat, cold, heaviness, lightness, hard and soft, light and dark, bitter and sweet; soul makes use of all these and, when it [soul] receives in addition Reason (νοῦν μὲν προσαγορεύοντα) — always god, in the true sense of the word, for the gods (νοῦν... ἀεὶ θεόν ὀρθώς θεοίς)— it guides all things toward what is correct and happy, while when it comes into being without Reason (ἀνωτὰ δὲ συγγενομένη), it produces in all things just the opposite to these (896e8- 897b4).

In the introduction to this chapter, I noted the textual problems with the phrase νοῦν...

ἀεὶ θεόν ὀρθῶς θεοίς. I have also discussed the semantic difference between Plato’s

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152 Pangle (1976) 1071. Italics are mine.
153 See n. 233.
use of the noun, θεός, and the adjective, θειός. If νοῦς is a Form, as I have argued, then the difference between θεός and θειός as it applies to νοῦς would be insignificant. According to the second τύπος περὶ θεολογίας of the Republic, god must belong to the world of Being, and according to the study of Van Camp and Canart, θειός indicates precisely such a special ontological status. Finally, I think that the Philebus and Timaeus are clear regarding νοῦς’ ontological status as θεός. Therefore, we have little reason to doubt, in my opinion, what this phrase means, viz., “Reason (νοῦς) is god (θεός) in the true sense of the word (ὅθεος) for gods (θεοίς).” If Plato has abandoned in the Laws the cosmo-theological arguments of the Philebus and Timaeus, as a developmentalist might claim, then we would expect him not to be so blasé about it; we would expect him to redirect the argument in a very dramatic way. In other words, the practiced reader who has been reading the Laws along side other Platonic dialogues, as he was directed to do, would have a certain momentum going. He would make certain assumptions because he would have read over and over again that νοῦς is the supreme god because it is the transcendent αἰτία, the efficient cause of order in the physical universe, and that which caused soul to come into being. Therefore, it would require a fairly powerful, and substantial, argument to disabuse him of that notion. Not only does Plato not disabuse him of it, but he gives him a strong indication in the phrase, νοῦν... ἀεὶ θεόν ὁθεος θεοίς, that that theological background still holds. Thus, I think that we have good reason to believe that Reason is a god for all the other gods, including the soul. Thus, Pangle and Mayhew are correct that Plato does not tell us explicitly what the first cause

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154 See section 2.1.
155 See my argument in 1.3.
is, but, I think, Plato is here directing the practiced reader to the arguments and conclusions of the *Philebus* and *Timaeus* for the required level of justification for this claim.

In case the practiced reader missed this directive, Plato later supplies much more explicit intertextual clues. In *Laws* XII, the Athenian tells Kleinias and Megillos that no one will be considered for membership in the Council “unless he has labored to grasp every proof that exists concerning gods” (*περὶ θεῶν*, 966c6-7). He focuses on two proofs in particular, reminding his interlocutors of his arguments in book X: 1) that “soul is the oldest of all things that have partaken of coming-into-being (ψυχή τε ὡς ἔστιν πρεσβύτατον ἁπάντων ὅσα γονής μετείληφεν), and is immortal, and rules all bodies,” and 2) that “Reason is the orderer of everything” (*νοῦς ἐστιν τὸ πᾶν διακεκοσµικῶς*) and the “master (ἐγκρατής) of the stars and however many other things whose motion is orderly” (966d9-e4; 967b4-e1).

In *Laws* X, there is no explicit argument anywhere that *νοῦς* is the *διακεκοσµικῶς* of the universe; the closest the Athenian ever comes to saying anything like this is in the phrase *νοῦν… ἀεὶ θεὸν ὁρθῶς θεοῖς*. The practiced reader of Plato, I maintain, could not fail to hear in the Athenian’s otherwise unsupported claim an echo of Socrates’ statement in the *Phaedo*, that he once heard from Anaxagoras that “Reason is both the orderer and cause of all things” (*νοῦς ἐστιν ὁ διακοσµικῶν τε καὶ πάντων αἶτιος*, 97c1-2), or of Socrates’ argument in the cosmological section of the *Philebus* that “Reason orders everything” (*νοῦν πάντα διακοσµικῶς*, 28e3).

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156 Kleinias does not remember what the two proofs are that the Athenian argued for in book X (966d8). This suggests to me (*pace* Strauss) that Kleinias and Megillos will not be members of the Nocturnal Council. cf. Strauss (1975) 180.
in particular the heavenly bodies: “the sun, the moon, the stars, and the entire revolution [of the cosmos]” (ἡλίου καὶ σελήνης καὶ ἀστέρων καὶ πάσης τῆς περιφορᾶς, 28e4-5).

For the young man who has been negatively influenced by the Sophists’ materialist cosmology, as opposed to the practiced reader, the Athenian’s demonstration that soul is ontologically prior to all matter, and the source of all motion and change, is sufficient to convince him that there is more to the universe than meets his eye, and therefore opens the possibility of converting him to theism. The Athenian explains:

The many...think that those who busy themselves with such matters [the two proofs cited above], through astronomy and the other arts that necessarily go with it, become atheists (ἀθέους), having seen that, as much as possible, actions come into being by necessities (ἀνάγκαις) and not by the thoughts of an intention concerned with fulfillsments of good things (ἀλλ’ οὐ διανοίας βουλήσεως ἀγαθῶν πέρι τελουµένων, 967a1-5; cf., 886c-887c).

Then, with a subtle allusion to Anaxagoras, the Athenian recalls a previous time when certain men studied these matters “with precision” (ἀκριβείας, 967b2):

Indeed, there were some even then who dared to hazard this very claim, saying that νοῦς is the orderer of all the things in heaven (λέγοντες ὡς νοῦς εἰη ὁ διακεκοσµμηκὼς πάνθ’ ὃσα κατ’ οὐρανόν). But these same men in turn were wrong about the nature of the soul—how it is older than bodies; by thinking it was younger, they overturned everything again, so to speak, and themselves especially. For everything that moves in heaven and that appears to the eyes appeared to them to be full of stones and earth and many other soulless bodies, which provided the causes (τὰς αἰτίας) of the whole cosmos. These were the things, which at that time caused many varieties of atheism and other disgusting views (ἀθεότητας καὶ δυσχερείας) to infect such men; and indeed the poets took to reviling, and compared those who philosophize (τοὺς φιλοσοφοῦντας) to dogs using vain howlings, and said other mindless things. But now, as was said, the situation is entirely the opposite... No mortal human being can ever become firmly pious towards gods unless he has grasped these two things that are now being mentioned: that soul is the oldest of all things that have partaken of coming-into-being (ψυχή τε ὡς ἐστὶν προσβύτατον ἀπάντων ὡσα γονῆς μετεληψεν), and is immortal, and rules all bodies; and in addition to these things, he should grasp that
which has now been discussed often—that νοῦς of the beings said to be in the stars (τῶν τε εἰρημένον ἐν τοῖς ἄστροις νοῦν τῶν ὀντῶν, 967b4-e1). 157

Here we have an explanation for why the argument of *Laws* X must focus on an account of soul. The Anaxagorean concept of νοῦς is the starting point of Plato’s theology, but Plato’s concept of ψυχή as the first principle of motion is the necessary complement to Anaxagoras’ theory of νοῦς. Without Plato’s conception of ψυχή, which carries out νοῦς’ demiurgic activity in the sensible world, we cannot fully explain the orderliness and rationality of the cosmos, and like those who study astronomy and the other preliminary arts without precision, or even like Anaxagoras himself, we may be easily misled into drawing erroneous conclusions, viz., into mistaking material causes for final causes. It is these mistaken views on causality in the universe that have contributed to the rising tide of atheism in the Greek world.

As the passage cited at the beginning of this section makes clear, the motions of the Soul are the primary movers of the universe, and these primary motions drive all the secondary motions of bodies and, in turn, cause all things to grow and decay, separate and coalesce, etc (896e-897a). This is how soul moves the cosmos. Soul is, therefore, the efficient or moving cause of change in the sensible world. But soul can only “manage” the cosmos, i.e., it can only produce uniform motions in the heavenly bodies, which, in turn, act on corruptible bodies (and souls), when it soul “receives in addition Reason” (νοῦν μὲν προσλαβοῦσα). Only when soul is endowed with Reason can it “guide all things toward what is correct and happy” and create in the world of Becoming an

157 England (1921) ad loc. takes the quotation from the unidentified poet to be a reference to *Republic* 607b-c, i.e., the famous passage about the “ancient quarrel between philosophy and poetry.” Pangle (1980: 537, n. 29) suggests that the tone of the poetry is “comic.” Perhaps Aristophanes?
imperfect imitation of the order prevailing in the world of Being. When soul “comes into being without Reason” (ἀνοία δὲ συγγενομένη), however, it produces in all things just the opposite to these (896e8- 897b4).

Therefore, soul is by nature ethically neutral: the good soul owes its goodness to νοῦς, the bad soul its badness to its lack of νοῦς. Now if we set this idea beside two closely similar passages of the Philebus and Timaeus, we can see clearly enough what Plato means us to understand to be the relation between νοῦς and ψυχή. In the Philebus, after Socrates argues that the αἰτία (=νοῦς) devises ψυχή in the Universe (30b), he concludes, “both a kingly soul and a kingly νοῦς come to be in the nature of Zeus through the power of the cause” (Οὐκοῦν ἐν μέν τῇ τοῦ Διὸς ἑρείς φύσει βασιλικὴν μὲν ψυχὴν, βασιλικὸν δὲ νοῦν ἐγγίγνεσθαι διὰ τὴν τῆς αἰτίας δύναμιν, 30d1- 3). In the Timaeus, he tells us: “It is necessary to say, in accordance with the likely account, that this cosmos here came into being as a living animal, endowed with soul and reason and in truth through the forethought of the god” κατὰ λόγον τὸν εἰκότα δεὶ λέγειν τόνδε τὸν κόσμον ζῶον ἐμψυχον ἐννοοῦν τε τῇ ἁληθείᾳ διὰ τὴν τοῦ θεοῦ γενέσθαι πρόνοιαν, 30b). Reason then, as well as soul, is found in the cosmos and is due to the action of god, who is himself identified with Reason. In other words, the cosmos is rational and good in so far as god’s rational nature and goodness are imparted to it: it is irrational and bad in so far as god’s rational nature and goodness are not wholly imparted to it. The same idea is expressed earlier in the Timaeus (29e), when Timaeus claims that the Demiurge, “because he was good, desired all things to be so far as possible (ὅτι μᾶλιστα) like himself.” Thus, the ultimate cause of evil in the sensible
world is the soul that comes into being without νοῦς.

The soul that is endowed with Reason is what “manages” (ἐπιμελεῖσθαι) the whole cosmos and guides it toward what is “correct and happy” (897c). The best soul moves and manages the cosmos through its circular motion, which has “the greatest possible kinship and likeness to νοῦς” (πάντως ὡς δυνατόν οἰκειοτάτην τε καὶ ὁμοίαν, 898a6). Since the best soul moves “according to what is the same, in the same way, in the same place, around the same things, toward the same things, and according to one proportion and order” (κατὰ ταύτα... καὶ ὡσαύτως καὶ ἐν τῷ αὐτῷ καὶ περὶ τὰ αὐτὰ καὶ πρὸς τὰ αὐτὰ καὶ ἕνα λόγον καὶ τάξιν μίαν), it is responsible for the orderly motion of the heavenly bodies and harmonious movement of the cosmos as a whole (898a- b1). The best soul is, therefore, “good with respect to every virtue” and the “the cause of things good, noble, and just” (τῶν τε ἁγαθῶν αἱτίαν εἶναι ψυχήν... καὶ καλῶν... δικαίων τε, 896d-7). Thus, the Athenian concludes, the best soul must be a “god” (899b). Likewise, since the stars, the sun, the moon, the years, months, and all the seasons, have souls, since they too have circular motion (κύκλων, 898a5; cf., Phaedrus 251d), and since they are “under the supervision and ordering of the best soul,” then we must also conclude that they too are “gods” (898c- 899b). Soul, then (pace Pangle and Mayhew) has everything to do with the gods; it is the medium through which νοῦς, the very essence of divinity, is communicated from the world of Being to the world of Becoming. Everything that has ψυχή and νοῦς is θεῖος. But as we have seen several times now, νοῦς can only come into being through ψυχή. Without soul, nothing in the world of Becoming can participate in νοῦς. But, over and above all the souls that
participate in νοῦς, there is the transcendent god, νοῦς, the only god with an
independent, not derivative, existence, the orderer of the cosmos, the father and creator
of gods and men, and the ultimate source of all that is good, rational, and orderly in the
cosmos.

2.6 Conclusions

Reason (νοῦς), I conclude, is Plato’s supreme god. All other divinities—the
cosmic soul, the astral gods, the Olympians, et al.—are all derivative and are divine only
insofar as they participate in νοῦς. If subordinate divinities participate in νοῦς, they are
good, but if they come-into-being without νοῦς, they are evil. It is true that, in the
political theology of the Laws X, Plato limits his discussion of the gods to the soul (and
the pantheon of gods subordinate to the soul) because he is concerned about exposing
average citizens to philosophical theology. Nevertheless, this is not because Plato was
unclear in his own mind about how many gods there are, or how these gods relate to
one another, as Mayhew argued. Nor is it the case, as Pangle argued, that Plato
purposefully obfuscates his argument in Laws X in order to prevent the citizens of
Magnesia from understanding the truth about the gods—viz., that they do not exist—
because such a truth would destroy the fabric of society. Rather, on my account, Plato
does not want to reveal the whole of his philosophical theology to non-philosophical
citizens because it is likely that they would not understand it. As we saw above, even a
philosopher like Anaxagoras started off down the right path by positing νοῦς as the
cause of order in the universe, but he erred when he concluded that material bodies
were the cause of motion in the sensible world.158 This is why the Athenian’s argument
that soul is the principle of motion is so central to the political theology of the Laws; it is
precisely the point that saves Anaxagoras’ theological concept of νοῦς. Furthermore, if
the citizens begin with the premise that soul is older than bodies, and thus is responsible
for the motion of celestial bodies (as well as the souls that inhabit them), then it is not
dangerous for them to engage in astronomical investigations (821b-822a). In fact, since
the study of astronomy is rooted in sensory experience, it will be a course of study that
will provide all the citizens of Magnesia with an image of the rational order of the
cosmos, which, in turn, will support the political order of Magnesia insofar as it is
constructed as an imitation of that cosmic order.159

As I argued in the previous chapter, the Laws is a text that the citizens are
required to read and understand, and while some of those citizens may be philosophical,
most will not be. So, if he asks the citizens to do something that they are not able to do
(namely, philosophical theology), and especially something that could be dangerous not
only to their own souls, but also to society as a whole (insofar as atheism leads to a break
down on law and order), then that would be bad statesmanship. At the same time,
however, Plato does point philosophically minded citizens to the arguments and
conclusions reached in other dialogues that they would need in order to fill in the gaps
in Laws X, and so arrive at a more complete understanding of the god.

Ultimately, I think, Plato conceives of νοῦς as a god for two reasons—one
epistemological and the other, ethical and political. By calling νοῦς a god, Plato is

158 Lg. 967, cited above on p. 139.
159 We will return to this point in detail in the next chapter.
emphasizing that the essence of νοῦς, like all Forms, lies beyond the knowledge of all except the philosopher (R. 534b-c; Phdr. 249c-d). Thus, while it will be sufficient for most to simply recognize the divinity of νοῦς, and to honor and worship it as such, the philosopher will seek to know νοῦς, just as he seeks to know τὸ καλὸν, τὸ ἀγαθὸν, and τὸ δίκαιον. The other reason for calling νοῦς a god is that a theology of νοῦς functions as a vehicle of criticism and re-appropriation of traditional religion. In the Republic, Socrates argues that traditional beliefs about the gods lead to many impious and unjust actions (377e-378b). He has Socrates purge traditional religion of false beliefs about the nature of the gods (377e-383c). The gods are good and so are responsible (αἴτιος) only for good things for human beings; they are not the cause of evil (379c). Therefore Homer, Hesiod, Pindar, Aeschylus, and all the other poets, who say that the gods disagree with or act unjustly towards one another, or that they are responsible for evil among human beings, are wrong, and their tales must be banished from the city (379a). Yet Plato clearly saw the extraordinary ethical and political value of religion. Over the next five Stephanus pages following this discussion of the gods, Socrates provides the justification for the Noble Lie (esp. 389b). By inventing their own myths about the gods, Socrates argues, they could harness the power of religion to influence and guide human action for the better.

In the Laws, we see a similar criticism and re-appropriation of traditional religion. In book VII, at the end of the discussion of Magnesia’s education program, the Athenian argues: “the Greeks…nowadays tell a falsehood about the great gods, Sun and also Moon…[they] claim that they never keep the same path, and say there are other
stars that also don’t, which we name ‘wanderers.’” (821b5-9) The Athenian maintains that this dogma is incorrect: “each of them always moves in the same circular path, which is one and not many—though each appears to move in many” (822a6-8).

Therefore he concludes: “the young are to learn about the stars…the greatest god, and the cosmos as a whole…a subject of learning that is noble, true, beneficial to the city, and dear in every way to the god” (820e8- 821b1). The Athenian thus criticizes the Greeks’ misunderstanding of celestial bodies, and their motion. And because they misunderstand the nature and action of celestial bodies, they misunderstand their divine status. A proper investigation of astronomy would lead the youth of Magnesia to a greater understanding of the cosmos as whole, and, at least, the principle of motion in the cosmos, i.e., soul, if not the cause of the cosmos itself, the greatest god, νοῦς. The difference between the Republic and the Laws, however, is that instead of a fictious, though noble, μῦθος, the Athenian attempts to found a civil religion on a new νόμος, or εἰκός μῦθος about the θεός, whose name is νοῦς.160 The Athenian’s νόμος is noble and true, pious and beneficial to the city. Plato’s theology of νοῦς is the theoretical basis upon which he attempts to replace the traditional religion of the poets and to rehabilitate it in the service of philosophy.

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160 On the relationship between νόμος and εἰκός μῦθος, see section 2.4.1; cf., Ti. 29d2-6; Lg. 887b8-c2, 903b1-2.
3. Magnesia’s Civil Religion

I never was without some religious principles. I never doubted, for instance, the existence of the Deity; that he made the world and govern’d it by his Providence; that the most acceptable service of God was the doing of good to men; that our souls are immortal; and that all crime will be punished, and virtue rewarded either here or hereafter. These I esteemed the essentials of every religion; and, being to be found in all the religions we had in our country, I respected them all, tho’ with different degrees of respect, as I found them more or less mix’d with other articles, which, without any tendency to inspire, promote or confirm morality, serv’d principally do divide us, and make us unfriendly to one another.

—Benjamin Franklin

At the end of the inquiry into historical constitutions in book III, Kleinias reveals that he is part of a commission to establish laws for the colony of Magnesia (702d).

Having agreed to help Kleinias by discussing the constitution and laws for this city, the Athenian begins book IV by asking his companion: “What sort of constitution (πολιτεία) do we have in mind to arrange for the city?” (712b8). Kleinias naturally assumes that he means one of the types of constitution that they just discussed in book III: “Do you mean what sort of democracy, or oligarchy, or aristocracy, or monarchy? Surely you wouldn’t be referring to tyranny—at any rate, we would assume not” (712c). The Athenian responds that all of these historical types of the constitution are not really constitutions (πολιτείας) at all, but partisan states (στασιόωτας) because their laws only serve one part of the city rather than the common good (715b). Human beings, he argues, cannot be trusted with absolute power because their souls tend to be directed towards the gratification of their own pleasures and desires, rather than the common good. Such

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regimes, he argues, quickly devolve into disputes among the different parts of the city, and eventually, into civil war and the destruction of the city. Thus, the Athenian declares: “There can be no rest from evils and toils for those cities in which some mortal rules rather than God” (713e). Their constitution, therefore, will seek “to imitate by every device” the rule of god (714a), and will take its name from “the name of the god who truly rules as despot over those who possess reason” (τὸ τοῦ ἀληθῶς τῶν τὸν νοῦν ἔχόντων δεσπόζοντος θεοῦ ὄνομα, 713a).

In the previous chapter, we saw that in Platonic theology generally, and in the Laws in particular, νοῦς is “god in the true sense of the word” (897b1-2). Therefore, when the Athenian says that their regime should be “an imitation of the rule of god,” god is not to be understood as any of the traditional gods, e.g., Zeus, but as the Platonic god, νοῦς. The Laws’ regime, in turn, should not be understood as a theocracy in any conventional sense, but as André Laks rightly observed, a “noocracy” or “nomocracy.”² It is the impersonal rule of law that is the second-best alternative to the Republic’s rule of philosophy because the laws set down by Plato’s philosophical legislator will directly imitate the laws of nature ordained by the god, νοῦς (714a). Nevertheless, even if I am right that the god of the Laws is νοῦς, it is not clear why, as Dorothea Frede has pointed out, “religious life in Plato’s Magnesia for the most part looks disappointingly conventional.”³ In other words, if Plato meant to replace the rule of philosopher-kings with the rule of a philosophical god, then why do the Olympian gods, and traditional

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³ Frede (2002) 89.
religious cults, institutions, and ritual practices loom so large in Magnesia’s civil religion?

To answer this question, I will return to the conceptual framework provided by Laks and Morrow. The concept of political demiurgy, in particular, is central to my argument. My argument differs from those of Laks and Morrow, however, in that I view political demiurgy as a refinement of the Platonic concept of “becoming like god” (ὁμοίωσις θεῷ), which several dialogues posit as the primary goal of the philosophical life. As Julia Annas argued: “Becoming like God…is not meant as an alternative to the idea that we seek happiness…[or] the idea that virtue is sufficient for happiness…becoming like God is what becoming virtuous is…virtue turns a human life into something different in kind.” Yet, in the earlier dialogues, it is not clear which god, or gods, the philosopher is to become like. The Republic, for example, speaks of becoming like both the morally upright Olympians, and the divine Forms (R. 383c, 500b-c; cf. Phd 65 d). I argue that Plato’s identification of god with νοῦς in the post-Republic dialogues significantly clarifies what it means for the philosopher to become like god: imitating νοῦς’ cosmic demiurgy involves both knowledge of intelligible Forms, and acting so that one becomes an efficient cause of order in the sensible world. The centerpiece of my argument is that the Laws is unique in the Platonic corpus in that 1) it demonstrates exactly what it means for the philosopher to become a political demiurge,

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4 See section 1.4.1.
5 Cf., Smp. 207e-209e; Tht. 176b-c; R. 611d-e; Phd. 81a-84b; Phdr. 245c-249a; Ti. 41d-47c, 90a-d.
7 This interpretation was first suggested by Armstrong (2004), though it was not developed in a systematic way. I will show exactly how the Athenian imitates νοῦς’ demiurgic activity in the Laws.
and 2) it does not limit the possibility of becoming like god strictly to philosophers. The *Laws* opens up another path for non-philosophical citizens to follow god, and therefore become virtuous and happy.\(^8\) That path, I argue, is Magnesia’s civil religion.

In the *Laws*, Plato unites the philosopher and the pious citizen around a common moral and religious goal. Civil religion in the *Laws* therefore becomes a companion to philosophy; it seeks to make non-philosophers into better human beings, and better citizens. It attempts to draw man up from his earthly, human existence to a divine way of life in the company of gods and kindred souls. It is by striving to become like god that a better life, and a true political community become possible for man. Magnesia’s civil religion thus makes a *politeia* attainable at the human level, but it points beyond the merely human to the best life and the best city.

The Platonic concept of *politeia* requires a kind of political friendship and civic unity.\(^9\) As Laks rightly saw: “there is no constitution without the agreement of all the constitutive parts of the city.”\(^10\) In the *Republic*, the unity of the city was supposed to follow automatically from the unity of the Guardian class. The unity of the Guardian class, in turn, depended on the communistic institutions (463b10-465b7). Laks argued correctly, in my view, that the failure of the *Republic* to establish a *politeia* with the agreement of the all the citizens was the result of its inability to extend the communistic

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\(^8\) This goes hand-in-hand with Bobonich’s argument that there was “a fundamental change… at the center of Plato’s ethics,” *viz.*, “the distinction between philosophers and non-philosophers” and the non-philosopher’s capacity of genuine virtue (2002: 6). In the *Laws*, citizens are granted a higher degree of competency in determining what counts as good for themselves, their friends and families, and the city itself.

\(^9\) cf. *Lg.* 627d11-628a3; 708c-d.

\(^10\) Laks (1990) 218, 221.
institutions to the class of Producers.\textsuperscript{11} I will show that the \textit{Laws}’ civil religion is a projection of the \textit{Republic}’s communistic institutions: i.e., it is the institution in the \textit{Laws} that comes as close as humanly possible to promoting the same kind of civic unity and political friendship as the \textit{Republic}’s communistic institutions.

The Athenian states repeatedly that the \textit{politeia} and its laws should aim at three things: “freedom, friendship, and wisdom” (ἐλευθερία τε καὶ φιλία μετὰ φονήσεως, 693d8-e1, cf. 693b, c, e, 694b, 701d).\textsuperscript{12} I argue that Magnesia’s civil religion supports each of these three aims, but that it is most of all concerned with promoting friendship, community, and civic identity. As the Athenian says regarding religious festivals: “When various parts of the population gather together at the regularly established intervals, they’ll be amply supplied with whatever they need; they’ll become more friendly to one another, at the sacrifices, will feel they belong together, and will get to know one another. There is no greater good for a city than this” (738d4-e1).

Civil religion’s ability to bring people together and to create lasting social and political bonds was not distinctive to Plato, but rather, was a fundamental feature of historical Greek poleis. As François de Polignac observed:

The constitution of the \textit{polis} is to be conceived not only in terms of access to the \textit{archai} and participation in political citizenship, but also as the gathering of different groups into a single effective body by allowing them all access to the same cults, assembling them around a number of common sanctuaries, and granting all of them the privilege of taking part in certain rituals: in short, the \textit{polis} has to be considered also in terms of a religious citizenship.\textsuperscript{13}

\textsuperscript{11} Laks (1990) 218-221; cf. R. 463a4, 462b5.
\textsuperscript{12} “Friendship” (φιλία), I argue, is the Athenian’s locution for the agreement of all the constitutive parts of the city. Friendship is often doubled with “community” (κοινωνία), and “unity” (ὁµόνοµα), which, I take it, are different ways of expressing the same idea (694b, 695d, 708c, 759b). As the Athenian himself suggests: “If many other words of this sort crop up, let’s not let it disturb us” (693c4-5).
\textsuperscript{13} de Polignac (1995) 124-5.
Thus, civil religion was an historical institution, which the political demiurge could take up as a means of promoting the friendship and community required of a Platonic *politeia*.

Civil religion, moreover, had one crucial advantage over the *Republic*'s communistic institutions: as far as we know no city-state in ancient Greece ever had communistic institutions. Outside of a few Pythagorean sects, communism would have been unheard of to Plato’s fourth century Greek colonists. But civil religion was an institution that every Greek of Plato’s day would have been familiar with. Indeed, to speak of civil religion in the context of the historical Greek polis is, to a certain extent, redundant. As Christiane Sourvinou-Inwood has shown:

> The Greek *polis* articulated religion and was itself articulated by it; religion [structured and gave] meaning to, all the elements that made up the identity of the *polis*, its past, its physical landscape, the relationship between its constitutive parts. Ritual reinforces group solidarity, and this process is of fundamental importance in establishing and perpetuating civic and cultural, as well as religious, identities.¹⁴

Civil religion would have been much more agreeable or friendly to Plato’s fourth century Greek colonists than communism because it was familiar institution. Civil religion, therefore, promotes the formation of civic identity and political friendship in a much less discordant or disruptive way than communistic institutions. Yet, if civil religion is to be acceptable to Magnesia’s Greek colonists, it is essential not only that it be recognizable as a thoroughly Greek religion, but also that it be in some sense unique to

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Magnesia, for that is what gives it its identity.\textsuperscript{15} These two requirements pose a challenge and an opportunity to the philosopher.

On the one hand, while a conventional Greek religion would be more accessible to the colonists, the traditional theological tales told by the poets, who were a major source of religious authority in ancient Greece,\textsuperscript{16} conflicted with the moral and religious teachings of Plato’s state.\textsuperscript{17} I will argue that the Athenian seeks to overcome this challenge by censoring the poets’ tales, and by founding his civil religion on the authority of the oracle at Delphi. The oracle’s religious authority was unquestioned, and by allowing Delphi to decide which gods would be prominent in Magnesia’s pantheon, and what kind of rituals would be fitting for them to perform, the Athenian ensures that their civil religion would appear appropriately Greek. Moreover, Delphi’s famous teachings on moderation and self-knowledge were much more in line with Plato’s own moral and political philosophy.

On the other hand, if Magnesia’s civil religion is to provide the citizens with a unique civic and religious identity, then the precise configuration of its cults—including which aspects of a certain deity it would emphasize, and which deity, or deities, it would most closely connect to the city—would have to be structured in such a way as to make Magnesia’s civil religion different from those of other Greek city-states. To this end, Delphi, in a sense, constrains Plato’s philosophical legislator insofar as it requires Magnesia’s civil religion to recognize the traditional Greek pantheon, and to perform the

\textsuperscript{16} Burkert (1985) 119-125; 304.
\textsuperscript{17} Plato’s criticism of Homer and the poets is well documented. An excellent introduction is Murray (1996) 1-32. For Plato’s criticism of the poets in the \textit{Laws}, see Murray (2013).
customary sacrifices associated with the Olympian gods. Yet, Delphi also endows the lawgiver with the religious authority to institute cults and to designate sacred precincts within the polis. As we shall see, the Athenian makes the most of this opportunity. Through his innovative arrangement of sacred space, and through the institution of novel cults, the Athenian constructs a polis religion that is distinctive to Magnesia, and that, therefore, contributes to the citizens’ sense of political and religious identity.

Thus, I argue that while Plato adheres to the form of historical Greek religious practice, he seeks to radically transform its basic theological tenets in order to bring it more in line with his own theology of νοῦς. At the most basic level, the Athenian Stranger legislates a traditional liturgical calendar: each month there will be a sacred festival to one of the Olympian gods, along with the accompanying sacrifices, choruses, musical contests, and gymnastic contests (828c). Into this traditional religious system, however, Plato introduces a novel, joint cult of Apollo and the sun god, Helios. The precise configuration of a joint cult of Apollo and Helios was Plato’s invention, but it is through this joint cult that his city-state received its identity. Just as Athena was regarded as the patron deity of Athens, and Artemis of Ephesos, so Apollo-Helios would be regarded as the patron deity of Magnesia, distinguishing it from all other Greek city-states. This civic and religious identity is necessary for a political community to exist; it is the glue that binds the citizens together.

Furthermore, by linking the traditional and astral gods together into a common cult, Plato creates a natural bridge between the common citizen’s ideas of divinity and

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those of philosophers. In short, the gods recognized by the city-state, by poets, and by philosophers, are the same gods though expressed via different modes of expression so that the state’s religion may be accessible to worshippers at any level of philosophic insight. This aspect of Magnesia’s civil religion addresses one of the central problems of communism: unlike communistic institutions, civil religion is accessible to every citizen regardless of his or her education. The Republic cannot extend the communistic institutions to the class of Producers because the communistic institutions depend on a higher level of education, which only the Auxiliaries and Guardians are intellectually capable of (416c). But the civil religion of the Laws is open to everyone, philosopher and non-philosopher alike. In this way, Magnesia’s civil religion forms an intimate bond between the pious citizen and the philosopher, the result of which lays the foundation for real civic friendship.

3.1 *Imitatio Dei*: Magnesia’s Founding Principle

The function of civil religion in Plato’s Laws is analogous to the function of law, which it aims to support. The primary purpose of law is not the punishment of lawbreakers, but the education of all of the citizens (722d-723b). Likewise, religion as a means of deterrence, as the punishment of the unjust in Hades, is subordinate to its positive role of molding the citizens’ characters. The Athenian’s great speech to the citizens of Magnesia at the imagined founding of the new colony is a prime example, in which we see the intertwining of law and religion. This speech, occurring at “high noon”
in the narrative time of the dialogue (722c8),
lays out the basic theological tenets of Magnesia’s civil religion and the regime it supports. It argues for a particular conception of the universe as a moral order ruled by a just god. It also aims to establish a link between the cosmological order of the universe, the political order of the city, and the moral order of the human soul. Through religious worship, the parts of the citizens’ souls become ordered, their passions trained, and their characters molded so that they desire those virtues—especially moderation and justice—which are the most conducive to their own happiness, and are the requirements of good citizenship.

In an often cited passage from Laws IV, where the Athenian sets down in myth the theoretical foundation of the state (712c-714a), the regime (πολιτεία) they agree to establish is to be “an imitation” (μιμεῖσθαι) of the rule of god. The god, we have argued, is not the Kronos represented in the poetry of Homer and Hesiod, but the god of pure Reason (κόρός νοῦς) implied by the etymology of the Cratylus (396b). The name “law” (νόμος), in turn, is given to “the regulation of Reason” (τὴν τοῦ νοῦ διανομὴν, 714a).

Immediately following the discussion of the myth of Kronos, Kleinias asks the Athenian to assume that “the colonists have arrived and are present,” and to complete the rest of the argument before them (715e). The Athenian assents and begins to address to the Magnesians as follows:

The god, just as the ancient saying has it, holding the beginning and the end and the middle of all 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

20 Voegelin (1957: 229) argues: “The choice of the symbol is not arbitrary; the sun symbolism of the Laws continues that of the Republic.”
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 leader but rather considers himself capable of leading others, is left behind, abandoned by the god (715e7-716b1).22

This is the first time in the dialogue that the Athenian, Plato’s philosophical legislator, imagines himself addressing the citizens of Magnesia. The interlocutors have just reached an agreement concerning what kind of constitution their city-state will have, and the Athenian is asked to explain this constitution to the citizens. The Athenian, then, delivers the basic principle upon which their government will be organized: namely, that God rules the cosmos and Justice punishes those who forsake his divine law. There is, moreover a basic moral principle connected to this theology: one should submit to the God, order one’s soul, follow Justice always, and this will bring happiness. Anyone who is filled with hubris, and who thinks that he needs neither ruler nor leader, will be left behind, i.e., they will not participate in the colonial expedition, because they have been abandoned by God.

This passage has drawn a great deal of scholarly commentary, most of which is centered on the scholiast’s remarks about the Athenian’s opening lines. The scholiast says that “the ancient saying” to which the Athenian refers in the passage above is an Orphic text. Commentators, therefore, have focused their efforts on identifying which

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22 ὁ μὲν δὴ θεός, ὅπεσρ καὶ ὁ παλαιὸς λόγος, ἀφεῖν τε καὶ τελευτήν καὶ μέσα τῶν ἄνων ἄπαντων ἑχων, εὐθείᾳ περαίνει κατὰ φύσιν περιποιηθείμονος· τῷ δὲ ἀεὶ συνεπεται δίκη τῶν ἀπολειπομένων τοῦ θείου νόμου τιμωρός, ἢς ὁ μὲν εὐδαιμονίης εἰ μέλλων ἐχομενος συνισται ταπεινὸς καὶ κεκοσμημένος, ὃ δὲ τὶς εξαρθεὶς ὑπὸ μεγαλαυχίας, ἢ χρήμασιν ἐπαιρομένος ἢ τιμαίς, ἢ καὶ σώματος εὐμορφίᾳ ἁμα νεότιτι καὶ ἀνοια φλέγεται τὴν ψυχὴν μεθ’ ὑθέως, ὡς οὗτε ἀρχοντος οὗτε φλέγεται τὴν ψυχὴν μεθ’ ὑθέως, ὡς οὗτε ἀρχοντος οὗτε τινὸς ἤγεμόνος δεσμένος, ἀλλὰ καὶ ἄλλοις ἰανὸς ὁν ἤγεισθαι, καταλείπεται ἔρημος θεόν.
Orphic text Plato is referring to here. They curiously ignore, however, the important observation at the beginning of the scholiast’s comment. The scholiast’s remarks are as follows:

θεόν μὲν τὸν δημιουργὸν σαφῶς, παλαιὸν δὲ λόγον τὸν Ορφικὸν, ὃς ἐστιν οὐτος— 
Ζεὺς ἀρχή, Ζεὺς μέσος, Δίος δ’ ἐκ πάντα τέτυκται· 
Ζεὺς πύθμην γαίης τε καὶ οὐρανοῦ ἀστεροφέντος.

“God” is clearly the demiurge, while “the ancient saying” is Orphic, which is this:

“Zeus is the original cause, Zeus is the middle, from Zeus all things are created, 
Zeus is the foundation of earth and of the starry heaven.”

While scholars have certainly made valuable contributions to identifying the source of Plato’s allusion, I wish to focus on the lack of scholarly commentary on Plato’s substitution of θεός for Ζεύς. Few have seen this substitution as problematic or even remarkable, and so there is little consideration of which θεός Plato is referring to.

Morrow assumes, based on the scholiast’s remarks, that it is Zeus. England also thinks that θεός refers to Zeus, but then goes on to observe: “περιπορευόμενος is probably meant to bring before our minds the revolutions of the heavenly bodies.” The apparent irreconcilability of these two positions, however, forces England to conclude that Plato must have intended this to be “a paradox, a divine mystery.” None of these commentators, however, recognize the scholiast’s claim that the god referred to here is clearly the demiurge.

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24 Greene (1938) ad loc.
27 England (1921) 448.
28 England (1921) 448.
I propose that Plato’s substitution of θεός for Ζεύς was a purposeful generalization that allows this theology to address two different kinds of citizen: the philosopher and the ordinary (non-philosophical) citizen. First of all, we must remember that the Athenian is engaged here in a mock address to the citizens of Magnesia. Presumably, the majority of those citizens would assume, like the commentators above, that ὁ θεός refers to Zeus, especially since they were not present—as it were—for the preceding discussion about the myth of Kronos. This does not require that they belong to some Orphic sect, because, as Morrow points out, “the Orphics had simply exploited a vein of thought that lay in the Greek conception of Zeus from very early times.”

Secondly, I argue, given the fact that this theology immediately follows the myth of Kronos, the philosopher, or practiced reader of Plato, would understand that θεός refers to Kronos, i.e., the mythical name of the supreme god, νοῦς. Even if we insist, as England does, that περιπορευόμενος must refer to one of the astral deities, the philosopher knows that the astral deities are gods because their circular motion “has the same nature as the motion, revolution, and calculations of νοῦς” (897c). In other words, νοῦς’ motion is also circular (περιπεπορεῦσθαι). Finally, I suggest that the practiced reader of Plato, such as the scholiast, or the citizen who has grasped the arguments of Laws X (893b ff.), would know that “god in the true sense of the word” is the demiurge, i.e., νοῦς (897b1-2). θεός’ two possible referents, therefore, reflect the two different...

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29 They could, of course, assume that ὁ θεός refers to any of the traditional gods; it does not affect my argument. The close association of δίκη with the god, however, would strongly suggest Zeus to the popular Greek imagination. cf., Lloyd-Jones (1971); Burkert (1985) 125-131.


31 See note 2 above.
audiences of Magnesia’s civil religion. On the one hand, the Athenian allows for a conventional pantheon, traditional cults, ceremonies, and other religious practices that were common in historical Greek poleis. On the other hand, I will show that through his innovative arrangement of sacred space, through a carefully designed liturgical calendar, and through an original cult of astral deities, Plato demonstrates to the philosopher that traditional gods and habitual forms of reverence are not in conflict with philosophical theology and a philosophical conception of divinity. In the Laws, Plato does not repudiate traditional Greek religion as a whole, but rather carefully selects and adapts traditional elements so as to preserve the semblance of conventional cult practice, even as he seeks to radically transform its basic theological tenets in order to bring it more in line with his own theology of νοῦς. As we shall see, Magnesia’s civil religion is constructed in such a way that it is able not only to speak to these two distinct groups, but also to make them friendly toward one another, and to unify them by giving them a common ethical and religious purpose, and a common cult.

### 3.1.1 “Becoming like God” and Political Demiurgy

In the Laws, the philosophical and non-philosophical citizen share a common ethical and religious goal, variously described as “becoming like” (ὁμοίωσις), “being dear to” (φίλος), or “following the god” (ἀκόλουθος θεῷ, 716c-d). In recent decades scholars like David Sedley and Julia Annas have revived an ancient interpretation of Plato that emphasizes the concept “becoming like god” (ὁμοίωσις θεῷ) as the primary goal of the
philosophical life. Ancient Platonists such as Eudorus, Philo, and Alcinous, understood “becoming like god” as an imperative to flee from the evil of this world to the good of the higher world of Forms. As Socrates says in the Theaetetus:

But bad things cannot be destroyed, Theodorus, for there must always be something opposed to the good. Nor can they gain a place among gods. Rather, by necessity they haunt mortal nature and this place here. That’s why one must try to flee from here to there as quickly as possible. Fleeing is becoming like god so far as one can, and to become like god is to become just and pious with wisdom (176a5- b2, transl. Armstrong).

Plato frequently describes the soul’s predicament as a struggle to escape the confines of an earthly body through moral virtue and philosophic wisdom. In the Phaedo, Socrates characterizes philosophy as “practice for dying and death” (64a), whereby philosophers purify their souls of the pleasures of the body by seeking knowledge of “what is pure, ever-existing, immortal, and changeless” (79d1-2). If you practice philosophy correctly in this life, then, when you die, your soul will go off to “that which is invisible, which is similar to it, and that which is divine and immortal and wise, and arriving there it falls to it to be happy… [and] truly to spend the rest of time with gods” (81a; cf. 69c, 111a-c).

In the Republic, Socrates says that “by consorting with what is divine and ordered, the philosopher becomes as ordered and divine as is possible for a human being” (500 c–d).

These dialogues clearly suggest that “becoming like god” is a practice possible only for philosophers (Phd. 80e-81a; R. 500 c–d). Yet such knowledge causes the philosopher to think that ordinary human affairs are trivial and so he must be compelled to rule the city.
The philosopher’s unwillingness to rule is indeed problematic, threatening the possibility of the Republic’s Kallipolis.\textsuperscript{35}

In the Laws, the Athenian Stranger expresses a similar opinion: “Human affairs are not worthy of great seriousness,” but he immediately adds, “Necessity (ἀναγκαῖον) compels us to pay serious attention to them” (803b3-5). As John Armstrong has persuasively argued, this necessity is related to Plato’s identification of god with νοῦς in the late dialogues.\textsuperscript{36} In the earlier dialogues, it is not clear which god, or gods, the philosopher is to become like. The Republic speaks of becoming like both the morally upright Olympians, and the divine Forms (R. 383c, 500 b-c; cf. Phd. 65 d). In the Theaetetus, all that is said about god is that he “is never and in no way unjust, but is as just as possible” (176 b8–c1). As I argued in the previous chapter, the late dialogues all share a concern to explain the origin of order in the sensible world as well as the intelligible world through νοῦς. This conception of god as νοῦς significantly affects what it means to become like god. Particularly relevant is that the Philebus, Statesman, Timaeus, and Laws all describe the god νοῦς as a cosmic demiurge (Phlb. 27b1; Plt. 273b1; Ti. 28a6 ff.; Lg. 903c5-905c).

The demiurge brought the universe from an uncoordinated and disorderly state of affairs to an orderly and rational arrangement. Νοῦς, acting as demiurge, set the primeval materials of the universe in order by mixing the Forms into the material substrate, and by imposing limit and proportion in the most rational way matter would allow. Thus the demiurge remolded the world of Becoming into the likeness of the

\textsuperscript{35} R. 514a-521b, 592a-b; cf. Strauss (1964) 124-5.
Forms by taking intelligible world of the Forms as a model (παράδειγμα), and by placing each sensible being where it was best for it to be so that the whole arrangement was an imitation of the divine world. Imitating the cosmic demiurge, therefore, involves both knowledge of intelligible Forms, and acting so that one becomes an efficient cause of order in the material world. Becoming like the cosmic demiurge thus means not fleeing from this world, but rather applying one’s knowledge of divine Forms in order to bring order and reason into this chaotic world. Since imitating the cosmic demiurge requires knowledge of Forms, however, becoming like god is still a possibility only for philosophers.

The Laws, more than any other dialogue, demonstrates what it means for the philosopher to become like the god, νοῦς, i.e., to imitate his demiurgic activity. As I said in the introduction, Morrow was the first to propose the argument that the activity of Plato’s philosophical legislator in the Laws, the Athenian Stranger, is analogous to the activity of the Timaeus’ cosmic demiurge. When the demiurge orders the cosmos, he must be attentive to not only the design he wishes to realize, but also the materials he has to work with. The cosmic demiurge, therefore, has to concern himself with the most minute details, from the composition of the four elements that constitute the physical universe—earth, air, fire, and water—to the nature of the human respiratory system, the mechanics of the eye, and the purpose of the liver and stomach. The demiurge cannot, as it were, invent materials perfectly suited to his purposes without “assuming as

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38 Ti. 30c-35b; 53c-57d; 71b-73a.
already solved precisely the problem to be solved.”⁹ If he did, there would be no need for a demiurge in the first place because everything would already function according to rational principles.

Likewise the political demiurge of the *Laws* has to work with existing physical, cultural, social, and human materials in order to construct a city and regime that resembles as nearly as possible the ideal. As the Athenian observes:

> He who presents the model (παράδειγµα) of what should be attempted should depart in no way from what is most noble and most true; but when some aspect of these things turns out to be impossible for him, he should avoid this and not do it. Instead he should contrive to bring about whatever is closest to this from among the things that remain, and by nature the most akin from among the things that are most appropriate to do...For a craftsman (δηµιουργὸν) of even the meanest thing, who’s going to be worth anything, must be everywhere consistent in his activity, I suppose (746b6-d2).

“To accept the disadvantages,” Morrow says, “is the mark of the demiurge in Plato.”⁴⁰

The demiurge seeks to improve the materials with which he starts by arranging them in such as way that they correspond as closely as possible to his model. But he must work with the materials that are available to him. The demiurge’s art lies in carefully selecting and adapting the available materials with a view to the latent possibilities in those materials.

> Just as the cosmic demiurge has to concern himself with the most minute details of his creation, so too Plato’s philosophical legislator attends to the sundry details of irrigation and water supply, the division of arable land, the construction of dwellings, and the regulation of commerce. Above all, the demiurge is concerned with the common good, with the happiness of the whole (903c). Yet, in order to ensure the good of the

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whole, the demiurge must exercise supervisory care over each, individual part, putting all the parts together into an orderly arrangement so that each part is where it is best for it to be. Only thus can the safety and virtue of the whole be maintained. The political demiurge must follow the example of the cosmic demiurge in exercising this supervisory care over individual citizens with a view to the safety, virtue, and happiness of all citizens.

Becoming like νοῦς, the cosmic demiurge, is the goal Plato sets before the philosopher. Yet, there is no explicit argument for political demiurgy in the pages of the *Laws*; it is implied more by the Athenian’s action in the dialogue rather than by any argument. As Leo Strauss observed: “The *Laws* is the most political work of Plato. One may even say that it is his only political work, for in it the chief character, the Athenian stranger, elaborates a code for a city to be founded, i.e., he engages in political activity.”41 Since political activity is what distinguishes the *Laws*, we should pay even more attention than usual to the action of the dialogue. I will show that the Athenian stranger demonstrates through his actions what it means to be a philosophical legislator, a political demiurge.42 Before we turn to this part of my argument, however, I wish to make one additional point about the concept of becoming like god.

I maintain that the *Laws* stands alone in the Platonic corpus insofar as it does not limit the possibility of becoming like god strictly to philosophers, but rather opens up another path for non-philosophical citizens to follow god, and therefore become virtuous and happy. That path, I argue, is Magnesia’s civil religion. Immediately

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41 Strauss (1975) 1.
42 See sections 1.4.1 and 3.1.1.
following the Athenian’s speech to the citizens of Magnesia (cited above), he asks his 
interlocutors: “If things are ordered this way [i.e., according to the theology described in 
that speech], what should and should not the prudent man (ἔµφρονα) do or think about 
(δοῖν ἢ διανοείσθαι) in regard to them?” (716b5-7) Kleinias responds: “Every man must 
think about how he may become one of the followers of the god” (ὡς τῶν 
sυνακολουθησόντων ἐσῶμεν τῷ θεῷ δεῖ διανοηθῆναι πάντα ἄνδρα, 716b8-9).

Kleinias tells us what every man should “think” (διανοηθῆναι) given the theology and 
theodicy outlined above, but the Athenian also wants to know what they should do:

“What then is the activity that is dear to and follows the god?” (Τίίς οὖν δὴ πρᾶξις φίλη καὶ ἀκόλουθος θεῷ, 716c1). “There is one” (µία), he says, and it is expressed in “a 
single ancient saying” (ἐνα λόγον... ἀρχαῖον, 716c2):43

“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 be 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... (716c2-d2).44

By putting the imperative to follow god in Kleinias’ mouth instead of the Athenian’s, I 
argue, Plato signals a distinction between a philosophical conception of becoming like 
god, and an ordinary, non-philosophical conception. Neither Kleinias nor the majority of 
the citizens of Magnesia will be philosophers. Yet all of the citizens are capable of 
moderation.

44 τῷ µὲν ὡµοίῳ τὸ ὡµίον ὕπτε µετρῶ φίλον ἀν εἰπ, τὰ δ’ ἀµέτρα ὡµὴ ἀλλήλως ὡµὴ τοῖς ἐµµετροῖς, ὁ 
δὴ θεὸς ἦµῖν πάντων χρηµάτων µέτρων ἀν εἰµ µάλιστα, καὶ πολὺ µάλλον ἢ ποὺ τε, ὡς φασίν, 
ἀνθρώπος; τὸν ὡµὸν τῷ τοιῶτῳ προσφυλή γενηµόµενον, εἰς ὑδάµαµ ότι µάλιστα καὶ αὐτῶν τοιωτῶν 
ἀναγκαῖον γίγνεσθαι, καὶ κατὰ τούτον δὴ τὸν λόγον ὁ µὲν σώµφον ἦµῖν θεῷ φίλος, ὡµοίος γάρ...
Since moderation is dear to god, all citizens can become dear to god by becoming moderate. Yet, as the Athenian observed earlier, there are two kinds of moderation: the philosopher’s moderation, and “a popular kind (δηµώδη)... that blooms naturally (σύµφυτον ἐπανθεῖ), from the beginning, in children and beasts, and by which some lack self-restraint (ἀκρατῶς) with regard to pleasures, while others possess self-restraint (ἐγκρατῶς)” (710a5-8). In the Phaedo, Socrates observed that outside of philosophers, “the happiest” human beings are “those who have practiced popular and political virtue, which they call moderation and justice, and which was developed by habit and practice, without philosophy and reason” (εὐδαιµονέστατοι... οἱ τὴν δηµοτικὴν καὶ πολιτικὴν ἀρετὴν ἐπιτετηδευκότες, ἢν δὴ καλοῦσι σωφροσύνην τε καὶ δικαιοσύνην, ἔξ ἔθους τε καὶ μελέτης γεγονυίαν ἀνευ φιλοσοφίας τε καὶ νοῦ, 82a11-b3).

Moderation means one thing for the philosopher and something else for the non-philosopher. The difference is that the philosopher has wisdom and reason, which guide his moderation of desires, pleasures, and pains (R. 431c), whereas the non-philosopher must rely on habituation, and to a certain extent, an innate capacity for self-restraint.

Part of the philosopher’s task, as a demiurge, however, is to help habituate non-philosophers toward virtue. As Socrates himself observes: “It’s the philosopher, keeping company (ὁµιλών) with the divine and the orderly who becomes orderly and divine, to the extent that it is possible for a human being,” but there is also “some necessity... for him to practice putting what he sees there [in the intelligible world] into the dispositions of men, both in private and in public, instead of forming only himself” (R. 500c9-d6). If he does not attend to the virtue of non-philosophical citizens, “he’ll prove to be a bad
craftsman (κακὸν δηµιουργόν) of moderation, justice, and popular virtue as a whole” (R. 500d6-8).

Thus, the political demiurge, I argue, helps the non-philosopher to become habituated toward virtue by instituting a civil religion that will promote moderation and justice through frequent participation in religious rituals and ceremonies. As the Athenian says immediately following his claim above that moderation is dear to god:

For the good man (ἀγαθῷ) it is very noble, very good, and most efficacious for a happy life, as well as preeminently fitting, if he sacrifices to and always communes with (προσοµμιλεῖν) the gods—through prayers, votive offerings, and every sort of service to the gods. But for the bad man just the opposite of these things holds by nature. For the wicked man is impure in his soul, while his opposite is pure, and it is never correct for either a good man or a god to receive gifts from someone who is polluted. The great effort spent by the impious on the gods is therefore spent in vain—though such effort is very opportune for all the pious (716d6- 717a3; cf. 866a, 885b, 888c, 909b, d, e, 910d).

Thus, whereas the philosopher becomes like god by reflecting upon the order and operation of divine νοῦς in the cosmos and by imitating νοῦς’ activity as an efficient cause of order in the world, the non-philosopher follows god—and therefore becomes moderate—by engaging in religious practices (sacrifice, prayer, votive offerings, etc.).

The Athenian’s great speech, therefore, is intended to persuade the citizens of Magnesia to accept a certain theological view—that god is the measure of all things—as well as a moral and religious commitment—to become like or follow god—both of which provide a basis for the religious system he goes on to construct for Magnesia in the remainder of the dialogue.

3.2 Sources of Religious Authority
In the introduction to this chapter, I argued that the *Laws*’ civil religion had an advantage over the *Republic*’s communistic institutions in that it would have been far more familiar and therefore more agreeable to Magnesia’s fourth century Greek colonists. But if that is to be so, Magnesia’s civil religion must be a traditional religion. Any new religion that a philosopher might wish to invent would run the risk of being rejected by the citizens because it lacked the authority of tradition. Yet, I have also noted many scholars’ disappointment with, or outright disapproval of, the conventional aspects of Magnesia’s civil religion.\(^{45}\) As Mark Lutz defines the problem:

> The presence of divine law as a political force raises important theoretical and practical challenges to those who believe that reason should be the principal guide of politics and law... The philosopher believes that human happiness comes through our own free investigation and insight... But revelation counters that we can find fulfillment only through obedience to a god. Revelation challenges philosophy’s claim to knowledge, saying that we cannot gain genuine knowledge about what is good through our own efforts but must depend on divine revelation to supply us with that knowledge. Divine revelation declares that it has what philosophy seeks: a complete and undistorted knowledge of what is good.\(^{46}\)

This, of course, is the central problem of the *Laws*: is god or man the source of authority of law? (624a-625c). At one level, Plato avoids this difficulty by making Reason the god upon whose authority law depends. Yet, as I have said, if the Greek colonists are going to accept Magnesia’s civil religion as a legitimate religion, it cannot be overtly a religion of νοῦς; it must recognize the traditional pantheon and conventional rites and practices. Moreover, if Lutz is right, then what authority would the philosopher have to enact religious legislation—the law concerning τὰ ἱερὰ or τὰ θεῖα? Many scholars have argued that the philosopher does not have any such authority, and that the Athenian,

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\(^{46}\) Lutz (2012) 1-5.
therefore, basically leaves religion alone, accepting it just as it was. As Gerd Van Riel maintains: “Plato never treats religion in itself as something to be instituted by the state. Religion is not ‘founded’.”

I argue that such a position fundamentally misinterprets the dynamics of politics and religion in historical Greek city-states. First of all, as historians of Greek religion are fond of pointing out, the Greeks did not think of their cult practices and their pantheon as “‘a religion’, a set of beliefs and practices espoused by its adherents as a matter of conscious choice, more or less to the exclusion of others.” Greek polytheism was an open system, extraordinarily tolerant of new gods. There were “no rival orthodoxies, no gods fighting with other gods for popularity; new religious phenomena...were added almost organically to an already existing structure rather than replacing anything.” Thus, it was possible for Plato’s philosophical legislator to introduce a new cult of νοῦς into what was broadly speaking a traditional religious system.

Secondly, it is important to note that, in the classical period, Greek religion operated at essentially two levels — a Panhellenic religious dimension, and a local level, i.e., the level of the polis and the various subdivisions of the polis. Among the major results of the increased intercommunication of Greek city-states in the late archaic-early classical period were the organization of Panhellenic games, especially at Olympia, the establishment of Panhellenic sanctuaries, like Delphi, and the diffusion of the epic poems, chiefly Homer and Hesiod. Largely through the influence of these three

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48 Kearns (2012).
Panhellenic religious forces, the Greeks began to think of themselves as belonging to one religious group. The fact that they had "common temples and sacrifices"—as well as the same blood, same language, and the same way of life—was, according to Herodotus, one of the defining markers of "Greekness" (τὸ Ἑλληνικόν).\(^{50}\) This notion of a shared religious identity, in turn, undoubtedly encouraged “a certain pressure towards homogeneity.”\(^{51}\) As Robert Parker observes: “innovations were very likely to be imitated, the cults of an individual city were rather unlikely to develop in a way that was wholly alien to the Panhellenic norm.”\(^{52}\) But these Panhellenic constraints were not “the active and organizing principle” of polis religion.\(^{53}\) While the Panhellenic pantheon shared a considerable amount in common with various local pantheons, the cult practices associated with each deity were not exactly the same. Each region, each polis, and each tribe retained its own traditions, which emphasized various aspects of a deity, or which employed distinctive rites for a single deity, and which were never fully supplanted by the Panhellenic tradition. Sourvinou-Inwood explains:

> The gods who were worshipped in the different poleis were, of course, perceived to be the same gods (cf. also Herodotus 5.92-3). What differed was the precise articulation of the cult, its history, its particular modalities, which aspect of each deity each city chose to emphasize, which deities were perceived to be more closely connected with, and so more important to, the city, and so on... The polis was the institutional authority that structured the universe and the divine world in a religious system, articulated a pantheon with certain particular configurations of divine personalities, and established a system of cults, particular rituals and sanctuaries, and a sacred calendar.\(^ {54}\)

In historical Greek religion, the pantheon was essentially the same everywhere,

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\(^{50}\) Hdt., 8.144. 2  
\(^{51}\) Parker (1996) 3.  
\(^{52}\) Parker (1996) 3.  
\(^{53}\) Parker (1996) 3.  
but each polis expressed its own identity as a polis through its unique system of cults, its religious calendar, and its sacred landscape. If new cults were introduced, it would have been at the polis level. The polis assumed the authority to adapt its religious system in order to express its religious and civic identity, and to support its political order. This applies both to the introduction of new cults and to its particular expression of Panhellenic cult. As Simon Price writes about Xenophon’s account in the *Anabasis* of the sacrifice to Zeus *Soter*: “Everyone knew who Zeus the Saviour was and what a proper sacrifice was. Only after celebrating communal sacrifice did the army sometimes celebrate processions and athletic competitions in separate regional groups (4.5.5.).”\(^{55}\)

Furthermore, the polis itself controlled access to the Panhellenic religious dimension, not the other way around. Participation in Panhellenic cult was predicated upon one’s status as a citizen in a polis:

> Each *polis* was a religious system which formed part of a more complex world-of-the *polis* system, interacting with the religious systems of the other *poleis* and with the Panhellenic religious dimension… one belonged to the religious community of one’s own *polis*… in the *sacra* of others, even in the Panhellenic sanctuaries, one could only participate as a *xenos* (foreigner).\(^{56}\)

In the *Laws*, we find evidence to support this view. The Athenian says: “There should be persons sent to the Pythian Apollo, the Olympian Zeus, to Nemea, and to the Isthmus, to take part in the sacrifices and contests dedicated to these gods” (950e2-5). This is clearly described as a “political venture” (ἐκδηµίίαις πολιτικαῖς, 950e1-2)—“they should to the best of their ability send the most numerous, most beautiful and best men, who will give the city a good reputation in sacred and peaceful gatherings” (950e6-7). It should also be

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remembered that the Athenian himself is a ξένος having come to Crete to participate in a religious procession to “the cave and sanctuary of Zeus” (625b2).

In the Laws, I maintain, what we typically see as “traditional religion” is basically the Panhellenic religious dimension—the conventional pantheon of Olympian deities, and the customary rites and cult practices associated with those deities. These are what make Magnesia’s civil religion acceptable to its Greek colonists. Yet, we must also recognize that it was customary for the polis to assume the religious authority to arrange its cult practices, and to construct its own pantheon in such a way that gave meaning to all the elements that made up the identity of the polis, its land, its history, the relationship between its constitutive parts, and its political order. I think that Plato recognizes that there is a potential for conflict between natural philosophy and traditional religion, but part of his task is to ease or eliminate that tension as much as possible in his city (966d6-968a4).57 The point of the Laws’ civil religion, I will argue, is to bring philosophers and pious citizens together in the spirit of friendship through a common cult, and thereby create the conditions for a true politeia. The potential for conflict arises, however, not out the philosophical legislator’s lack of authority to enact

57 Cf. Timaeus’ observation: “we must follow custom (ἐπομένους τῷ νόμῳ) and trust” the poets’ stories about the traditional gods, “even if they do speak without either likelihoods or necessary demonstrations” (Ti. 40e1-3). Knowledge of traditional deities, Timaeus tells his interlocutors, “is beyond our power” but if anyone had such knowledge, it would be the poets, “since they are the offspring of gods, as they claim” (40d6-8). At the same time, however, Timaeus goes on to argue that the gods of convention and the nature gods, i.e., the astral deities, both have a place in the cosmic order—they are both the children of the demiurge (41a3-8). As should become clear in the next section of this chapter, I think there is an analogy between the demiurge and the philosophical legislator. Just as the demiurge, νοῦς, rules over and supervises the Olympians, so too the philosopher should supervise the poets’ stories about the gods. The philosopher’s knowledge of the conventional gods may be limited, but he does know that they are the creations of νοῦς, and therefore must be good and just. If the poets make stories about the gods that are contrary to the philosopher’s understanding of the nature of the gods, it is his responsibility to censor those stories (e.g. 636c-e; cf. 682a). In this way, the tension between traditional religion and philosophy is mitigated.
religious law, but out of the fact that one of the traditional, Panhellenic religious authorities, the poets, encouraged a conception of the gods that was quite the opposite of Plato’s philosophical conception. If Magnesia’s civil religion was to be appropriately Greek then Plato had to find a way for it to participate in the Panhellenic religious dimension without allowing the corrupting influence of the poets to undermine the philosopher’s conception of divinity.

3.2.1 Homer and Delphi

Plato’s criticism of the mythical theologies of Homer and the poets has received a great deal of scholarly attention.\(^{58}\) In the Republic, Socrates takes the poets to task for spreading false tales about the gods (376e-392c). He advocates censoring the poets, Homer and Hesiod especially, because they misrepresent the gods, attributing to them all sorts of vicious and duplicitous characteristics and behaviors. According to Socrates, it is the utmost of impiety to say that Kronos took revenge on his father Ouranos by castrating him (377e-378a), or that Achilles dragged Hector’s corpse around and slaughtered prisoners (391b). As Schofield observes: “The reason why Socrates disputes what we might call the factual truth of these accounts is that they are at odds with the conceptions of god and of moral virtue which should inform the education of the guards... such stories are ‘not admirable’ (2.377d-e) and are ‘impious’ (3.391b).”\(^{59}\) For Socrates, the gods are good, and are, therefore, the cause only of what is good for human

\(^{58}\) For a brief introduction, see Murray (1996) 1-32; One should also consult: Morgan (1990), esp. 114-16, 121; Dombrowski (2005), esp. 62-3, 77-8; Most (2011). I am more concerned here with the content of the poets’ tales than with the psychic effects or epistemological status of mimēsis. I agree with Marušič that the falsehood of the poets’ tales about the gods in Republic II is “not characterized, or associated with, mimēsis there at all” Marušič (2011) 220.

beings; they do not “change or deceive” in any way, but are “simple and true in deed and speech” (379b-382e).

In the Laws, the Athenian pursues a similar—though less concentrated—attack on the poets and their false tales about the gods. He rails against those “discordant tellers of myths” who deceive others into believing that Hermes was a thief (941b-c). He sharply criticizes the Cretans for spreading the story about Zeus’ infatuation with Ganymede in order to justify their lawless passion for pederasty (636c). And he regards the legend that Hera made Dionysus mad, and that Dionysus’ gift of wine and Bacchic dancing was an act of vengeance, as an affront to both deities (672b-c). On the other hand, both Socrates in the Republic and the Athenian Stranger in the Laws recognize the “charm” of Homer (R. 607c; Lg. 658d). Homer’s authority to speak about the gods, and his powerful influence on the religious imagination of the Greeks, made him a potential ally in the Athenian’s attempt to habituate the citizens to justice and moderation through imitation of the gods. As the Athenian himself observes: “There should never be habituation (ἐθίζειν) in wicked ways… This at least could presumably be gathered from Homer” (706d1-3).

The problem is that since Homer is “not entirely capable of understanding well what things are good and what things are not,” he sometimes says things “in a noble fashion,” but also quite often “in the opposite fashion” (801c, 811b). Thus, if the citizens are to imitate the virtuous actions and characters of the gods, the Athenian Stranger must choose carefully those Homeric tales that most nearly support his larger moral and political aims. To be clear, in both the Laws and Republic, Plato has his chief character
advocate censorship of Homer, but in the *Laws* censorship of Homer is revealed more by the action of the dialogue than by any argument. As Penelope Murray observes: “Homer is both central and marginal, a cultural phenomenon whose influence is acknowledged, yet subtly undermined.” But in the *Laws*, there is no open confrontation with Homer.

Instead, the Athenian demonstrates how to censor Homer so that his representations of the gods are true and good. In book VII, for example, the Athenian quotes approvingly a passage from the *Odyssey*, in which Athena (in the guise of Mentor) reassures Telemachus before his travels:

“The Telemachus, some things you will think of in your own thoughts, and some things a daimon will suggest; for I do not think that you were born and raised against the will of the gods.”

The Athenian says that the youth should believe that what has been said by the poet here has been adequately spoken (804a3-4). As Leslie Kurke rightly notes: “This quotation articulates... the collaboration of human *nous* and divine inspiration...[It] is permeated with the idea of the divine leading or guiding the human youth.” If the Olympian gods are going to be the models of orderliness and virtue, which the Athenian wants his citizens to admire and imitate, then this is exactly the kind of tale from Homer, which the Athenian could approve of. Yet, we as readers must also be attuned to the way in which the Athenian censors this Homeric tale: he carefully leaves out any mention of the goddess deceiving Telemachus by taking on the form of Mentor.

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60 Murray (2013) 296.
61 Republic 607a, suggests, to me at least, that some Homer will be allowed in Kallipolis.
62 Τηλέμαχ’, ἀλλὰ μὲν αὐτὸς ἐνι τρέφει σήμερον νοῆσειν, ἀλλὰ δὲ καὶ δαιμόνιον ὑποστηρίζεται· οὐ γὰρ ὃσι· / ὡς δὲ ἐν τοῖς ἄκτην γενέσθαι τε τράφεμεν τε Ἰλ. 804a1-3; Od.3.26-28.
Above all, it seems that it was the poets’ anthropomorphic conception of the
gods that Plato most wants to check. The problem, as Werner Jaeger describes it, is that
in Homeric theology: “Greek deities were very human and very near to mankind. Their
human traits led the Greek nobles... to imagine that the life and activity of the heavenly
powers were not unlike their own on earth.”64 This is the exact opposite of Plato’s
concept of ὀμοιόμοιος θεός. Plato does not conceive of the gods as being similar to human
beings—jealous, lustful, quarrelsome, and duplicitous. Rather, he wants men to become
like God: “the eternal source of order and wisdom, the artisan and guardian of the good
in the world, exempt from vacillation and change, free of deceit and jealousy, and
incorruptible... a conception of God [that] is the construction of philosophic reason, not
of the poets.”65

In sum, the difference between Plato and Homer may be summed up by
comparing Plato’s concept of ὀμοιόμοιος θεός to the common Homeric epithet of ἴσόθεος
ϕως.66 The concept of becoming like god must be grounded on a kind of recognition of
one’s human condition. Before one can strive to become like god, one must first
recognize the vast difference between god and man: the gods are immortal, perfect in
knowledge, and exceedingly powerful; human beings are mortal and limited in power
and knowledge. Human beings should not want more than they should; they should not
overestimate their knowledge or capabilities, nor should they confuse who they are and
who the gods are, for that is hubris. In other words, one should be cautious, and

64 Jaeger (1962) 53.
Pers. 80.
reverent, in attempting to become like god. In this respect, Plato found a powerful ally in Delphi.

Throughout the *Laws*, the Athenian repeatedly appeals to the authority of Delphi on numerous matters: from the arrangement of religious festivals (828a) and the election of priests and priestesses (759c-d) to the laws concerning inheritances (856e), theft (914a), and homicide (865e). At the very beginning of his legislative project in Book V, the Athenian starts by discussing the division of sacred space within the territory:

Concerning gods and temples (περὶ θεῶν γε καὶ ιερῶν)—which things are to be constructed in the city for each of them, and which gods or daimons they are to be named after—no one who is reasonable (νοῦν ἔχων) will try to change what has been laid down by Delphi... A lawgiver should not change any of these things in the least (738b6-d1).

Undoubtedly, part of the reason why Plato has the Athenian defer to the authority of Delphi is that it was a long-standing practice of Greek city-states to consult Delphi before founding a colony. The Athenian’s authority to make any decisions regarding religion was, according to convention, tied to the approval of the oracle itself. As Irad Malkin observes:

By ‘religious authority’ we do not mean only the religious aspect of his authority as a leader but also the authority to act and make religious decisions, such as instituting cults and designating precincts to the gods. In this respect the religious authority with which the oikist was invested resembled that of Apollo himself, namely, the authority to expound religion... For the settlers he was their immediate authority on matters of religion.

Without Delphi’s backing, the Athenian’s civil religion could potentially suffer from the same disadvantages as Socrates’ noble lie in the *Republic*—it would be very difficult to get the citizens to believe in it (415c6-d1). By founding his religion on the authority of

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67 Hdt. 4.150-8, 5.42-5.
68 Malkin (1987) 27.
Delphi, however, the Athenian begins with a form of reverence already familiar to his contemporaries. Any decisions he makes that touch upon the religious life of his citizens are therefore more likely to be accepted. We should also recognize, however, that the in the Republic Socrates held the same position regarding Delphi.

After Socrates’ description of his best city, Glaukon asks: “what might still remain for our legislation?” (427b1). Socrates replies:

For us, nothing. However, for Apollo at Delphi, there remains the greatest, fairest, and first of the laws, which are given... foundings of temples, sacrifices, and whatever else belongs to the care of gods, demons, and heroes...For such things as these we neither know ourselves, nor in founding a city (οἰκίζοντες τε πολίν) shall we be persuaded by any other man, if we are reasonable (έάν νούν ἔχωμεν), nor shall we make use of any interpreter other than the ancestral one (R. 427b2-c2, Transl. Bloom).

There is a verbal echo of this passage in the Athenian’s own proposal: “for one founding a city... no one, who is reasonable, will attempt to change what has been laid down by Delphi....” (κατοικίζοντι πόλιν... οὐδεὶς ἐπιχειρήσει κινεῖν νούν ἔχων ὅσα ἐκ Δελφῶν..., 738b4-c1, cf. 759c). Consulting Apollo at Delphi is, therefore, not a concession to the religious temperaments of Plato’s contemporaries, nor a sign of a growing religiosity in his declining years, nor simply an appeal to convention, but is itself an act of philosophical reflection on the limits of human knowledge of the divine. Since neither Socrates nor the Athenian will claim knowledge of the things that pertain to the gods (τὰ ἱερά or τὰ θεῖα), they must consult the ancestral interpreter on matters of religious law.69 Through this act of philosophical piety, the Athenian aligns himself with tradition and therefore gains the authority to make religious decisions, i.e., to make

69 cf. Ti. 40d- 41a.
seemingly small changes in civic theology and cult practices that have the potential to
effect profound changes on the moral and religious education of the citizens.

As Morrow has rightly pointed out, Delphi’s pronouncements were indeed
plastic enough to allow for such changes:

Delphi was... not an oppressive force; there was always the possibility of interpreting its
utterances so as to give a deeper meaning to the practices it enjoined... the legislator
could introduce into these traditional rites the desired content of moral and religious
belief.\textsuperscript{70}

What I suggest is that in the \textit{Laws} Plato sought to connect his non-philosophical
conception of \(\ddot{\omicron}\mu\omicron\omega\sigma\iota\zeta\ 0\epsilon\varphi\) to the moral and religious teachings of Delphi in order to
give it the support of tradition, which, in turn, would make its demands more agreeable
to the citizens of Magnesia. The \textit{Laws'} particular formulation of becoming like god as
moderation was consistent with Delphi’s moral and religious teachings. In the temple at
Delphi, there were inscribed those well known maxims—“Know yourself” (\(\gamma\nu\varphi\omega\theta\iota\ \sigma\varepsilon\alpha\upsilon\tau\omicron\omicron\nu\)), and “Nothing in excess” (\(\mu\eta\delta\epsilon\nu\ \dot{\alpha}\gamma\alpha\nu\))—teachings that promoted moderation
and self-knowledge. Throughout his corpus, Plato turned to these sayings to support
arguments for the philosophical life (\textit{Lg.} 923a, \textit{Chrm.} 164d, \textit{Prt.} 343b, \textit{Phdr.} 230a, \textit{Phlb.}
48c). Moreover, Delphi repeatedly shows that it is hubris for humans to think that they
can match wits with the gods, or to think that their knowledge is equal to the gods.\textsuperscript{71}

Self-knowledge, in particular, requires reverence and respect for the gods, i.e.,
recognition of one’s own humanity in the face of divine power. As Burkert observes:

\begin{quote}
Apollo is the ‘‘God of Afar’; man knows himself in his distance from the god... But men
\end{quote}

\textsuperscript{70} Morrow (1993) 411.
\textsuperscript{71} The \textit{locus classicus} is, of course, Croesus’ attempts to test the oracles, and his arrogant and costly
misinterpretation of the oracle, Hdt. 1.46-88.
who are mindful of this god in awareness of their own misery venture forth on something higher, something absolute; recognition of the limit signifies that the limited portion is not all. Even the all-too-human receives light and form from that distance. It made manifest sense... when, from the fifth century onwards, Apollo began to be understood as a sun god.\footnote{Burkert (1985) 148-9. The earliest evidence of Apollo as sun god is \textit{A. Supp.} 212-4; \textit{Fr.} 83 (ed. Mette). As we shall see below, the identification of Apollo with the sun god becomes another central feature of Magnesia’s civil religion.}

Thus, by reflecting on Apollo, the God of Afar, Magnesia’s citizens gain a sense of the divine—a higher standard that draws them up above their human condition toward a higher way of life. God provides the standard according to which one measures one’s own virtue. Only on this basis of reverence can the citizens gain the self-knowledge necessary to become habituated to moderation and justice. As the Athenian observes:

“Those who are going to be good must be enslaved to reverence” (αἰδώ... ἥ καὶ δουλεύειν ἐφαμεν δεῖν τοὺς μέλλοντας ἀγαθοὺς ἐσεσθαι, 699c4-5).

Thus, in the \textit{Laws}, Plato builds a popular theology and ethics out of these traditional sayings, working out the practical details of the way of life implied by Delphi’s imperatives. As the Athenian himself observes:

My argument (λόγος) asserts that the correct way of life should neither pursue pleasures entirely nor entirely flee pains. Instead, it follows eagerly the middle course (τὸ μέσον)... In accordance with a saying of an oracle (κατὰ τινὰ μαντείας φήμην), this is how we all characterize precisely the disposition of god (διὰθεσιν... θεοῦ). And I assert that this is the habit (ἔξειν) that should be pursued by anyone of us who is to become divine (τὸν μέλλοντα ἐσεσθαι θείον): one should not allow oneself to pursue pleasures headlong, thinking one can in this way avoid the experience of pain (792c8-d8).

Here the Athenian educates his interlocutors, and by extension, the citizens of Magnesia, on precisely what it means to live according to the Delphic imperative μηδὲν ἄγαν. The \textit{Laws’} particular formulation of becoming like god as moderation is consistent with Delphi’s moral and religious teachings, and by connecting the two, the Athenian ensures...
that the imperative to become like god will have the support of tradition, and thus will be more readily acceptable to the citizens of Magnesia.

Delphi, then, was a traditional Panhellenic religious authority whose teachings were broadly consistent with Plato’s own philosophy. As E.R. Dodds famously observed: “[Plato] saw in Delphi a great conservative force which could be harnessed to the task of stabilizing the Greek religious tradition and checking both the spread of materialism and the growth of aberrant tendencies within the tradition itself.”73 Delphi provided Plato with a traditional religious authority that could legitimize the civil religion of his state even as it helped to counteract the influence of the Sophists and the poets. It was, first, the Delphic insistence upon the vast difference between gods and men that sanctioned the Athenian’s declaration, in direct opposition to the Protagorean homo-mensura and the Homeric ἱσόθεος φώώς, that God is the measure of all things. Delphic reverence is for the citizens of Magnesia the first step toward becoming like god—moderate, just, and happy. There is, of course, something paradoxical in this: the first step in becoming like god is realizing how unlike god you really are. But such is the way of the oracle. Consider, for example, the oracle’s pronouncement regarding the wisdom of Socrates (Ap. 21a-c).

Thus we can now see that both Homer and Delphi play important roles in the civil religion of Plato’s Laws. As in the Republic, Homeric theology will be carefully scrutinized and censored, but the Athenian Stranger deftly employs Homer’s medium in order to charm the citizens into imitating beautiful images of virtuous gods.

73 Dodds (1951) 222-3.
Furthermore, just like Socrates in the Republic, the Athenian Stranger does not claim knowledge of the things that pertain to the traditional gods, and so he defers to the authority of Delphi on matters of religious legislation. But because the city and regime of the Laws is to be attainable at the human level, because it cannot rely on the moral demands of the Forms for its laws and institutions, the Athenian founds a civil religion in Magnesia grounded on the authority of Delphi. The civil religion of the Laws is for the non-philosophical citizens of Magnesia an elaboration of Delphi’s moral and religious teachings. By associating a popularized form of the Platonic doctrine of ὁμοιώσις θεῶ with the Delphic commandments to seek self-knowledge and to practice moderation, the Athenian ensures that the moral and religious goal to become like god will have the support of tradition, and thus will be more readily accepted by the citizens of Magnesia. Delphi, moreover, endows the Athenian with the religious authority to designate sacred space and to institute cults within the polis. By founding Magnesia’s civil religion on the authority of Delphi, the Athenian ensures that religion will be a force for order and stability. Delphi’s consecration of the city’s pantheon and ritual sacrifices gives confidence to the citizens that Magnesia’s civil religion is a legitimate Greek religion. Therefore, the citizens are more likely to be obedient to the moral and political teachings sanctioned by its civil religion.

3.3 The “Method of Correct Regulation”: The Application of Divine Noûς to Human Affairs

Immediately following the great speech to the citizens of Magnesia, which is the formal prelude to the laws, the Athenian begins his outline of the laws of the political
regime. He argues that the first thing the lawgiver must do is to consider “the method of correct regulation” (τρόόπος... τῆς ὀρθῆς διανοµῆς), which involves 1) arranging (τάξασθαι) the size of the population, 2) deciding how to divide up the people and land so that the regulation (διανοµήν) is “as equal as possible” (737c). The Athenian proposes that “the proper” (προσήκοντος, 737e2) and “most useful” (χρησιµώτατος, 738a2) number of citizens would be 5040 because that number has “the most numerous and most nearly consecutive divisors within itself” (738a3). Many scholars have noted the Pythagorean influence on Plato’s choice of the number 5040, and the role of number generally in Plato’s late thought. Charles Kahn claims: “the immortal destiny of the human soul, and the role of mathematics as the key for unlocking the secrets of the cosmos... are the two great Pythagorean themes in Plato’s work.” Pythagorean cosmology and number-philosophy, I will show, are constitutive elements of Magnesia’s civil religion.

According to Jacob Klein, the Pythagoreans posited “an ontology of the cosmos”:

They saw the true grounds of things in this world in their countableness, inasmuch as the condition of being a ‘world’ is primarily determined by the presence of an ‘ordered arrangement’ (τάξις) –and this means a well-ordered arrangement—while any order, in turn, rests on the fact that the things ordered are delimited with respect to one another and so become countable.

5040 has 59 divisors (738a5): all the numbers 1 through 10 consecutively, plus 12, 14, 15, 16, 18, 20, 21, 24, 28, 30, 35, 36, 40, 42, 45, 48, 56, 60, 63, 70, 72, 80, 84, 90, 105, 112, 120, 126, 140, 144, 168, 180, 210, 240, 252, 280, 315, 336, 360, 420, 504, 560, 630, 720, 840, 1008, 1260, 1680, 2520. In a later passage, the Athenian notes that the number 5040 “has as its divisors all the numbers one to twelve except for eleven. He suggests that one way to remedy this defect is to subtract two families from the citizen body to produce the number 5038, which is divisible by 11. I interpret this as evidence of political demiurgy: the human material does not fit easily into the mathematical model and so has to be “persuaded” to fit.

Kahn (2001) 49-50. Kahn suggests that the role of music in moral education and moral psychology might be a third Pythagorean theme in Plato’s thought, but given Plato’s originality in this area, it is difficult to assess his debt to the Pythagoreans.

Klein (1968) 64.
Kahn argues, moreover, that the Pythagoreans saw arithmetic as a “paradigmatic ordering plan (logos),” according to which “the craftsman (demiourgos) of the universe relies... for ordering the things produced from matter and making them achieve their proper end (telos).”78 Thus, the choice of the number 5040 is not, as Morrow observes, “unnecessarily, perhaps childishly, precise,”79 but is both practically convenient and theoretically significant. Eric Voegelin argues that Plato chose 5040 because it is divisible by 12 and “thus permits the division of the population into twelve tribes.”80 The number of citizens in each tribe, moreover, would be 420, which is again divisible by 12. The number 12, however, also relates the tribal divisions of the city to the number of months in a calendar year. The choice of the number 5040 for the size of the population, therefore, allows Plato to connect the citizen body, their land, the political subdivisions of the polis, and the polis itself to the months of the year and to the revolution of the cosmos as a whole. Such a division is, according to the Athenian, “sacred, a gift of god” (ἱερά ἁθεοῦ ὑδωρον, 771b), but it is also a human good; it is “useful in war and peace—in all contracts and associations, in revenue gathering, and in disbursements” (738a5-7).

Through the sagacious choice of number, the Athenian attempts to bring the structure of the citizen body into harmony with the order of the universe itself. As we shall see, this Pythagorean number-philosophy guides the Athenian’s legislative strategy; the political regime he seeks to construct is an orderly arrangement (τάξις) that imitates the orderly arrangement of the cosmos. When it comes to arranging material

80 Voegelin (1957) 251. I will return below to the significance of Plato’s twelve tribes.
entities according to a purely mathematical model, however, the political demiurge, like
the cosmic demiurge faces a significant challenge. The mathematical divisions of the
populace, the Athenian insists, cannot be applied in the abstract. The lawgiver must
keep in mind how many people “living moderately” the land could support as well as a
number of geo-political concerns, among which is the location of the neighboring cities
as well as how well such a division of the people would affect defense of the city or how
such a division would put the people in a position to assist their neighbors if they were
attacked unjustly (737d). The philosophical legislator cannot divide the people and the
land by applying purely abstract, mathematical models; he must consider the physical
realities with which he has to work, adjusting his topology to the geographical and
ecological constraints of the land, and the geo-political implications of its location.

The Laws is meant to guide the foundation of an actual city, not a city in speech.
As the Athenian observes: “anyone who use his reason and experience will recognize
that a second-best city is to be founded” (739a). The first-best city could be divided
simply by number, but that is a city “inhabited by gods or children of gods” (739e). The
human legislator should seek to make his city for men come as close as possible to this
divine “model” (παράάδειγµάά), but he is constrained by the existing physical, cultural,
social, and human materials with which he has to work. If he succeeds—if he is able to
persuade those recalcitrant materials to conform to his numbers and divisions—his city
will be “the nearest to immortality and second in point of unity” (739e). The question, of
course, is how to persuade the human materials to conform. One of the ways Plato has
his philosophical legislator do this is by appropriating just such a social and cultural
institution—religion—purging it of human corruptions and bringing it more in line with Plato’s own philosophical conception of divinity. As we shall see, the Athenian not only connects the city and the parts of the city to the Pythagorean cosmology, but also places each of these parts under the patronage of a conventional Olympian deity. Thus the city and each of its parts are dedicated to both a cosmic deity and an Olympian god. The philosopher will regard the division of the city as sacred because it is linked to a cosmic god; the pious citizen because it is devoted to an Olympian.81

After laying out an initial explanation of his method of correct regulation (737c-738e), the Athenian observes that this “move” is “unexpected” (ἀήθης οὖσα), and “may seem amazing to the hearer at first” (θαυµμάασαι, 739a2-3). Why should this be unexpected or amazing? The Athenian does not tell us exactly, but I argue that it is because the method of correct regulation is the projection, or best imitation possible, of the Republic’s communistic institutions. For this is precisely the context in which the Athenian begins his description of the first-best and second-best city and regime (739aff). Moreover, at the end of his comparison of the first-best and second-best city and regime, the Athenian asks:

Now then what do we say this [second-best] regime is and how do we say it comes to be such? First, let them divide up the land and the households, and not farm in common, since such a thing would be too demanding for the birth, nurture, and education that have now been specified. However, the division of lands is to be understood in something like the following way: each shareholder must consider his share to be at the same time the common property of the whole city, and must cherish his land, as a part of the fatherland, more than children cherish their mother; he must consider the land as a goddess who is mistress of mortals. And he should have the same understanding of the native gods and demons (739e6-740b1).

81 This is part of Plato’s effort in the Laws to reconcile nomos and phusis, which I will discuss fully in Chapter 5. The philosopher follows nature, whereas the ordinary citizen follows the authority of custom.
Thus, the Athenian’s method of correct regulation, and the civil religion, which it both helps to define and supports, is the projection of the communistic institutions. It affirms and reinforces the idea that the land is not only the citizen’s primary source of income, but that it is also a sacred thing, a gift of god. The distribution of the lot is accompanied by a traditional religious ceremony with sacrifices and prayers (741c). It also encourages the citizen to see his individual lot, as an integral part of a greater whole—both the city, and the divine order of the universe. Lastly, the method of correct regulation is a means of distributing private property in the most equitable way possible:

Things must be arranged so that they [the colonists] do not have disputes over their property, because those who have even a little intelligence won’t voluntarily (ἐκόντος) go ahead with the rest of the arrangements as long as ancient property disputes remain unsettled among themselves. But for men in a situation like ours now, where a god has given a new city to found, and where there are as yet no hatreds (ἔχθρας) against one another, no human ignorance, even if combined with complete evil, would lead men to set a division of land and houses that would introduce these hatreds among themselves (737b).

The Athenian insists that such an equitable distribution of property will be a “support to the city” (ἕρμα πόλεως, 737a7). The second-best city will have private property, but it will be distributed in such a way that it will not hinder political friendship. Thus, the philosophical legislator creates the conditions for the citizens to willingly agree with the more difficult legislation he will go on to set down.

The next part of the Athenian’s method of correct regulation deals with the construction of sacred space within the territory. He first recommends that the city be built as close to the center of the territory as possible, and then divided into twelve parts (745b6-7). This division into twelve parts involves “setting up a temple (ἱερόόν) to Hestia,
Zeus, and Athena, called “the acropolis” and surrounded by “a circular wall” (745b7-8). After the construction of the acropolis, the Athenian says, “temples should be constructed all around the marketplace (ἀγορά) and in a circle around the city on the highest ground” (778c4-6). From the central point of the acropolis, then, “the twelve parts should radiate, dividing the city itself as well as the whole territory” (745b8-c2). The twelve parts are to be “equal” not necessarily in terms of size, but in terms of the quality of arable land in each part (745c). To the twelve parts of the city then, the population of the city should be distributed. “After this,” the Athenian says, “they should give the twelve parts to ‘the Twelve gods’ as allotments, naming and sanctifying each after the god to whom it has been allotted, and calling each part a ‘tribe’” (φυλή, 745d7-e2). Thus, each tribe is one twelfth of the city, having four hundred and twenty citizens within each tribe, which is, in turn, divisible by twelve (771a6-b3).

The Athenian’s description of the acropolis at the geographic center of the city, surrounded by a circular wall, encircled again by the temples on the agora, and finally radiating out to the borders of the territory, suggests that the organization of sacred space in the polis is meant to be an imitation of the perfect, circular motion of νοῦς. When the Athenian suggests to Kleinias an “image” (εἰκόνα, 897e1) of νοῦς in Book X, he describes a sphere turning on a lathe: “an imitation of circular things... must in everyday have the greatest possible kinship and resemblance to the revolution of νοῦς” (898a4-6). Thus, Plato creates at the geographic and symbolic center of his city a traditional sacred space for the city-holding gods that also points beyond the city to the rational, cosmic order emanating from νοῦς.
It should also be observed here, as Morrow has pointed out, that Plato is following a classical precedent by referring to the Olympians as “the Twelve” (745d, 828c). At the same time, however, the Athenian introduces “a notable innovation” by making the Olympians eponyms for his twelve tribes:

The ten tribes at Athens in Plato’s time bore the names of heroes, and the four earlier tribes which they had replaced had names whose origin it is difficult for us to interpret, but they seem not to have been the names of gods, and certainly not the names of Olympians. Nor do we find anywhere else in Greece a precedent for Plato’s proposal. By setting up the Olympians as the patron deities of the tribes, the Athenian gives each phratry a patron deity to worship, thereby constructing a unique identity for that phratry that both distinguishes it from the other phratries and makes it part of the symbolic whole. Furthermore, since the Olympians are to be not simply worshipped, but also imitated, the Athenian ensures that his de-Homericized Olympian gods, who are images of virtuous action and character, and not some unruly indigenous god, who may be good or evil (747e), will be at the forefront of his citizens’ minds. We will return to this below, but again we can see that, through his organization of sacred space, the Athenian wishes to establish a link between the city and its subdivisions to the traditional Olympian gods, and then beyond to the cosmic-Pythagorean religion based on the divinity of numbers.

The Athenian next argues that they must divide each of the twelve parts of the city in the same way that the city as a whole was divided (745e2-4). The twelve tribes will be further subdivided in successive stages “until a division into five thousand forty...
parts is reached, from which clans, districts, and villages will be created, as well as
military units and marching arrangements” (φρατρίας καὶ δήμους καὶ κώμας, καὶ πρός
gε τᾶς πολεμικὰς τάξεις τε καὶ ἀγωγάς, 746d6-e1).

There must be 12 villages (κώμας), each one located in the middle of the twelve parts. In each
village there should first be a site for the temples and marketplace belonging to the gods, and
to the daimones who follow after the gods. If there are any local Magnesian deities, or shrines
of some other ancients who have been preserved in memory, they should pay them honors
that were paid by humans in ancient times; but temples should be set up everywhere to
Hestia, Zeus, and Athena, and to whichever of the other gods is the primary patron of each
twelfth part (848d).

Thus the organization of sacred space in the tribes reflects exactly the same order and
arrangement as the sacred space in the polis as a whole—a political center sanctified by
a temple and agora from which another division into twelve parts radiates. Each tribe
will have a temple to its patron deity—i.e., one of the twelve Olympian gods—as well as
a temple to Hestia, Zeus, and Athena. Yet unlike the central polis cult, the tribes will
have shrines and rites for local Magnesian deities, ancestral gods, and heroes. This is
completely in accordance with custom. In historical Greek poleis, phratries had their
own cults, which both identified the tribe as a distinct group and expressed its relation
to the polis as a whole.84 Thus, tribal cults contribute both to the unity of the polis, and to
the identity of the tribe as a symbolic part of the city as a whole.85 Moreover, by
connecting each tribe to the divine number twelve, and to the divinized months (μῆναι),
the Athenian’s tribal divisions also reflect the symmetry of the cosmos.86

The Athenian’s method of division and subdivision continues until they arrive at

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85 Interestingly, the Athenian never discusses the cults associated with the deme, which, according to
Sourvinou-Inwood, “was the most important polis subdivision in Classical Athens” (2000: 30).
86 On the years, months, and seasons are cosmic gods, see Lg. 899b.
five thousand forty parts. These will be distributed to each of the five thousand forty citizens as their allotment of land (κλήήρους, 745c3-4). But each allotment itself will again be divided in two so that each citizen has a plot of land near the city, and one plot farther away near the borders (745c3-6). “Each individual,” the Athenian declares, “is to have two houses (οἰκήήσε), one near the center and the other near the border. Thus the settlement will be completed” (745e4-6). The Athenian later looks back upon this division and observes: “Our number as a whole [five thousand forty] has twelve divisions, and the number contained in each tribe also has twelve. Each part must be understood as a sacred entity, a gift of god, corresponding to the months and to the revolution of the cosmos” (771b3-6). The Athenian’s arrangement of physical space within the city thus not only consecrates the intimate connection between the political and the religious that was characteristic of historical Greek poleis, but also establishes sacred space in such a way that it is both traditional with its acropolis and temples to the Olympian gods, and cosmic with its twelve divisions and twelve subdivisions mirroring the months of the year, and its circular form, which imitates the revolution of the cosmos. There is a seamlessness to these two aspects of the sacred space; they work in unison. Each part of the city, and the city as a whole is dedicated to a cosmic god—the months, the seasons, the years, or νοῦς itself—as well as a conventional Olympian god. Cosmic religion and traditional religion occupy the same sacred space within the city. Thus, the philosopher and the pious citizen may come together around one of these sacred places, and give reverence to his god.

The Athenian’s “method of correct regulation” therefore demonstrates several
important aspects of legislation as political demiurgy. First of all, number is this fundamental to the legislator’s art. The philosophical legislator attempts to arrange all the constitutive parts of the city into a mathematical order that reflects the mathematical structure of the cosmos. In this way, the city and all of its parts are an image of the divine order of the universe set in motion by νοῦς. The essence of that image lies in its suggestion of eternal perfection, order, and unchangeability. The image of the city as microcosm is, moreover, the basis of Plato’s new cosmic religion. As V. Bradley Lewis observes:

The characteristics of the physical arrangement of the city, then, provide an image of the whole. The citizens participate in that whole through their civic life, and thus the city becomes a kind of point of access to the divine through its symbols and institutions. Crucial to the reflection of cosmic order is the number twelve: the city’s parts relate to the structure of the cosmos as related to the months of the year and thus to the sun.\(^\text{87}\)

If the traditional aspect of Magnesia’s civil religion is what makes the city possible, i.e., if that is what keeps it grounded in the material realities of its time and place, then the cosmic religion points beyond the human realm toward the stability, rationality, and everlasting perfection of the orderly cosmos. Magnesia’s civil religion is therefore analogous to the concept of ὄμοιωσις θεῶ. Just as the individual citizen must order his soul and cultivate virtue so that he may become like god, and therefore commune with god and become happy, so too the city as a whole must be ordered with respect to virtue so that it can become like the cosmos, a rational, orderly arrangement, unchanging, and eternally existing.

The city of the Laws, however, can only aspire to achieve the perfection that is the

\(^{87}\) Lewis (2010) 39.
cosmos; just like the human soul that seeks to follow god, it is still bound to its terrestrial form. Thus, the Athenian’s appeal to the religious authority of Delphi is a recognition of that intractable bodily element. The human body and the terrestrial form of the city are bound to history, to tradition, and to the physical world. Magnesia’s civil religion needs that traditional cultural institution not only because Delphi reminds it of its earthly condition, but also because Delphi was an habitual (i.e., pre-rational) form of reverence that is accessible to all citizens. Delphi directs the ordinary citizens to the traditional gods as models of virtue just as cosmic religion reminds the philosopher of the rational order of the cosmos directed by the greatest god, νοῦς.

3.4 Religious Legislation

By founding Magnesia’s civil religion on the authority of Delphi, I argued earlier, the Athenian ensured that it was appropriately Greek, and therefore that it would gain the willing participation of all Magnesia’s citizens in its cults. What sets Magnesia apart from all other poleis, what gives Magnesia its identity as a polis, and what is truly innovative about Plato’s approach to civil religion, however, is the religious system Plato constructs within the polis. As we have seen, Magnesia observes the conventional Panhellenic pantheon of “the Twelve” Olympian deities. But it is through the Athenian’s emphasis on certain aspects of these gods that Magnesia’s pantheon becomes its own. The Athenian, moreover, allows for a great deal of local variation, including the establishment of cults for various Magnesian deities. In this respect, Plato observes “the ‘law’ of the Greeks as reported in Thucydides 4.98.2… that whichever polis had control
over a land also owned its sanctuaries, and they should worship as far as possible
according to the rites that were customary there before the change of ownership.\footnote{Sourvinou-Inwood (2000) 18.} In
practice, however, the religious rites already established in a land were also affected by
the religious system of the polis that now controlled the land so that “the rites practiced
after the conquest would be the result of the interaction between” the two.\footnote{Sourvinou-Inwood (2000) 19.} The
indigenous, Magnesian cults, along with the Panhellenic cults established by Delphi, are
in a sense the cultural necessities with which the political demiurge has to work. Yet it is
through the innovative arrangement of sacred space, of the liturgical calendar, and of
the sacrifices, processions, and festivals for the gods that the Athenian creates a truly
distinctive civil religion in Magnesia. Magnesia’s civil religion, in the final analysis, will
be a unique mixture of indigenous cults, Panhellenic cults selectively adapted so as to
stress particular configurations of certain divine personalities, and Plato’s own cosmic
religion.

Regular religious festivals (ἑορταί) and sacrifices (θυσίαι) will be a ubiquitous
feature of civic life in Magnesia. Participation in festivals will be clearly one of the
citizens’ main occupations in life (716e, 803e, 835e). We will recall from the Athenian’s
great speech that community (ὁµµίλια) with the gods is not only pleasing to the gods, but
also contributes directly to the citizens’ happiness, and makes them better citizens (716d-
e, 771d, 885b). The reverence displayed by good citizens at the festivals makes the gods
gracious toward the citizens and the city as a whole. At the festivals, and particularly in
the choruses and games associated with the festivals, the citizens participate in
imitations of the gods, who are worthy models of virtue. By imitating the gods’ virtue, the citizens become like the gods, i.e., virtuous. Finally, religious festivals support civic education not only by habituating the citizens to virtue, but also by providing a venue and the means through which three of the stated aims of the laws—“freedom, wisdom, and friendship” (693b, c, e, 694b, 701d)—may be fulfilled.

When the Athenian begins “to arrange and legislate festivals” (τὰ ἔσορθαι μὲν καὶ νομοθετήσασθαι ἑορτὰς, 828a1-2), he again stresses the importance of Delphi:

“Delphic oracles will help indicate which sacrifices, to which of the gods... but as for when they should take place, and what their number (τὸν ἀριθμὸν) should be, that legislation is probably up to us—at least in the case of some of the festivals” (828a1-5). In case the reader misses the Athenian’s emphasis on number, Kleinias reiterates:

“Probably the number” (Τά αὖ τὸν ἀριθμὸν, 828a6). And when the Athenian resumes speaking, his first words are: “The number, then, let’s speak about that first” (Τὸν ἀριθμὸν δὴ λέγωμεν πρῶτον, 828a7). What constitutes a sacrifice, and which of the gods are to receive a sacrifice is determined by tradition, according to the oracle at Delphi. The determination of when the sacrifices should take place, and how many there should be, belongs to the legislator. Again the choice of number is what defines the legislator’s art. The most important numbers are once more three hundred sixty-five and twelve:

Let there be three hundred sixty-five [sacrifices] without any omissions, so that there will always be at least one magistrate performing a sacrifice (θυεῖ) to some god or daimon, on behalf on the city, the people, and their possessions... The law itself will proclaim twelve festivals (ἑορτὰς) for the twelve gods, each of whom has a tribe named after him. They’ll make sacred monthly sacrifices to each of these, along with choruses, musical contests,
and gymnastics contests, distributing them in a way that befits both the gods themselves and each of the seasons (828a7-c5).

We have already noted Plato’s innovation of naming each of the twelve tribes after one of the twelve Olympians. The Athenian strengthens the social and political importance of the Olympians by legislating sacred monthly festivals in their honor. He does not give, however, much detail on the difference between the daily sacrifices (θυσίαι) and the sacred monthly festivals (ἑορται). As we have said, everyone would know what a proper sacrifice would be for the major Panhellenic gods. Delphi, moreover, would presumably determine the appropriate sacrifices for any local gods and heroes. Given the Athenian’s emphasis on the sacred monthly festivals for the twelve Olympian gods, it is probable that the three hundred sixty five daily sacrifices will be devoted to lesser divinities such as local Magnesian gods, ancestral gods, heroes, and other deities. The Athenian is not explicit on this point, and says nothing further about the daily sacrifices. This suggests that the lesser deities are more of a cultural necessity that the political demiurge has to address, and less important symbolically. Nevertheless, these local cults are not without social and political value to the legislator; but he does have to order and arrange these cults before their value can be realized.

The exact number of festivals the Athenian intends is not easy to determine. The Athenian legislates that the twelve eponymous gods will have two altars (βωµούς)—one in the city and another in the tribe (771d2). Thus, each month, the eponymous god assigned to that month will actually have two festivals:

Let’s make sacrificial processions (θυσιῶν… συνόδους) to two of the altars each month, twelve for the divisions within in the tribe, and twelve for the divisions of the city. We should do this first for the sake of pleasing the gods, and second, we would assert, for the
sake of our kinship (οἰκειότητος) and familiarity with one another, and for the sake of every sort of intercourse (ὁμιλίας, 771d).

Having both a city festival and a tribal festival for each eponymous god, therefore, establishes a strong connection between the polis and its constituent parts, provides additional opportunities for the citizens to associate with one another, and contributes to the satisfaction of the gods.

The Athenian also legislates monthly military exercises with accompanying sacrifices, music, and games (829b-c). These military exercises are clearly conceived of as occasions “fit for festivals” (ἕορταστικαί, 829b8), and, like the festivals for the eponymous gods, they will be conducted both at the polis level, and at the tribal level (829b6-7). The military exercises will feature “gymnastic exercises with heavy arms,” in which the citizens must “struggle with one another over every point of the territory, competing to capture positions and set ambushes” (830d8-e2). During these festivals, there will also be other gymnastic contests—foot races (883a-c), contests of strength (833d-834a), contests with horses (834b-c), and contests with weapons (834d). Finally, there will be certain “armed games” (ἐνόπλια παίγνια) described as “choral imitations” (ἐν τοῖς χοροῖς... μιμήματα, 796b3-5). The Athenian refers to three such armed games traditionally held in their respective cities—the armed games of the Kuretes held in Crete, those of the Dioscuri in Lacedaemon, and those of Athena, “our virgin mistress,” in Athens (796b3-6). Undoubtedly the Athenian would censor the mythological stories surrounding the armed games of the Kuretes, since Kronos’ hostility toward Zeus, and Zeus’ eventual overthrow of Kronos would not be fitting tales to tell the children. The
point of these armed games, however, is to “honor the grace (χάριν) of the gods, for the sake of its use both in war and in festivals” (796c3-4). Thus, the festivals for the military exercises, the choral imitations of armed games, and gymnastics competitions as a whole, which are part of all the religious festivals, ensure that the city will have a ready and capable fighting force, and therefore directly promote the freedom of the entire state.

We already can see that the religious festivals, both those for the eponymous gods, and those associated with the military exercises, contribute to two of three the stated aims of the laws—friendship and freedom. But above all, religious festivals aim at promoting friendship between citizens. As the Athenian says regarding festivals:

When various parts of the population gather together at the regularly established intervals, they’ll be amply supplied with whatever they need; they’ll become more friendly to one another, at the sacrifices, will feel they belong together, and will get to know one another. There is no greater good for a city than that its inhabitants be well known to one another; for where men’s characters are obscured from one another by the dark instead of being visible in the light, no one ever obtains in a correct way the honor he deserves, either in terms of office or justice. Above everything else, every man in every city must strive to avoid deceit on every occasion and to appear always in simple fashion, as he truly is—and, at the same time, to prevent any other such man from deceiving him (738d4-e8).

Festivals allow citizens to get to know one another. At festivals, especially those for the Olympians, which take place during the light of day, everyone’s character becomes revealed. With such knowledge, the city may bestow honors in the correct way. Each citizen will receive honors in accordance with the virtue he displays at the festivals. This is “the truest and best equality” (757b5-6), and it is “the equality that produces friendship” (757a5-6). Distributing honors in this way ensures that there will be friendship among the various parts of the population.
Of all the sacred monthly festivals in the liturgical calendar, the festival for Pluto during the twelfth month is, perhaps, the most significant (828c-d). Its main goal is to inculcate in the citizens a proper attitude toward death, and therefore supports the doctrine of ὁμοίωσις θεῶ. Immediately following the Athenian’s legislation concerning the three hundred sixty five daily sacrifices and the sacred monthly festivals, he initiates a discussion of the rites for Chthonic gods:

What pertains to the underworld gods should not be mixed with what pertains to the gods whom we ought to call “heavenly” or with what belongs to them; these underworld rites they should keep separate and assign according to law, to Pluto’s month, the twelfth month. Nor should warlike human beings abhor such a god; they should rather honor him as being always the best for the human race, because, I would seriously affirm, for soul and body, communion (κοινωνία) is not superior to dissolution’ (828c6-d5).

Such a division was not, to the best of our knowledge, a fundamental principle of historical Greek religious practice, though, as Morrow argues, it may have been “implied” in the opinions of Plato’s countrymen. Nevertheless, it is clear that the Athenian insists upon a hierarchy:

One would most correctly hit the target of pious reverence if one honored the gods of the underworld (χθόνιοι) after the Olympians and the gods who possess the city (τοὺς τὴν πόλιν ἔχοντας θεοὺς), assigning to them (i.e., the χθόνιοι) the even-numbered, the second place, and the left side. The higher things—the odd numbered and the other opposites (i.e., the first place and the right side)—should be assigned to those just now mentioned (the Olympians and the city-holding gods). After these, the prudent man, at least, (ὅ γε ἔµφρων) would worship the daimones and then next after these, the heroes. Following close upon them would be the private shrines of ancestral gods (ἱδρύεσθαι ἰδια πατρών θεῶν), worshipped as the law directs, and then after these the honors that are due to living parents (717a5-b6, cf. 727a, 738d, 771d, 801e, 818c, 828c, 910a).

No cult is ever described for any of the daimones, heroes, or ancestral gods. It is clear that the Athenian intends some kind of cult for these deities because it is mentioned several

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times (738b-c, 799a, 801e, 828b, 848d), but we are never given any details. The Athenian’s main concern is to keep the cults of the Olympians and Chthonioi separate.

It is generally recognized that the Athenian’s separation of the Olympian and Chthonic gods reflects the influence of Pythagorean thought.91 Aristotle (Metaph. A.5, 986a22) tells us that the Pythagoreans’ “table of ten opposites” identified the odd-numbered, the right side, and the limit with the One and the Good, while the even-numbered, the left side, and the unlimited belonged to the Plurality and the Bad.92 Moreover, as Morrow observes, “it is perhaps not without significance that the worship of the Olympians took place by day, that of the chthonic deities by night, and the favored sacrificial victims in the former case were white, in the latter dark.”93 The Athenian does not tell us what the ritual implications are for this division, but as Schofield observes, “Plato seems to be talking more to his intimates in the Academy... than to the colonists.”94

I suggest that Plato is trying to show the philosophical reader from the Academy how to deal with the Chthonic deities, whose cults were such an integral part of Greek religious life that they could not be ignored, but who commonly represented a view of the afterlife that was at odds with Plato’s own doctrines concerning the immortality of the soul. In historical Greek religious practice, the distinction between Olympian and chthonian is problematic, especially insofar as chthonios was a cult title that could be

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applied to some Olympian gods—notably Hermes, Demeter, and Zeus—in certain ritual contexts.\textsuperscript{95} Nevertheless, if Burkert is correct that the chthonic gods represent a primitive strain of Greek religion that was connected to funerary rituals, then we may conclude that Plato is attempting to turn Greek afterlife mythology on its head. According to the doctrine of ὁμοίωσις θεῶν, when the soul is released from the body at death, it goes off to a higher plane and joins the well-ordered Olympians, not the chthonic gods in Hades (\textit{Phdr.} 246a–248c). This attempt to redefine his citizens’ conception of the afterlife was prefigured in the Athenian’s great speech, and is reiterated in his legislation for the liturgical calendar.

At the beginning of the second part of his great speech, the Athenian warns against the dishonoring of the soul that results from fear of Hades:

> When a man considers it good to live at all costs, that is also dishonor to the soul, for in this case he has surrendered and allowed the soul to go on thinking that things in Hades are bad; he has failed to struggle as he should, teaching and attempting to refute it in order to show that one does not know whether things are not just the opposite—it may be that among the gods below are to be found the things that are by nature the greatest goods of all for us (727d).

And immediately after legislating that the twelfth month would be sacred to Pluto, the Athenian declares: “Such a god [Pluto] must not be feared by warlike human beings, but should be honored as being always best for the human race because communion in body and soul is not superior to dissolution” (828d2-5). This argument arises again in the prelude to the law concerning the burial of the dead:

> In life itself, what constitutes each of us is nothing other than the soul, the body following each of us is a semblance (ἰνδαλλόμενον), and... the bodies of the corpses are images (εἴδωλα) of the dead, while the being that is really each of us—the immortal soul—goes

\textsuperscript{95} Parker (2012).
off to other gods to give an account (δώσοντα λόγον), just as the ancestral law says. To the good man this is heartening, but to the bad man very frightening (959a6-b6).

There is some ambiguity in the Athenian’s account as to whether the soul, upon death, goes down to Hades to be judged, or up to the “other gods” — presumably the Olympians — to give an account. A possible explanation is that Plato regarded the Greek belief that the soul goes down to Hades as too entrenched to be completely eliminated, and therefore, he sought simply to persuade ordinary citizens that good men have nothing to fear in Hades. Alternately, Plato could be taking advantage of the dichotomy inherent in the dual functions of Hades/Pluto. As Burkert notes, Hades, the ruler of the dead, “is also Pluto — the guardian and giver of wealth in corn.” Since Plato wants to foster belief in the immortality of the soul, he stresses the positive, beneficial aspect of Pluto. Yet, because an enlightened sense of justice must also be inculcated in the citizens, Plato cannot do without the darker side: Hades as the judge and lord of the dead. In this respect, the Athenian distinguishes between the god, Pluto, who benefits human beings by overseeing the soul’s release from the body, and the place, Hades, where the souls of the wicked are judged (881a, 904d, 905a). In the prelude to the law governing murder, the Athenian argues: “vengeance is exacted for such things in Hades, and when they return back here again they must necessarily pay the just penalty according to nature, which is that of suffering whatever he himself inflicted on the victim” (870d6-c3). The same “myth or story” (µῦθος ἢ λόγος) occurs again in the prelude to the legislation concerning the murder of kin, viz., that “watchful Justice (δίκη ἐπίσκοπος), the avenger

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of the blood of kinsmen... ordains for the perpetrator of such a deed that he must necessarily suffer the same things he has perpetuated” (δράασαντί τι τοιούτον παθείν ταύτα ἀναγκαῖως ἀπερ φόδασεν, 872e1-5). The Athenian recognizes that such stories would only restrain those who already fear retribution (873a-c; 881a-b). As Morrow observes, however, these stories are not really about deterrence, “but rather reassurance as to the supremacy of the all-seeing and incorruptible Providence, or order of destiny, which allots each soul eventually to the place in the cosmos for which its character fits it (904c-e).”

The formal worship of the chthonic gods in Magnesia’s civil religion will focus on the positive aspect of Pluto’s role in the liberation of the soul from the body. Plato cannot eliminate entirely chthonic rites, but he wishes to separate them from the Olympians as much as possible, emphasizing the Justice of Zeus over the retribution of the Erinyes. Thus, the Athenian legislates a sacred monthly festival for Pluto in the twelfth month, effectively giving the god the honor he deserves, while keeping it separate from the honors due to the Olympians. The real innovation here is not so much that Plato regarded the twelfth month as sacred to Pluto, for Plato’s twelfth month corresponds to the Attic month of Skirophoria during which a festival connected to the Eleusinian mysteries and the story of Pluto’s rape of Persephone was celebrated. Plato’s originality lies in his explicit naming of the month for Pluto, and, following the logic of the passage, thereby admitting Pluto to the circle of the Twelve. As Morrow notes: “Although Pluto—or Hades—was a son of Kronos, like Zeus and Poseidon, he

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*England (1921) *ad loc.*
seems never to have been accorded a seat with the Olympians, and… was only rarely an object of worship among the Greeks.” Thus, Plato seeks to radically transform popular notions of death and the afterlife through the use of myths familiar to many from the Eleusinian mysteries. Yet these doctrines of immortality and reincarnation also reinforce the belief in cosmic justice.

3.4.1 The Cult of Astral Deities and the Festival of Apollo-Helios

By carefully arranging the sacrifices to the lesser divinities into three hundred and sixty-five daily sacrifices—i.e., by applying a number, or limit, to a seemingly unlimited number of deities—the Athenian creates an orderly liturgical calendar. Furthermore, by making the sacred monthly festivals to the Twelve more special and more elaborate occasions, the Athenian institutes a hierarchy of divinities, imposing a division between the Olympians, the Chthonic gods, and the “ragbag” of lesser deities—to borrow Bremmer’s phrase. Much later in the dialogue, as part of the discussion of Magnesia’s system of education, the Athenian introduces a second hierarchy of divinities. First of all, there is “the greatest god” (τὸν μέγιστον θεόν) and then “the cosmos as a whole” (ὅλον τὸν κόσμον, 821a2). Then there are “the great gods, the Sun and also the Moon” (μεγάλων θεῶν, Ἡλίου τε ἄμα καὶ Σελήνης, 821b6). Finally, the Stars are called “the heavenly gods” (θεῶν τῶν κατ’ οὐρανόν, 821c7). The Athenian does not give details here about the worship of these astral deities, but he does say enough to establish that there will be a cult for them. He says that the astral gods will

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100 Morrow (1993) 452.
receive “sacrifices and reverent prayers” (θυόντας τε καὶ ἐν εὐχαῖς εὐσεβῶς, 821d-3), and “hymns” will be sung to them (822c5). Indeed, many scholars have noted that this public cult of astral gods is a significant innovation of Plato’s. As Dodds commented: “The great novelty in Plato’s project for religious reform was the emphasis he laid, not merely on the divinity of sun, moon, and stars (for that was nothing new), but on their cult.”

The Athenian does not explain why he has separated this pantheon from the first, or how these astral gods relate to the Olympians, or other gods. Readers of the Timaeus will remember that the traditional gods are distinguished from the heavenly gods insofar as the heavenly gods “move around” the circuit of heaven “visibly” (περιπολοῦσιν φανερῶς, 41a3), whereas the traditional gods “appear only to the extent that they are willing” (φαίνονται καθ’ ὅσον ἂν ἔθελωσιν, 41a4). In Book X of the Laws, the Athenian argues that the “sun and moon and the other stars” as well as “the years, months, and all the seasons” are “gods” (θεοὺς) because they possess “souls good with respect to every virtue” (899b-7). The sun, the moon, and the stars are not material bodies lacking souls, as some people say (899a1). “In the case of the sun,” the Athenian contends, “every human being sees the body, but no one the soul” (898d9-10). This is because the soul is not perceivable through any of the bodily senses, but must be apprehended by reason and thought alone (νοητὸν... διανοήηματι, 898e2-3). Lastly, the Athenian’s argument for the divinity of the sun, moon, and stars is the capstone to

104 Cf. R. 529a-530c, esp. 529c7-d5.
his argument that circular motion has “in every way the greatest possible kinship and similarity to the revolution of Reason” (τῇ τοῦ νοῦ περιόδῳ πάντως ὡς δυνατόν οἰκειοτάτην τε καὶ ὀμοίαν, 898a5-6). The regular, orderly, and proportional movement of the sun, the moon, and the stars is the best evidence that νοῦς is present in the best soul—the soul that is responsible for the generation of all good things and that guides, supervises, and orders the cosmos as a whole (897c-899b). The astral gods are visible evidence for the existence of the greatest god, νοῦς.

Kleinias, as the Athenian predicted, has trouble following this argument (898d-e; 892d-893a). This suggests, I think, that the cult of astral deities will be closed off to citizens like Kleinias, i.e., those not capable of νόησις and διανόησις. As is clear from the discussion of Magnesia’s system of education, only those who have distinguished themselves in the basics of music, literature, and arithmetic will be allowed to continue on to the higher level mathematics, astronomy, and theology (809c, 818a). Most citizens will require knowledge of these subjects only insofar as they pertain to human affairs (818b). As the Athenian explains: “The many need not labor at all these things to the point of precise accuracy; that will be required of a certain few (who they are we will explain when we get to the end, for that would be fitting).” (818a1-3). But, the Athenian tells Kleinias, there are also “divine” necessities in these subjects:

A human being, at any rate, would fall far short of becoming divine (θείος γενέσθαι) if he couldn’t learn about one and two and three and in general the even and odd things, or if he didn’t know anything about counting, or if he couldn’t number the nights and the days, and lacked familiarity with the orbits of the moon and the sun and the other stars…these are the things that should first be grasped correctly, before going on to learn the other subjects to which these subjects lead (818b9- 818d8).

Again we see that knowledge of arithmetic is a condition for becoming like god. All
citizens will study arithmetic, but only the philosopher will understand the divinity of number. And only one who understands the divinity of number is capable of learning the higher sciences.

In the Republic, Socrates sets down the study of arithmetic, geometry, and astronomy as preparatory for the study of dialectic (531c-532a). The Athenian does not tell Kleinias and Megillos what the subject is to which the study of astronomy and mathematics leads, but clearly it is a subject that deals with the greatest gods, and is fitting only for those “certain few” about whom they will speak at the end. The Athenian suggests that there is something dangerous or impious about this subject: “With regard to the greatest god, and the cosmos as a whole, we assert that one should not conduct investigations, nor busy oneself with trying to discover the causes (τά αἴτια)—for it is not pious to do so. Yet, it is likely that if the opposite of this took place, it would be correct” (821a1-5). The Athenian is not explicit on this point, but it seems that it would only be pious for one, who has reached the highest levels of Magnesia’s system of education, to conduct investigations into cosmology or theology. And since “what pertains to the revolutions of the divine things” is a necessary component of those investigations, this knowledge must be restricted to an intellectual elite (809c7-8). This select group of students, moreover, will be the future leaders and guardians of Magnesia:

They should learn about the arrangements every city needs to make in respect to these things—the ordering of the days into the revolutions of the months, and the months in each year, so that each of the seasons, sacrifices, and festivals will receive its due for itself

105 See Section 3.3.
106 For a similarly Delphic view of the gods and man’s (in)ability to know them, see Hdt. 2.3.2.
according to the sequence of nature, will keep the city alive and awake, will render honors to the gods, and will make humans more prudent in these matters (809c6-d7).

In short, the cult of astral deities is the physical manifestation of the natural theology implied by Book X of the *Laws*. It is, therefore, accessible only to the most philosophically gifted of Magnesia’s citizens. Access to the cult of astral deities must be restricted first because citizens who have not been sufficiently educated in the preliminary studies, especially higher level mathematics, could not properly interpret the motions of the astral gods as evidence for νοῦς. They might, like the young sophist whom the Athenian addresses in Book X, believe that the sun, the moon, and the stars are simply material bodies, and they might conclude, therefore, that the gods do not exist. Secondly, participation in the cult of astral gods must be limited because of the great political authority that the Athenian is going to confer on members of this circle.107 Yet, however exclusive membership in this cult might be, it is clear that the Athenian intends the cult of astral deities to have a conspicuous presence in the city.

During his division and distribution of sacred space within the territory, the Athenian had remarked that they should “make sacred precincts” (τεµμέένη) for each of the gods, in accordance with what has been ordained by the Delphic oracle (738c7). The only precinct ever mentioned in the *Laws*, however, is “the common precinct of Apollo and Helios” (945e6, 946d1-2). In Book XII, the Athenian legislates that each year the entire city will gather in the sacred precinct of Apollo and Helios for a religious festival culminating in the election of the Auditors (εὐθύύνους, 945e-946a). This festival provides the only clues as to what rites and observances the cult of astral deities consists of. We

107 See section 5.2.
have already seen that the Athenian privileges the Olympians over the *Chthonioi* and other divinities by making the Olympians eponymous gods of the tribes and by making the sacred monthly festivals for the Olympians more important events in the liturgical calendar. The Athenian’s discussion of the festival of Apollo-Helios indicates an extension of the hierarchy of gods previously discussed. First, the chief priest of Apollo-Helios will be eponymous, not over a part of the city, but of the whole year; he will give his name to that year “so that he might become the measure (μέτρον) of the year’s number as long as the city should last (947a5-b3).108 Secondly, the festival for Apollo-Helios is the only annual festival discussed in the *Laws*. Consequently, we may infer that the cult of Apollo-Helios is the most important cult in Magnesia’s civil religion; it is what Sourvinou-Inwood calls a “central polis cult”.109

Central polis cults were “the cults of deities connected with, and presiding over, the central polis institutions” and were “explicitly concerned with the identity and the protection of the polis as one whole.”110 Scholars have long recognized the originality and significance of the cult of Apollo-Helios.111 Burkert rightly points out that “the equation of Apollo and Helios” was “already attested in the fifth century.”112 Yet as Morrow and Dodds note: “No such cult existed, so far as we know, in Sparta, Athens, or Crete” though “there was a cult of Helios on the island of Rhodes, and temples of Helios

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108 We should recall here that according to Book X, the year is in fact a god. Nagy (1994) argues that the Cypriote form of Apollo’s name (Ἀπείλων) is connected with the notion of seasonality.
at Hermione and Cos.” Dodds, moreover clearly saw the import of this joint cult for Magnesia’s civil religion:

The focal point of [Plato’s] new State Church is to be a joint cult of Apollo and the sun-god Helios... This joint cult—in the place of the expected cult of Zeus—expresses the union of old and new, Apollo standing for the traditionalism of the masses, and Helios for the new ‘natural religion’ of the philosophers.

By linking the traditional and astral gods together into a common cult, Plato creates a natural bridge between the common citizen’s ideas of divinity and those of the intellectuals. The common cult and annual festival for Apollo-Helios thus form an intimate bond between the pious citizen and the philosopher, the result of which lays the foundation for real civic friendship. For the ordinary citizen, the central tenet of Magnesia’s civil religion will be that the justice of Zeus presides over their city through the agency of Apollo, the patron of legislation. The philosopher, however, will understand that Apollo and Zeus are simply mythical names for Helios and Νοῦς, and that the rational and orderly motion of the sun is the most visible evidence of the natural law and order emanating from the supreme god, Νοῦς.

3.5 Conclusions

The union of traditional religion and natural religion in the public cult of Apollo-Helios is truly original to Magnesia. François de Polignac has described the Panathenaea festival—the central polis cult of Athens—as “the procession in which the whole society solemnly paraded before itself in a ceremony that manifested its own particular concept

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114 Dodds (1951) 221.
of its constitution and its space.” I would contend that the festival for Apollo-Helios was conceived in similar terms. Just as Athena was regarded as the patron deity of Athens, and Artemis of Ephesos, so Apollo-Helios will be the patron deity of Magnesia, distinguishing it from all other Greek city-states. Magnesia will be unique, moreover, in that it brings all of its citizens together—the intellectual elite and pious traditionalists—around a common cult even as it respects the value of each part of the city. Apollo gives the city and its regime the authority of tradition without which the willing obedience of the majority could not be attained. And without the willing obedience of the majority, a true *politeia* would not be possible. But the city also needs Helios, for Helios connects the city to the rational order and stability of the cosmos. Just as Apollo was the ancestral interpreter of the law of Zeus, so Helios is the interpreter of the natural law of Νοῦς.

Apollo allows the city to come into existence; Helios will allow it to last. In this way the cult of Apollo-Helios supplies the citizens of Magnesia with a civic and religious identity. And the annual festival of Apollo-Helios provides an occasion for all the citizens of Magnesia, philosopher and ordinary citizen, to come together in the spirit of friendship to honor the city and its patron deity.

As Laks rightly observed:

A distinctive feature of the Platonic concept of *politeia* is its normative value... This normativity, however, is two fold. On the one hand, a constitution is... a certain way of distributing magistracies. In the case of the *Republic*, it amounts to giving political power to knowledge. But on the other hand, there is no constitution without the agreement of all the constitutive parts of the city.\(^{116}\)

In the *Laws*, the Athenian defines these requirements in the following way: in order for a

\(^{115}\) de Polignac (1995) 84.  
city “to have a politeia,” the lawgiver should set down his laws with a view to three things: “freedom, friendship, and wisdom” (ἐλευθερία τε καὶ φιλία μετὰ φρονήσεως, 693d8-e1), the latter of which, he also refers to as a "community of Reason" (νοῦ κοινωνίαν, 694b6). Friendship (φιλία) implies agreement (ὁµόνοια / συµµφωνία), at least, regarding first principles (694b, 695d, 708c, 759b). Friendship, therefore, is what mediates between the demands of the citizens to be free, and the philosopher’s desire to have reason be the principal guide of law and government. If the citizens do not agree that the law’s curtailment of their freedom is just, rational, and to their collective benefit, then there will be no political community for reason to guide. As the Athenian himself observes:

For without agreement (συµµφωνίας), my friends, how can wisdom (φρονήσεως)—even in its smallest form (εἰδος)—come about? It isn’t possible. But the finest and greatest of agreements would most justly be called the greatest wisdom (σοφία), and whoever partakes of this evidently lives according to reason, while he who doesn’t partake of it evidently brings ruin to his home and is in no way a savior of his city (689d4-9).

Magnesia’s civil religion, and especially the common cult of Apollo-Helios, plays a central role in the stability and prudent governance of the city by promoting friendship between the philosopher and the ordinary citizen. Civil religion unites the philosopher and pious citizen around a common view of the universe as a moral order ruled by a just and benevolent god. It gives them a common moral and religious goal to become like that god, virtuous and happy. And it gives them a place within the city—at sacred temples, and religious festivals—to gather together in communal celebration of the god who rules the cosmos and their city. It is on this basis of friendship that a true

117 In section 2.1, I show that Plato frequently employs the doublet “νοῦς καὶ φρονήσεως” to refer to the virtue of reason, e.g., Philb. 28d8, 59d1, 63c5-7, 66b5-6; cf., Lg. 631c6-7).
community of reason can come into existence.

It is to deny what the history of the world tells us is true, to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do, they will as naturally seek the gratification of their ruling passion as others have done before them… Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such an one does, it will require the people to be united with each other, attached to the government and laws, and generally intelligent, to successfully frustrate his designs… Reason — cold, calculating, unimpassioned reason — must furnish all the materials for our future support and defense. Let those materials be molded into general intelligence, sound morality, and, in particular, a reverence for the Constitution and laws.

—Abraham Lincoln

4.1 Introduction

In the previous chapter, we saw that the Athenian repeatedly states that a lawgiver should aim at three things: “freedom, friendship, and wisdom” (φιλία τε καὶ φρόνησις καὶ ἐλευθερία, 693d8-e1, cf. 693b, c, e, 694b, 701d). I also argued that the primary function of Magnesia’s civil religion is to encourage friendship between the citizens. In this chapter, we will examine how Plato ensures that Magnesia’s constitution will provide for freedom. Before we engage in the practical business of explicating the laws and institutions that aim at freedom, we must address a theoretical question: What do ἐλευθερία and its cognates mean for Plato? How does Plato conceive of freedom, or liberty, and how many kinds of freedom are there?

First, I will argue that, in the Laws, Plato presents us with two closely related concepts of individual liberty, one moral and one political. I show that self-mastery

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(ἐγκράτεια) is a kind of moral freedom, namely, the freedom to act in accordance with one’s reason without the interference of pleasure and pain. So conceived, self-mastery is the necessary condition for εὐδαιμονία. For some individuals, self-mastery is an innate quality (710a-b); the rest will require habituation (658e-660a). The bulk of Laws I and II, therefore, is devoted to the kinds of education that support habituation in self-mastery.

Secondly, I argue that, for Plato, individual political liberty necessarily depends on self-mastery (i.e., on moral freedom). Only the man who is his own master is truly free to participate in the running of political institutions; he is, in the words of the Athenian Stranger, “a perfect citizen who knows how to rule and be ruled with justice” (643e5-6; cf. Arist. Pol. 1317b2–3). In this respect, Plato’s concept of freedom as self-mastery suggests a subtle criticism of the democratic concept of freedom. Finally, I will argue that these two concepts of individual liberty are the necessary conditions for a free form of government. The freedom of the state, in turn, is defined by two related concepts: 1) the internal freedom of the polis to determine its own laws, and 2) the external freedom of the state from domination by foreign despots and rival city-states. Thus, the Athenian Stranger declares, their πολιτεία, alone of all existing constitutions, would be “free” (832c-d).

In the second half of this chapter, we will discuss the specific constitutional legislation and institutions that aim at freedom. I will argue that Plato introduces an innovative theory of constitutional mixing in order to ensure the freedom of the polis and its citizens. In the Laws, Plato does not use the term “mixed constitution” (πολιτεία μεικτή or μειμειγμένη), though, as we shall see, the concept of “mixing” is central to the
inquiry into historical constitutions in book III. (691b- 702b). The concept of mixing is also central to Plato’s theory of legislation as political demiurgy. Just as Timaeus argues that the cosmic demiurge created the cosmos by “mixing” (µειγνύς) “the Same,” “the Other,” and “Being” into “one entire form” (εἰς µίαν πάντα ἰδέαν, Timaeus 35a), so too the Athenian argues that the lawgiver should mix historical forms of constitution together with certain mathematical concepts in order to create a constitution that will be the closest humanly possible imitation of the paradigmatic constitution (739c-e). Only thus can the legislator create a city that will be “free, wise, and friend to itself” (ἐλευθέραν τε καὶ ἐµφρόνα καὶ ἐαυτή φίλην, 693a5-b5).

4.2 Ἐγκράτεια as a Concept of Moral Freedom

In the opening scene of the Laws, the Athenian Stranger and his two Dorian companions agree to discuss laws and constitutions. The Athenian asks a question about the aim of law: “for what reason has the law arranged for you common meals, gymnastic training, and weapons training?” (625c6- 8). Kleinias responds: “all these practices of ours exist with a view to war” (625d7- e1). The Athenian then tries to clarify what exactly his Cretan companion’s argument is: “the definition you seem to me to have given for a well-governed city is that it must be ordered in such a way as to defeat the other cities in war” (626b7-c2). Both Kleinias and Megillos agree that this is their definition (626c). The Athenian then asks: “Well, is it the case that this definition is correct for cities, in relation to cities, but that another would be correct… for a person in relation to himself (αὐτῷ δὲ πρὸς αὐτόν), should the relationship be understood to be
one of enemy to enemy?” (626c6-d1). Kleinias answers in the affirmative and adds:

“Why, right here, Stranger, is the first and best of all victories, the victory of oneself over oneself; and being defeated by oneself is the most shameful and at the same time the worst of all defeats. These things indicate that there is a war going on in us, ourselves against ourselves” (626e2-5).

The Athenian responds by asking his companions to reverse the argument:

“Given that each one of us is stronger than himself or weaker than himself (ὁ μὲν κρείττων αὐτοῦ, ὁ δὲ ἤττων ἐστί), should we also assert that a house and a neighborhood and a city all have this same thing within them?” (626e6-627a2). Kleinias again agrees and adds: “For in those [cities] where the better men are victors over the majority, and the worse, the city would correctly be said to be stronger than itself (ὅρθως ἀν αὐτὴ κρείττων τε ἐαυτῆς λέγοιθ’ ἡ πόλις), and would very justly be praised for such a victory” (627b).

Readers of the Republic will recall that in book IV (430e-432a), Socrates and Glaukon discuss this notion of being “stronger than oneself” (κρείττω δὴ αὕτου, 430e7) and its relation to the virtue of moderation (σωφροσύνη). Socrates argues that being “stronger than oneself” is an “absurd,” or “paradoxical” notion (γελοῖον, 430e11). “The man who is stronger than himself would also be weaker than himself, and the weaker stronger, for the same “himself” is referred to in every case” (430e-431a). He says that what people mean when they use this phrase is that the part of the soul or the city that is “better by nature is master over that which is worse” (τὸ βέλτιον φύσει τοῦ χείρονος ἐγκρατεῖς ἢ, 431a5-6). In other words, the phrase “stronger than oneself” is simply a popular way of describing the virtue of moderation; ἐγκράτεια is, at least in part, the
definition of moderation.

Like the Athenian Stranger, Socrates insists that the phrase “being stronger than oneself” falsely suggests an internal state of war. Moderation is more like “a kind of accord and harmony” (συμφωνία τινί καὶ ἁμονία, 430e). Whereas courage and wisdom reside in a part of the soul, or a part of the city, “moderation stretches throughout the whole, from top to bottom of the entire scale making the weaker, the stronger, and those in the middle sing the same song together” (432a2-4, transl. Bloom). Thus, Socrates defines moderation as “a kind of order and mastery of certain kinds of pleasures and desires” (κόσμος ποὺ τις... ἡ σωφροσύνη ἐστίν καὶ ἠδονῶν τινῶν καὶ ἐπιθυμιῶν ἐγκράτεια, 430e3-7). When the better part either of the soul, or of the city is “master” (ἐγκρατεῖς ἦ, 431a5-6) and “rules over” (ἀρχεῖ 431b6-7) the worse parts, this is called moderation, or self-mastery, or being stronger than oneself (κρείττων ἀὑτοῦ).

In both the Republic and Laws, these three descriptions—moderation, self-mastery, and being stronger than oneself—all seem to refer to the same thing (R. 430e-432a; Lg. 627b, 635b-d, 644c-645e, 696b-e; 840c). In a well-constituted soul, they describe the harmonious relationship between the parts of the soul, where the rational part masters pleasures and desires, and thus creates a psychic unity, or agreement, between the higher and lower parts of the soul. In a well-governed city, they refer to the harmonious relationship between the ruler and the ruled, where the desires and wisdom of the decent few master the desires of the common many, thus creating political agreement concerning a particular form of government.

In the Laws, however, Plato has the Athenian Stranger do something that
Socrates in the *Republic* never does; he uses the word ἐλευθερός to describe self-mastery (635b-d). The Athenian grants that certain Spartan social and political institutions like “common meals and gymnastics and the secret service” (τὰ συνοσίτια... καὶ τὰ γυμνάσια... καὶ κρυπτεία, 633a-b) teach the citizens how to master pain and therefore contribute to courage, but, he asks Megillos, what laws or customs do you have that train citizens to “master” (κρατεῖν, 634a9) pleasures. When Megillos proves unable to answer, the Athenian replies:

For you are the only peoples of whom we know, among Greeks as well as barbarians, whose lawgiver has given orders to abstain from (ἀπέχεσθαι) and not taste the greatest sorts of pleasure and play; while as to pains and fears, as we just recounted, he held that if someone flees (φευξίται) them, from childhood until the end of life, the result will be that when he gets into unavoidable toils and fears and pains, he will flee (φευξίσθαι) before those who have had gymnastic training in such things and will be enslaved (δουλεύσειν) by them. I think the same legislator should have thought the same thing about pleasures. He should have said to himself: "If our citizens grow up from youth lacking experience in the greatest pleasures (ἀπειροὶ τῶν μεγίστων ἠδονῶν), if they aren’t practiced in enduring pleasures and in never being compelled to do anything shameful, their softness of spirit before pleasures will lead them to suffer the same thing as those who are defeated by fears (τοῖς ἠττωμένοις τῶν φόβων). They will be enslaved (δουλεύσουσι) in another and more shameful fashion to those who are capable of enduring pleasures, who are masters of the things concerning pleasures, and who are sometimes human beings vicious in every way. They will have souls that are part slave and part free (τῇ μὲν δουλείᾳ τῇ δὲ ἐλευθερίᾳ), and will not be worthy of being called courageous and free men (ἐλευθεροί) without qualification” (635b-d).

Freedom, in this passage, is explicitly conceived of as a kind of self-mastery: freedom from the internal constraints of pleasure and pain.³ For the last half-century or more, the scholarly consensus has been that Platonic self-mastery is a “positive” concept of liberty. This view can be traced back to Isaiah Berlin’s pioneering essay, “Two Concepts of

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³ Skinner (2002), Nelson (2005), and Laks (2007) argue that this is still a form of negative liberty since the constraints envisioned here are simply internal rather than external. See section 4.2.1.
Liberty,” first published in 1958. Given the enormous influence Berlin’s essay has had on Platonic scholarship, let us digress briefly to review the main lines of his argument as well as the critical responses to it.

4.2.1 Positive and Negative Liberty

As the title indicates, the significance of Berlin’s essay lies in his elaboration of two conflicting, and fundamentally irreconcilable concepts of liberty: negative liberty and positive liberty. “Negative liberty”, according to Berlin, is an absence of constraints, or interference by others—it is freedom from something. “Positive liberty,” on the other hand, is the freedom to do or not do, be or not be something, or more specifically, “the freedom to be one’s own master.” Berlin eventually links the concept of positive liberty to a notion of “self-perfection,” or “self-realisation,” i.e., once one has mastered oneself, one is then free to realize or perfect one’s highest self or nature. Positive liberty, according to Berlin, is the older of the two concepts; Plato is its intellectual father, and it is “more of an ethical creed, and scarcely political at all.” By contrast, negative liberty is...
“scarcely older... than the Renaissance or the Reformation,” and is basically what we in modern liberal democratic societies would understand by “political liberty” because it encompasses basic civil liberties like freedom of religion, freedom of speech, and the like.\(^8\)

Berlin’s “Two Concepts of Liberty” has been described as “the most influential single essay in contemporary political philosophy,”\(^9\) and has sparked, in turn, a rigorous and justified debate concerning its central thesis. Berlin’s distinction between positive and negative liberty has traditionally been criticized on two fronts. One line of argument, recently summarized and refined by Eric Nelson, argues that positive liberty, as a separate concept, does not withstand scrutiny, and should, perhaps, be abandoned altogether.\(^10\) In particular, Berlin’s definition of positive liberty as self-mastery turns out to be, upon closer inspection, not a positive concept at all, but a special case of negative liberty. Although the constraints it envisions are internal, rather than external, the kind of freedom it describes is still “negative” (i.e., it is the passions, and desires that constrain, or interfere with, our freedom). Another line of attack, proposed by Quentin Skinner and Philip Pettit, has suggested that Berlin’s account has overlooked (at least) one additional concept of freedom. This “neo-republican,” or “neo-Roman,” concept of liberty views freedom not as “the absence of constraint,” but as the “absence of

\(^10\) Nelson (2005). It should also be noted that Nelson finds Berlin’s definition of positive liberty as self-realization equally lacking (2005: 64, 66). On this point, I think Plato is much closer to Taylor (2008), who argues that freedom must involve absence of constraint, but must also be understood in terms of ends, or purposes. Freedom does not hold any value for us unless it contains some notion of self-realization.
domination.”¹¹ The crux of the neo-republican argument is that the awareness of living under a tyrant, or monarch, and the subsequent “psychological impact of slipping into a state of subjection to arbitrary power,” is enough in itself to restrict our liberty.¹² The significance of the neo-republican concept of freedom is that individual freedom is intimately tied to the freedom of the state, and, in fact, dependent upon a republican form of government.

The influence of Berlin’s “Two Concepts” is not limited to philosophical circles, but can be seen both on classical scholarship in general,¹³ and on Plato scholarship in particular. Indeed, the majority of Plato scholars seem to accept Berlin’s premises and conclusions without emendation. Just to take the most recent example, M.H. Hansen observes in an article from 2010: “The conception of freedom advanced in the Laws bears no resemblance to what we normally understand by freedom. At most it matches what Isaiah Berlin calls ‘positive liberty’ which, in his view, is the opposite of ‘negative liberty.’”¹⁴ Others, like André Laks, follow Berlin’s critics, arguing, for example, that the passage cited above (635b-d) supports the interpretation that “positive Platonic liberty is but a special instance of negative liberty, since to be free, in this case, is to free oneself from irrational drives.”¹⁵ In other words, Laks seems to agree with Nelson that self-mastery is a negative concept of liberty, and that what we see in this passage is one of

¹³ e.g., Raaflaub (2004).
those special cases of negative liberty. Yet, Laks also seems to want to save Plato from Nelson’s criticism of Berlin’s description of positive liberty as self-mastery by concluding that in the *Laws*, Plato does not fully develop the concept of freedom as self-mastery.\(^\text{16}\)

What I want to suggest is that, however useful these contemporary theories may be for understanding what we mean today by “liberty,” none of them “match” Plato’s concept of freedom as self-mastery. There are, to be sure, overlaps in certain respects, but it is a mistake, I contend, to try to make Plato’s concept of liberty fit into any of these categories. In my view, Plato does not provide a single, over-arching account of liberty, and so modern projects, like Berlin’s or Skinner’s, that do seek such an account are not always going to capture everything in Plato. They may occasionally elucidate certain aspects of Plato’s concept of liberty, and so, in articulating my own position, I will frequently use the terminology of these modern theories of liberty—especially, positive and negative liberty—to reflect a particular aspect of Plato’s concept of liberty. In doing so, however, I am not suggesting that Plato’s concept of liberty is conformable to any modern theory of liberty. Rather, my goal is to provide a multivalent account of liberty in Plato.

First, I think that Berlin’s initial insistence upon a strong opposition between negative and positive concepts of liberty does not map easily onto the Platonic concept of freedom as self-mastery. Berlin himself eventually acknowledged near the end of his inquiry that both positive and negative concepts of liberty share a notion of absence.

\(^{16}\) Laks (2007) 151-152.
Seemingly in anticipation of his critics, Berlin observes:

The essence of the notion of liberty, in both the ‘positive’ and the ‘negative’ senses, is the holding off of something or someone—of others who trespass on my field or assert their authority over me, or of obsessions, fears, neuroses, irrational forces—intruders and despots of one kind or another.\textsuperscript{17}

Yet, Plato scholars continue to insist upon the fundamental irreconcilability of positive and negative liberty.\textsuperscript{18} I will show that Platonic self-mastery has both a negative and positive aspect and that these two aspects are not in conflict. Thus, in my view, Plato’s concept of liberty is closer to Charles Taylor’s definition of liberty as “the absence of external obstacle to significant action, to what is important to man.”\textsuperscript{19}

Secondly, Berlin’s argument that negative liberty is the standard of political liberty, while positive liberty is more of an ethical concept (at least, in Plato), has severely limited our understanding of the concept of self-mastery in the \textit{Laws}. Most scholars argue that Plato’s concept of political liberty is an entirely separate concept from his concept of moral freedom.\textsuperscript{20} By contrast, I will show that, for Plato, moral freedom and political liberty are closely related concepts, and that moral freedom is in fact the necessary condition for political liberty.

Finally, the insistence upon the distinctions, positive/ negative and moral/ political, has led Laks to conclude that self-mastery, as a concept of liberty, is not fully developed in the \textit{Laws}. He argues that self-mastery, as a concept of liberty, occurs only once at the very beginning of the dialogue (635b-d) and does not come up again because

\textsuperscript{17} Berlin (1997) 229.
\textsuperscript{19} Taylor (2008) 149 – 150. The difference, of course, is that Taylor allows for any number of ends for human life, whereas for Plato there is one \textit{telos} that applies to all humankind.
it is only relevant to the Athenian’s criticism of the Spartan educational system.\textsuperscript{21} I will argue that the concept of freedom as self-mastery is progressively expanded over the course of the dialogue to include 1) individual political liberty, and 2) the collective internal freedom of the polis, but that these extended notions of freedom always depend on self-mastery as a form of individual moral freedom.

\subsection*{4.2.2 Self-Mastery as Moral Freedom}

If we look at 635b-d again, the language of “overcoming” and “liberating” oneself \textit{from} the controlling influence of pleasure strongly suggests, in my view, that Plato’s concept of moral freedom has a negative aspect to it. We should, however, take care not to push the analogy too far. The Athenian is not describing a situation in which human beings are ever entirely \textit{free from} pleasure. There is no state in which there is a complete \textit{absence} of interference by pleasure in our lives. Rather, Plato wants the citizens to experience pleasure, to grow accustomed to it, and thereby learn how to control its influence on our lives and actions. Pleasure and pain are unavoidable parts of human existence. The key to our freedom is how we respond to them. If we try, as the Spartans do, to eliminate them, or abstain from them, this only results in our being enslaved to them. To master them we must meet them head on, get to know them, and how they affect us. In other words, self-mastery requires self-knowledge.

This point comes out much more clearly in book V, in the preamble to the constitution of Magnesia (\textit{Lg.} 733e-734b). The Athenian argues that both the moderate life and the unrestrained life contain some degree of pleasure and pain, but that, on the

\footnote{Laks \textsuperscript{(2007)} 151.}
whole, the moderate life is more pleasant because its pleasures and pains are mild. The 
unrestrained life, by contrast, is more intense in every way, with strong pains and strong 
pleasures, and because of this intensity, the pains tend to be greater, more numerous, 
and more frequent than the pleasures. Thus, he concludes, that anyone who lives an 
unrestrained life is “under constraint” (ἄκων, 734b4), i.e., not free (in a negative sense of 
the term) either as a result of their ignorance (ἀμαθία, 734b5) or their lack of self-
mastery (ἀκράτεια, 734b5) or a combination of both. Thus, self-mastery, as a concept of 
moral freedom, is rooted in a kind of self-knowledge—the knowledge that human life 
will always involve a certain degree of pleasure and pain, but that we have the free-will, 
so to speak, to choose mild pleasures and pains, and hence the life of moderation. This 
passage also shows (pace Laks) that self-mastery, as a concept of moral freedom, is not 
confined to book 1 of the Laws but is embedded in the very constitution of Magnesia; it is 
one of its founding principles.

In one of the more famous passages of the Laws (644d- 645b), the Athenian 
Stranger attempts to elucidate the moral psychology that underpins the concept of self-
mastery (ἐγκράτεια, 645e8). He argues that “each of us is one person,” but that there are 
in each of us “two opposed and imprudent advisers, pleasure and pain” (644c). Related 
to these, are two opinions (δόξαι) about the future: the expectation of pleasure is 
“hope”; the expectation of pain is “fear” (644dc-d). In addition, there is within each of us 
a power of reasoning or calculation (λογισμός) that tells us which of these pleasures, 
pains, hopes and fears is better and which worse (644d).

When the two Dorians confess that they are unable to follow his argument, the
Athenian proposes an “image” (εἰκών, 644c1). He asks them to imagine man as “a divine puppet” (θαύμα... θείον, 644d). We are suspended, as it were, from three cords, each “pulling against one another in opposite directions toward opposing deeds, struggling in the region where virtue and vice lie separated from one another” (644e). The strings of pleasure and pain are as hard as iron, but the golden string of reason is soft and flexible; it needs helpers to overcome the force of the other strings (645a). Our task, then, is to assist this golden string in resisting the others, and this, in short, is how we master ourselves. As the Athenian concludes, this myth of virtue demonstrates “what was intended by the notion of being stronger than oneself or weaker” (τὸ κρείττω ἑαυτῷ καὶ ήττῳ εἶναι, 645b2-3).

Now, freedom does not seem to play much of a role in this myth of virtue. In fact, many commentators actually see in Plato’s image of man as a divine puppet, or “plaything” (παίγνιον, 644d8) of the gods, confirmation that he does not value freedom at all. George Klosko, for example, writes that Plato “does not see freedom as an end in itself... even more, he does not believe it is an important means to the realization of other values.” However, as Dorothea Frede rightly points out, the translation of θαύμα as “puppet” can be misleading; “the puppet’s behavior is not determined by the higher powers; it depends, rather, on the workings of its own strings.” In other words, we might say that the puppet, and so by analogy, human beings, have a certain degree of moral freedom, viz., the freedom to choose which of the three strings to assist. When we freely choose to follow the golden cord of reason, that, according to Plato, is self-mastery.

If my interpretation is correct, then self-mastery is also a positive concept of moral freedom. Ultimately, I think, Plato views pleasure and pain as internal constraints, but the question of our freedom, or unfreedom, is not simply a matter of removing these constraints. For, it seems, we must also understand Plato’s concept of moral freedom as the freedom to do or be something, namely, rational agents.

The positive aspect of self-mastery also indicates that moral freedom plays an important role in human flourishing. As the Athenian observes:

Concerning human beings who inquire into laws, almost their entire inquiry concerns pleasures and pains, in cities and in private dispositions. These two springs flow forth by nature, and he who draws from the right one, at the right time, and in the right amount, is happy (ευδαιμονει); the same holds for a city and for a private individual and for every animate thing. But he who does so without knowledge (ἀνεπιστηµόόνως) and at the wrong time lives a life that is just the opposite (636d-e).

Later in book VIII, during their discussion of education, he describes the relationship between self-mastery and happiness even more explicitly: “If they [the citizens] master (ἐγκρατεῖς) pleasures, they will live happily (ζῆν ευδαιµόνως), but if they’re defeated (ἡττωµέένους) by them they will experience entirely the opposite” (840c5-6). In other words, human happiness depends on our freedom to reason well. And the moral freedom that makes reasoning possible, we saw, is the result of self-mastery. For Plato, then, moral freedom must be understood not simply as absence of constraint, but also in terms of ends, or purposes, especially, our distinctly human telos of reasoning. Moral freedom involves being able to recognize what our most important purpose is, namely reasoning well, and to overcome the desires, or motivations that may act as internal obstacles to the fulfillment of that purpose.
4.2.3 Self-Mastery and the Sentimental Education of the Magnesians

Laks proposes that in the *Laws* Plato frequently uses ἐλεύθερος (and occasionally, ἐλευθέριος, or ἐλευθεριότης) to describe a concept of “liberality,” i.e., “a set of qualities, attitudes, or behaviors that are supposed to be characteristic of free men.” In my view, this is one of the more curious aspects of Laks’ essay because, on the one hand, he clearly regards self-mastery as central to this conception of liberality, but, on the other hand, he also argues that self-mastery is separate from both liberality and political liberty, and that, as a concept of moral freedom, it is not fully developed, and quickly abandoned after book I. I find Laks’ concept of liberality appealing, but I would contend that liberality is simply the development and application of self-mastery to the social and political order. In other words, it describes both what a man who is his own master should do with his freedom, and how he should be treated as a free man.

Laks writes that liberality is fundamentally a negative concept insofar as it is based on “freedom from some kind of constraint” (e.g., poverty, confiscation of property, and other types of material constraint). Yet, liberality also has a positive aspect:

A free man... is somebody who is unconstrained in that he is no one’s slave. Moreover, because he himself owns slaves, he is not constrained by manual work (this is what slaves are for), or, for that matter, by the necessity of engaging in trade (this is reserved to metics, *metoikoi*). In other words, he is free from all external constraints. Hence, all that is associated with vulgar activities (*banausia*), such as comedy, is alien to him. Not being constrained by manual work, he has free time, *skhole*. How does a free man occupy his free time?... [T]he common free man, so to speak, devotes the greatest part of his day to is the cultivation of virtue.

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If Laks’ interpretation here is correct, and I think that it is (cf., 741e, 807c-d, 816d-e, 911d-e), then the whole purpose of individual liberty is the cultivation of virtue. One cannot cultivate virtue if one is constrained by the need to provide oneself with basic material needs. The political import of this concept of freedom is not obvious, but it is central to the Athenian’s conception of legislation, viz., the use of legislative preludes.

In 635b-d (cited above), there was already an indication that self-mastery is not wholly divorced from political liberty. The essence of the Athenian’s argument is that since the Spartan education system not only neglects, but straightforwardly rejects, training the soul to master pleasures as well as pains, its citizens will eventually become slaves to those who do know how to master pleasure. Training the soul to master pain makes the soul only half free—i.e., free from domination by pains, but not by pleasures. Likewise, courage (the mastery of pain) is indeed necessary if the city is to be free from external domination, but internal freedom—freedom from stasis—also requires moderation (the mastery of pleasure).

In the analogy of the divine puppet (644d-645b), the golden cord of reason is said to require “helpers” if it is to be victorious over pleasure and pain. The key task for the legislator, according to the Athenian, is to get the golden cord of reason and the iron cords of passions to pull in the same direction “without having to use force” (645a5-b1). The Athenian’s innovative dual method of legislation is meant to address precisely this issue. The traditional method of legislation is tyrannical because a law is nothing more than an imperative plus a threat of penalty if the imperative is not obeyed. Thus,
obedience to law relies on violence, or the fear of violence, neither of which provide the basis of true political community, that is, a constitution with the agreement of all the constitutive parts of the city. Therefore, the traditional method of legislation is only fit for “slaves” (720c-e).

The Athenian’s dual method of legislation, by contrast, is the preferred method for a “free” lawgiver, who is legislating for “free men” (ἐλευθερος, 720d). In the dual method of legislation, the tyrannical command of the law is preceded by a “prelude,” i.e., a persuasive speech delivered by the legislator to the citizens that is meant to educate the citizens about the reason for the law (723a-b). By shifting the emphasis away from fear of punishment towards persuasion, the Athenian is able to appeal to a citizen’s reason. The citizens will therefore become “more favorably disposed” (εὐμενῶς) to the lawgiver, “more apt to learn something” (εὐμαθέστερον), and thus more willingly obedient to the laws (ἐκών εὐπειθής, 723a). Since preludes are intended as a means to rationally persuade the citizens to accept the laws, they imply education in virtue, and this kind of education is only possible for those who have “free time,” i.e., freedom from all other occupations, and who, therefore, are free to cultivate reason and virtue. In this sense, self-mastery defines not only how the lawgiver should treat a free man—i.e., as a rational agent—but also what a free man should do in order to become a good citizen, namely cultivate virtue. This is clearly an aristocratic conception of freedom.

Nevertheless, given the way the Laws restricts citizenship to landowners, or members of landowning families, it is presumably one open to any industrious citizen (737e; 744d-745b).
According to the official definition of παιδεία outlined in books I and II of the Laws, education should aim at self-mastery:

The first infantile sensation in children is the sensation of pleasure and pain, and it is in these that virtue and vice first come into being in the soul; as for wisdom, and true opinions that are firmly held, he is a fortunate person to whom it comes even in old age. He who does possess them, and all the good things that go with them, is a perfect human being. Education, I say, is the virtue that first comes into being in children. Pleasure and liking, pain and hatred, become correctly arranged in the souls of those who are not yet able to reason, and then, when the souls do become capable of reasoning, these passions can in consonance with reason affirm that they have been correctly habituated in the appropriate habits. This consonance in its entirety is virtue; that part of virtue which consists in being correctly trained as regards pleasures and pains so as to hate what one should hate from the very beginning until the end, and also to love what one should love—if you separate this off in speech and assert that this is education, you will, in my view, be making a correct assertion (643a-644b; cf., 653a-c, 659c-660a).

It is worth reiterating here that there are in the Laws, as there are elsewhere in Plato (e.g., Phd. 82a11-b3), two kinds of moderation: the philosopher’s moderation, and “a popular kind” (δηµωδὴ) that “blooms naturally” (σύµφυτον ἐπανθεῖ), and by which some “lack self-mastery” (ἀκρατῶς) with regard to pleasures, while others possess self-mastery (ἐγκρατῶς)” (710a5-8). The difference is that wisdom and reason guide the philosopher’s moderation of pleasure and pain (Lg. 644d-645b; R. 431c), whereas the non-philosopher must rely on habituation, and to a certain extent, an innate capacity for self-restraint. The Athenian Stranger’s task, then, as philosophical legislator and political demiurge, is to provide an adequate balance of pleasure and pain by habituating citizens in the right way (632a–643a). This balance, through παιδεία, is crucial for maintaining a truly free soul.28 It is also the essential quality of good citizenship.

28 The emphasis that Plato places on due measure (τὸ µέτρον) and on the right object of pleasure and pain in the citizens’ sentimental education suggests some parallels to Aristotle’s conception of the moral virtues as the right mean between excess and deficiency (EN. 1106a26-b28).
Later in book I, the Athenian argues: “Those who are correctly educated usually become good,” and “the good are those able to rule themselves, while the bad are those who cannot” (644a-b). Therefore, he says, education in virtue should make one “desire and love to become a perfect citizen who knows how to rule and be ruled with justice” (ἐπιθυμητὴν τε καὶ ἐραστὴν τοῦ πολίτην γενέσθαι τέλεον, ἀρχεῖν τε καὶ ἀρχεσθαι ἐπιστάμενον μετὰ δίκης, 643e5-6). Aristotle, and others, tell us that the notion of “ruling and being ruled in turn” (τὸ ἐν μέρει ἀρχεσθαι καὶ ἀρχεῖν) was an important aspect of the democratic concept of liberty. By replacing ἐν μέρει with μετὰ δίκης, I think, Plato signals the qualitative difference between his conception of political freedom and that of the democrats, namely, that political liberty—the freedom to participate in the government of the city—will be restricted to those who have mastered their own pleasures and desires, and so are capable of ruling themselves. One cannot justly rule others unless one has succeeded in ruling himself. In other words, for Plato, political liberty necessarily depends on moral freedom. In this respect, the Platonic concept of moral freedom as self-mastery also attempts to correct and reform the democratic concept of individual liberty, which Plato famously criticized in the Republic as the “license to do whatever one wishes” (ἐξουσία ἐν αὐτῇ ποιεῖν ὅτι τις βούλεται, R. 557b5-6; cf. ἦν ὡς βούλεται τις, Arist. Pol. 1310a32-34, 1316b24, 1317b11-17, 1318b39-41, 1319b30).

Immediately following the “divine puppet” analogy cited above (644d-645b), the Athenian asks what sort of test they could devise to determine whether or not a man

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was, in fact, a “master of himself” (αὐτὸς αὐτοῦ... ἐγκρατὴς, 645e8). They agree that a symposium would be a safe test, since the consequences of failure would not pose too great a risk either to the individual himself or to others (648b, 649e-650b). “Wine,” the Athenian argues, makes us “fearless” and “excessively hopeful” and it does so “at the wrong time and toward the wrong things” (649a). In other words, wine takes away the expectation of pain and increases the expectation of pleasure. At symposia, the man who lacks self-mastery is immediately made more cheerful than he was before, and the more he drinks, the more bloated he becomes “with good hopes and an opinion of his own power” (649a9- b3). Eventually, he becomes so filled with “complete license of speech” (παρρησία) that he believes himself “wise” (σοφὸς, 649b3-4). And, finally, he becomes filled with “freedom (ἐλευθερία) and total fearlessness, so that he doesn’t hesitate to say or even to do anything” (649b4-5). Such a man, the Athenian says, is least of all “a master of himself,” and “most wicked” (645e-646a).

The democratic overtones of this passage should not be overlooked. Παρρησία and ἐλευθερία were certainly not exclusive to democracies, but in the fierce political debates of the 5th and 4th centuries, supporters of democracy attempted to claim them as such.30 Furthermore, when discussing the “democratic man” in the Republic, Plato has Socrates ask: “are they [sc. democratic men] not free (ἐλευθεροὶ) and is not the polis full of freedom (ἐλευθερία) and freedom of speech (παρρησία) and has not every man authority to do as he likes?” (557b). The implicit criticism here in the Laws, I think, is that the democratic man is the example par excellence of a man who is not his own master, but

a slave to his own pleasures and desires, especially the desire for unlimited freedom.

The moderate man, by contrast, reacts to the wine in just the opposite way: “He
trusts himself on account of the fine preparation given by nature and by training,” and
so, he “masters (κρατῶν) the power of the necessary transformation effected by the
drink” (648d). “Because of his virtue he does not fall into a single major disgraceful act
nor act like a different person, but goes away before taking that last drink because he
fears the weakness all human beings have in the face of drink” (648d-e). The
symposiarch (and, by analogy, the lawgiver) will “revere with the greatest honors this
sort of fear, calling it ‘awe’” (αἰδώ, 647a9-10). We will return to Plato’s concept of
political liberty, as well as his criticism of the democratic concept of freedom below
because they require as background his critique of the different types of constitutions in
book III. For now, I would simply like to emphasize that the Athenian closes the
discussion of self-mastery and civic education in book II by observing:

If a city will consider the practice that has now been discussed as something serious, and
will make use of it, in conformity with laws and order, for the sake of moderation, and will
not refrain from other pleasures but will arrange them with a view to mastering them
according to the same argument, then all these things should be employed, in this
manner (673e).

If this complex matrix of terms (freedom, self-mastery, being stronger than
oneself, moderation, and happiness, etc.) has grown confusing at this point, it is worth
remembering what the Athenian says in book III. Earlier he had argued that the
lawgiver should look to “the whole of virtue” (πρὸς μίαν ἁρετήν), and especially to the
leader of virtue, “wisdom and reason” (φρόνησις... καὶ νοῦς, 688a; cf. 630e). Now,
seemingly aware of the potential confusion, he reassures his companions that this goal
of freedom, friendship, and wisdom is simply another way of saying the same thing:

By the way, let’s not be surprised to find that we have often before laid down goals, which we’ve asserted the lawgivers should look to when he lays down his laws, but that the goals don’t appear to be the same for us each time. One should reason as follows: whenever we say it is necessary to look toward moderation, or toward wisdom, or friendship (πρὸς τὸ σωφρονεῖν... ἣ πρὸς φρόνησιν ἢ φιλίαν), this goal is not different but the same. Even if many other words of this sort crop up, let’s not let it disturb us (693b5-c5).

The Athenian is reminding us not only that the Laws is a political dialogue, and as such, we should not expect the same degree of precision in terminology that we would expect from a philosophical dialogue, but also, as his substitution of moderation for freedom in the tripartite goal of legislation clearly suggests, that “moderation” and “freedom” refer to the same thing. In fact, only thirteen lines after this passage, he again restates the goals of legislation as “freedom and friendship with wisdom” (ἐλευθερία τ’ ἔσται καὶ φιλία μετὰ φρονησεως, 693d8-e1). In short, I think that for Plato, self-mastery is, at least, part of the definition of the virtue of moderation and that self-mastery/moderation is the necessary condition for both moral freedom and human happiness.

Freedom and self-mastery, I suggest, are simply different ways of understanding the same condition of the soul—moderation; each is a metonym for moderation, just as “freedom, friendship, and wisdom” is a metonymic extension of virtue. Neither freedom nor self-mastery are to be scrutinized too closely, or followed to their logical extremes. A life of absolute freedom is not possible for human beings just as a life of pure reason is not possible. Only νοῦς is really free in accordance with nature (Ἀληθινὸς ἐλεύθερος τε ὄντως ἦ κατὰ φύσιν, 875d1-2). The best that we can hope for in this life is a state of harmony, or agreement, between the parts of the soul under the guidance of the reason.
This same condition, I contend, applies to the city. As Socrates observes in the *Republic*:

“Moderation is a community (ὁμόνοια) of reason, an accord (συμφωνία) of worse and better, according to nature, as to which must rule in the city and in each individual” (432a).

### 4.3 Political Freedom and the Mixed Constitution

In Book III, the Athenian Stranger abruptly shifts the nature of the discussion away from civic education to the question of “the original source of the political regime” (πολιτείας δὲ ποτὲ φώμεν γεγονέναι; 676a). The whole of Book III then is devoted to a historical analysis of the origin of the polis, and of the development of the different kinds of πολιτεία, most notably the Spartan mixed constitution, the Persian monarchy under Cyrus the Great, and the Solonian constitution of Athens. It is not immediately clear why the Athenian thinks such a historical investigation is necessary, or how this investigation into “the first coming into being and change of constitutions” (τὴν πρώτην τῶν πολιτειῶν γένεσιν καὶ μετάβασιν, 676c7-8) relates to the earlier discussions about the ends of legislation and civic education. As the Spartan, Megillos, observes at the beginning of book III, this historical inquiry looks very much like “a second attempt at investigating legislation” (τὸ δεύτερον τὴν νομοθεσίας σκέψει, 683c1). Moreover, it is not easily discernible how the lessons learned from this investigation into historical constitutions figure into the Athenian’s elaboration of Magnesia’s own projected constitution in books IV through VI. Some commentators, therefore, have concluded that
Laws III is “a relatively self-contained piece,”\textsuperscript{31} or “a long historical digression,” in which the arguments seem “irrelevant to the main themes of the Laws.”\textsuperscript{32}

I argue that the Athenian’s historical inquiry into constitutions is not irrelevant, but is a necessary component of legislation because the political demiurge must begin with the political materials of his particular time and place—i.e., the types of laws, institutions, and forms of constitution that were available in fourth century Greece. The critique of these constitutions, in turn, provides the theoretical basis for the principles of the “model” constitution, which is elaborated in Books IV through XII. In other words, political history provides empirical support for political theory. As the Athenian declares during the course of his historical inquiry:

\begin{quote}
Now, then, we may be more sure of our [earlier] claims, for we have chanced upon historical facts (περιτυχόόντες γάρ ἔργοις γενοµέένοις) which, as it seems, lead to the same conclusions as we reached before, so that we will not investigate the same argument on the basis of some empty thing but on the basis of something that really happened and is true (ὡστε οὐ περὶ κενὸν τι ξητησοµέν τὸν αὐτὸν λόγον, ἀλλὰ περὶ γεγονὸς τε καὶ ἔχον ἀλήθειαν, 683e-684a).
\end{quote}

The study of history, then, reveals which cities, and, which kinds of constitutions have been successful, and which have not. When such historical knowledge can be applied to the theories of legislation outlined in books I and II, then the interlocutors can begin to set down the framework for the best possible constitution.

In book IV, the Athenian observes that everything they have discussed up to this point in the dialogue constitutes a “prelude to the laws” (722d). If books I through III constitute the prelude to the Laws as a whole, then my claim is that what unifies the

\textsuperscript{31} Laks (2007) 134.
\textsuperscript{32} Stalley (1983) 71; cf. Popper (1966: 19-25) who argues that Plato was hostile to history.
arguments of books I through III is the concept of self-mastery. Books I and II define the concept of self-mastery as a kind of individual moral freedom and a condition of human happiness. Book III explores the political implications of this concept, i.e., what specific social and political institutions are necessary in order for the city to be its own master. The purpose of the Athenian’s inquiry in book III, then, is to find historical examples of constitutions that have been throughout history more or less stable, free from civil strife, and from external domination (676c). Just as the goal of human life is not simply to live, but to live well—that is, to live a life of virtue—so too the goal of a polis is not merely to survive, but to be well governed, and to promote the virtue and happiness of its citizens.

4.3.1 The Dorian Monarchies (683c-693c)

In his first example of a historical constitution, the Athenian traces the political development of Sparta from the entry of the Dorian invaders into the Peloponnesus and the establishment of the three original Dorian kingdoms—Argos, Messene and Sparta—to the conclusion of the Persian War. He focuses in particular on two oaths that were sworn at the founding of the kingdoms: 1) the original oath of confederation between the three Dorian kings, and 2) the oaths sworn in each kingdom between the king and his people. The three kings swore to each other that if anyone attempted to destroy one of their monarchies, the others would come to its aid (684b1-3). In each city, the king and his people “swore mutual oaths, in accordance with the common laws they set up for ruling and being ruled” (684a2-4). The kings “swore not to make their rule harsher as time went on and the line continued,” while the people “swore that if the rulers kept their oaths, they in return would never dissolve the monarchies or allow others to try to
do so” (684a4-b1). The Athenian declares that this arrangement was “a very great advantage” (684b5). The sovereignty of the monarch is conferred by the will of the people, and secured through the alliance of the three kingdoms. In other words, the Dorian kingdoms were “stronger than themselves” and “moderate” because “the rulers and the ruled have the same opinion about who should rule” (R. 431d9-e1).

According to the Athenian, the Dorian lawgivers also had one further advantage. They arranged for the citizens “some sort of equality in property” (ἰσότητα... τινα... της ουσίας, 684d5) because they were able to “divide up the land without disputes and, in addition, there were no large, ancient debts” (684e). As Morrow observed, “the unalienable κλάρος of the Spartan citizen” was considered in Plato’s time to be “one of the fundamental Lacedaemonian institutions,” and one of the constitutive elements of Spartan ἐνομία.33 Later, in book V, the Athenian remarks that their colony will enjoy “the same luck that we said befell the colony founded by the descendants of Heracles: they avoided the terrible, dangerous civil strife occasioned by redivision of land, cancelling of debts, and redistribution” (736c). Yet, in spite of these advantages, the Athenian asks his Spartan companion, how did it come to pass that two of these kingdoms—Messene and Argos—“swiftly corrupted their regime and laws,” while only Sparta held fast to its founding principles (685a)? To investigate this question, he exclaims, is the most “beautiful inquiry into the laws” (685b). Where else could they more clearly discern the difference between laws that support and maintain a regime, and those that contribute to its downfall (683a-c)?

The Athenian first suggests that it was perhaps the decision to divide up the army that caused their downfall.

If those who arranged affairs in those days had known how to order the army properly, what would they have done to make the best of their opportunity? Wouldn’t they have kept the army firmly together and preserved it for the rest of time, in order to maintain their own freedom while they ruled over anyone else they wished (ὡς τε αὐτοὺς τε ἐλευθέρους εἶναι καὶ ἄλλων ἀρχοντας ὑπὸ βουληθεῖν), and in order to enable themselves and their descendants to do whatever they desired (πράττειν ὅτι ἐπιθυμοῖεν αὐτοὶ) with the whole human race, Greeks as well as barbarians? (687a3-b2)

This is the first passage in the Laws in which the concept of political freedom is used in a non-democratic context. Ἐλευθερος in this context refers to the freedom of the city-state from external domination, either by foreign despots or rival city-states. Most commentators agree that Plato recognizes this concept of political freedom as a self-evident good, but some also maintain that this basic understanding of freedom, as non-domination, has no bearing on the internal freedom of the polis. Glenn Morrow writes: “[F]reedom—i.e. political independence, freedom from external domination—is of minor relevance to the internal organization of a state.” M.H. Hansen goes even further, arguing that Plato had “next to nothing to say about eleutheria in the sense of a polis’ independence of other poleis.” Moreover, he suggests that the only concept of “freedom within the polis” that was available in fifth and fourth century Greek thought, was the democratic concept of freedom, and this Plato roundly rejects. What I want to suggest is that Plato does indeed have a concept of the internal freedom of the polis, viz., autonomy, that is analogous to the concept of individual freedom discussed in the

previous section.

In his monumental work, *The Discovery of Freedom in Ancient Greece*, Kurt Raaflaub defined αὐτονοµία as “the (limited, internal) capacity for self-determination of the polis.”38 By “self-determination,” Raaflaub means “the concept of internal communal freedom,” i.e., the citizens within a polis are collectively “free to determine the nomoi by which they want to live.”39 For Raaflaub, external freedom and autonomy are separate but closely related concepts. Both ἐλευθερία and αὐτονοµία, he argues, are derived from on the basic legal distinction between master and slave. Yet, whereas ἐλευθερία is a negative concept (i.e., one is free from a political master, whether a homegrown tyrant or foreign despot), αὐτονοµία is its positive counterpart; it is the freedom to be “one’s own master” and to “govern oneself.”40 Thus, freedom and autonomy are separate concepts, but they “illuminate opposite aspects of the same reality.”41

Whoever says *eleutheria* is looking outward, referring to the absence of, or defense against, subjection to foreign domination; emphasis is placed on the fact that the community involved is not ruled by someone else. Whoever says *autonomia* is looking inward, stressing the self-determination of that community. Since both concepts are concerned with the contrast between self-government and being ruled by another, they are often very close. But *autonomia* stresses self-determination, and *eleutheria* the absence of foreign rule; *eleutheria* is passive, *autonomia* active; *eleutheria* is a double negative concept ("not unfree"), *autonomia* a positive one; *eleutheria* implies "freedom from something," *autonomia" independence for something."42

If Raaflaub’s interpretation is correct, then we have clear parallels between the autonomy of a city, and the individual freedom of self-mastery discussed in the previous

This should not come as a surprise, since, as we pointed out above, the Athenian repeatedly invoked the familiar soul/city analogy throughout his discussion of self-mastery (626e-627a, 636d-e, 644d-645b, 687e, 688a-689c; cf., R. 430e-432a). An individual was said to be happy and free only when his reason masters his pleasures and desires. In book III, the Athenian suggests that a city is happy and free only when the rulers and the ruled agree about who should rule, and the desires of the dēmos are mastered by the king, who, at least, should embody the principle of wisdom.

Plato does not use the word, αὐτονομία, in the Laws, but he does say repeatedly that it is necessary for the citizens of Magnesia “to establish laws for themselves and to live according to those laws” (ὡς ἄρα νόμους ἀνθρώπως ἀναγκαίον τίθεσθαι καὶ ζῆν κατὰ νόμους, 874e8-9; cf., 645b-c, 733e1, 763e3, 831b7, 841a1, 853c2, 889e5). Even though the word αὐτονομία is missing, the concept is still there. Moreover, Raaflaub’s definition of αὐτονομία as the freedom of the city to govern itself and to be its own master maps easily onto Plato’s concept of individual liberty as self-mastery. The mutual oath sworn between the Dorian king and the dēmos is described as a “unified agreement” (συμφωνήσασα εἰς ἑν, 686b3; cf., συμφωνία, R. 432a); the kings and the dēmos both swore that they would establish “common laws... for ruling and being ruled” (κατὰ νόμους οὕς ἔθεντο τοῦ τε ἄρχειν καὶ ἄρχεσθαι κοινοὺς, 684a2-4). Moreover, the kings swore not to rule “with violence” (βιαιοτέραν, 684a4), but “with justice” (684b1-2). Thus, just as an individual is free when he masters himself, i.e., when his reason rules over his desires, so too the city is free when the person who embodies reason, namely, the king, rules over the people. Yet, the king’s rule must have the
consent of the people, otherwise they are not internally free, or autonomous (cf., *Plt.*
291e).

The problem with Argos and Messene (as opposed to Sparta) was that their
c constitutions did not provide any safeguards against the possibility that either the king
or the *dēmos*, overcome by ignorance and excessive desire, would break their oath, and
so destroy the freedom, autonomy, and happiness they once enjoyed. The *dēmos* did not
obey the rulers and laws, which is analogous to pleasures and desires ruling the soul
(684c). Secondly, the kings did not abide by the oath they swore to the people, but
instead began to “desire to have more than the established laws allowed” (*tò
πλεονεκτεῖν τῶν τεθέντων νόμων*, 691a3-4). Even the part of the constitution that
should have represented wisdom and reason, the king, was not guided by reason in his
rule, but by his desires. Thus, the harmonious relationship between ruler and ruled
became “discord and the greatest ignorance” (*οὐ̇ συνεφώνησαν αὐτοῖς, ἀλλὰ ἡ
διαφωνία... ὀὕσα ἀμαθία μεγίστη*, 691a5-6). And without such harmony, wise
government is not possible:

For without agreement (*ἀνέν συμφωνίας*), my friends, how can wisdom—even in its
smallest form (*καὶ τὸ συμφόρωταν εἴδος*)—come about? It isn’t possible. But the finest
and greatest of consonances would most justly be called the greatest wisdom (*ἀλλ’ ἡ
καλλίστη καὶ μεγίστη τῶν συμφωνιών μεγίστη δικαίωτα’ ἀν λέγοιτο σοφία*), and
whoever partakes of this evidently lives according to reason (*κατὰ λόγον*), while he who
doesn’t partake of it evidently brings ruin to his home and is in no way a savior of his
city, but is instead just the opposite, as a result of his ignorance in these matters (689d).

To sum up, the lesson of Argos and Messene is that a good *πολιτεία* requires the
willing agreement (*συμφωνία*) of all the parts of the city. This agreement is the basis of
political moderation, or, to put it in the language of freedom, the essence of the polis’
autonomy. All the citizens must agree on the form of constitution (i.e., who will rule and who will be ruled), and on a basic set of “common laws” (684a). Laws must neither be in the interest of the ruler, nor the ruled, but in the interest of all in common. When the démos is carried away by pleasure and desires too much political influence, or when the rulers desire to have more than the law allows, this leads to stasis. Stasis destroys the internal freedom of the polis, and, in turn, threatens the external freedom of the polis by weakening its resolve to fight against external domination.

4.3.2 The Spartan Mixed Constitution

The difficulty of finding a wise human being who is also capable of ruling is emphasized throughout the Laws (711c-712a; 875a-d). As the Athenian observes later in book IX: “there is no one among human beings whose nature grows so as to become adequate both to know what is in the interest of human beings as regards a political regime and, knowing this, to be able and willing always to do what is best” (φύσις ἀνθρώπων οὐδενός ἰκανή φύεται ὡςτε γνῶναι τε τὰ συμφέροντα ἀνθρώπως εἰς πολιτείαν καὶ γνῶσα, τὸ βέλτιστον ἀεὶ δύνασθαι τε καὶ ἐθέλειν πράττειν, 875a2-4). Given the natural human tendency to give in to despotic pleonexia, it is imperative that the lawgiver “know how to preserve due measure” (τὸ μέτριον, 691d). And this, the Athenian claims, is exactly what happened in Sparta. It is worth noting that he does not explicitly connect the supremacy of law in the Spartan constitution to its long record of stability, even though Spartans were famous in antiquity for their unflagging devotion to their laws.

Herodotus’ account of the Persian invasion of Greece in 480, for example,
describes the Spartan exile, Demaratus, warning King Xerxes about the character of the men he was about to face at Thermopylae: “Although they are free, they are not free in every way. For the master set over them is law, which they fear far more than your men fear you” (Ἐλεύθεροι γὰρ ἐόντες οὐ πάντα ἐλεύθεροι εἶσον· ἐπεστὶ γὰρ σφι δεσπότης νόμος, τὸν ύποδειμαίνουσι πολλῷ ἔτι μᾶλλον ἢ οἱ σοὶ σέ, VII. 104). It is not unreasonable to suppose that Plato expected his readers to think of the Spartans’ profound fear and respect for their laws. Yet, in the Athenian’s historical survey, the gold standard of obedience to law seems to be the Athenians under the ancestral constitution. Later in book III, Plato has the Athenian Stranger describe the Athenians before the Persian War as having exactly the same obedience to law that Herodotus attributes to the Spartans. Plato’s omission of any reference to Sparta’s famed obedience to law, I will argue, implies an important criticism of their constitution, namely, that human beings, not the law, still hold the ultimate authority in their regime. The political lesson we are to learn from Sparta, the Athenian suggests, is that their stability and longevity were the result of their mixed constitution.

The Athenian argues that Sparta was able to avoid the fate of Argos and Messene because its constitution observed “due measure” (τὸ μέτριον) in dividing up power (691c-d). First, he tells Megillos, “there was some god taking care of you, who foresaw the future, and by bringing about the birth of twin kings from a single line made things more measured for you” (εἰς τὸ μέτριον μᾶλλον, 691d-e). Thus, the first innovation in Sparta’s famed constitution—its dual kingship—was, according to the Athenian, not the result of human art or wisdom, but an act of divine providence. Here Plato departs from
the tradition that attributes all of the important innovations to the Spartan constitution to Lycurgus.\textsuperscript{43}

The second restraint on the power of the kings was the institution of the \textit{gerousia}, a council of elders comprised of twenty-eight men over sixty years of age (691e-692a).

Although he doesn’t mention him by name, Plato does seem to attribute this constitutional reform to Lycurgus:

Then after this some human nature, having been mixed with some divine power, (φύσις τις ἀνθρωπίνη μεμειγμένη θεία τινὶ δύναμι) saw that your system of rule was still feverish and proceeded to mix (μείγνυσι) the moderate power of old age with the willful strength of family lineage: the council of the twenty-eight old men was given, in the greatest matters, a vote equal to the power of the kings (691e-692a).

Herodotus (I.65) tells us that when Lycurgus went to the oracle at Delphi, the Pythia was uncertain whether to address him as a god or man. This veiled reference would have been clearly understood by Plato’s contemporaries,\textsuperscript{44} but it also directs the reader back to the opening question of the \textit{Laws}: “Is it a god or some human being, strangers, who is given the credit for laying down your laws?” (Θεὸς ἢ τις ἀνθρώπων ὑμῖν, ὥ εὖν, ἐίληψε τὴν αἰτίαν τῆς τῶν νόμων διαθέσεως; 624a1-2). The Athenian suggests here that a good constitution requires a combination of human τέχνη and divine providence.

The practical result of the \textit{gerousia}, however, was that the “bloated authority” of the kings was balanced with the moderation and wisdom of old age.

The third check on the authority of the kings was the establishment of the \textit{ephors},

\textsuperscript{43} cf. Herodotus I.65; Morrow (1993: 56-57; 63-73) provides a thorough account of how and where Plato departs from the traditions concerning Lycurgus.

\textsuperscript{44} England (1921) \textit{ad loc}; cf. Xenophon, \textit{Apology} 15; Plutarch, \textit{Lycurgus} 5.3; Morrow (1993:56, n.47) argues that this story was probably taken from the Spartan archives, and would have been common knowledge in the 4\textsuperscript{th} century.
a body of five officials elected annually by the citizen body. For the Athenian, the ephorate represents the democratic component of Sparta’s mixed constitution insofar as their “power [was based] on a lottery” (τῆς κληρωτῆς... δυνάμεως, 692a5-6). The ephorate was a powerful “curb” (ψάλιον) on the “spiritedness” (θυµοµέένην, 692a4) of the kings. According to Paul Cartledge, the ephors combined “executive, judicial, and disciplinary powers;” they were “unconstrained by written laws,” and “dominated the everyday running of affairs, subject only to the requirement of majority agreement and the knowledge that their office was held for one year only and was unrepeatable.” The fact that the ephorate was unconstrained by the laws, as well as the fact that their election was solely based on the lot, may be why Plato does not include a similar kind of official body in the government of Magnesia. Instead he mandates that all officials be called “servants of the laws” (ὑπηρέτας τοῖς νόµοις, 715d), and he prescribes election by lot only for certain kinds of priesthood (757e).

As David Hahm has rightly observed: “Plato here introduced for the first time in history the concept of curbs and checks among the organs of government, a concept that was adopted by Polybius and that became a model for government from the Middle Ages to Montesquieu and the American constitution.” Yet Hahm also claims that Plato’s concept of the mixed constitution brings into play “all three types of simple

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45 Plato repeatedly describes the use of the lot as a democratic method, cf. Republic 557a, 561a-b; Statesman 298e; Laws 757b-e, 759b. Aristotle also tells us that “some people” regarded the ephorate as the democratic feature of the Spartan constitution (Politics 1265b 39).
46 Cartledge (2005).
constitutions,” viz., democracy, oligarchy, and monarchy. This claim certainly stands on firm ground, as it was clearly Aristotle’s assessment of the Spartan constitution. Yet, I maintain, this is not quite what the Athenian argues. Certainly, the Spartan kings represent a form of monarchy, and the ephors, the democratic element. But, I contend that the gerousia do not to represent the power of the wealthy few so much as “the moderate power that comes from old age” (τὴν κατὰ γήμας σώφρονα δύναμιν, 692a1). Obviously much depends on how we define oligarchy, but in the Republic (550d), Socrates defines oligarchy as “the rule of the wealthy”. Moreover, Strauss has pointed out that “the omission of wealth” from the Athenian’s list of seven types of rule “is noteworthy.” And the Athenian’s description of the gerousia makes no mention of wealth; in his view their power is rooted in the moderation that comes from old age. He specifically praises the Spartans for honoring virtue (or at least part of virtue, namely, courage) over wealth and title: “As for your city, Lacedaimonians, it is just to give it this at least: in the distribution of honor, and training, you draw no distinctions between poverty and wealth, private individual and king” (696a-b). Throughout the Laws, Plato seems concerned to supplant the influence of wealth with the moderation that comes from old age (631b-e, 632c, 649d, 661a-b, 697b, 706a). There are, moreover, only two minor offices that have any sort of property qualifications—the agoranomoi and the astynomoi (763d-e)—yet, nearly all magistracies (as well as the council and assembly)

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49 Politics 1265b 26ff.
50 cf. Statesmen (301a), the difference between oligarchy and aristocracy is that the former is distinguished by the absence of law, and the latter by its presence.
51 Strauss (1975) 46.
have age requirements, the most important of which tending toward fifty years of age or older (e.g., the Guardians of the Laws, 755a). Thus, the third element of Sparta’s (and Magnesia’s) mixed constitution, I would contend, should more correctly be called gerontocracy rather than oligarchy (cf. 690a-c).\textsuperscript{52}

The Athenian contrasts the “due measure” of the Spartan “monarchy”—which became the salvation of its own regime, and the “savior” of the rest of Greece—with the bloated and corrupt monarchies of Argos and Messene (692a7-8). He specifically links the internal corruption of Argos and Messene to their failure to respond to the external threat to the freedom of all Greece posed by the Persian invaders:

[O]f these cities, being three in number, only one defended Greece, while the other two were so far gone in corruption that one of them prevented Lacedaemon from assisting in the defense—fighting against her with all its might—and the other, the one in Argos (which had the primacy, in those days of the original division), neither answered nor helped defend when called upon to repulse the barbarian... And if one were to say that Greece defended itself, he would not be speaking correctly; had not the common resolution of the Athenians and the Lacedaemonians warded off the approaching slavery (δουλείαν, 692d4-693a1).

As Laks observes: “It is significant that one of the main passages in which the Platonic concept of freedom comes to the fore in the Laws occurs in this context.”\textsuperscript{53} It is significant because Raaflaub has argued persuasively that the Greeks invented the concept of “political freedom” (ἐλευθερία) in the aftermath of the Persian Wars, and specifically in response to the threat of “enslavement” (δουλεία/δουλοσύνη) by the Persian “master” (δεσπότης):\textsuperscript{54}

\textsuperscript{52} We will return to this issue below and specifically address Aristotle’s comment that the constitution of the Laws is a mixture of oligarchy and democracy, tending more toward oligarchy (Politics 1266a5).

\textsuperscript{53} Laks (2007) 134.

\textsuperscript{54} Raaflaub (2004 58-89).
Freedom was propelled to prominence because the Greeks recognized a decisive cause of their victory over the Persians in the superiority of their natural disposition toward freedom (as opposed to the “slave mentality” typical of oriental barbarians) and in the free form of government characteristic of the Greek poleis (as opposed to Persian despotism).

Yet, whereas Laks reads this passage in conjunction with the discussion that follows (i.e., with the history of Persia and Athens, 693d ff.), I see it as the conclusion of his analysis of Sparta’s mixed constitution. Undoubtedly, the passage’s position between the histories of Sparta, on the one hand, and Persia and Athens, on the other, suggests that its conclusions are relevant to all three states, but as I hope to have shown, those conclusions come directly out of the analysis of Sparta’s mixed constitution. I stress this point because, in my view, the freedom of the polis is intimately tied to the constitutional division of powers exemplified in the Spartan constitution.

The Athenian’s argument above (691b-693a) was that Sparta was capable of defending the external freedom of Greece from Persian subjugation in part, at least, because its mixed constitution created certain conditions within the polis, namely internal peace, or absence of *stasis*, which, is another way of saying that it created political friendship. Moreover, the Athenian argues that Sparta could defend its own external freedom and autonomy only because its mixed constitution had already removed one of the primary causes of *stasis*—the ill will of the *dēmos* against the harsh rule of a monarch. And the mixed constitution does this by securing the willing agreement of all the constitutive parts of the citizenry, i.e., by granting both the elite and

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the dēmos a limited degree of freedom to participate in the government of their city, and to determine collectively the νόμοι according to which they will live. Finally, by dividing up power between the kings, the gerousia, and the dēmos, the Spartan mixed constitution limited both the excesses of the monarch’s pleonexia and ignorance, and the dēmos’ desire for excessive political influence. It required the three different organs of government—the two kings, the gerousia, and the ephors—to cooperate and be in agreement in order for the city to function fully, which in turn contributed to wiser government. In these ways, the Spartan regime not only gained its reputation for εὐνοµία, but also secured the internal peace and stability necessary for its military successes and its lasting influence on the political affairs of greater Greece (692a-b).

Throughout their discussion of Sparta, the Athenian never openly criticizes the Spartans or their constitution. Nevertheless, however “mixed” the Spartan constitution may have been, it remained profoundly defective on two fronts. First, Sparta’s system of education (ἀγωγή) fails to cultivate moderation in its citizens, which, as we saw, meant that their citizens were only “half free” and that the city was in danger of being subjected to the rule of some others who are truly free. Second, even though its division of powers and system of checks and balances produces more moderate rule and wiser government, these two constitutional arrangements alone fail to guarantee the authority of the laws. The rule of law is never mentioned in the Athenian’s analysis of Sparta’s constitution, and conspicuously so, in my view. Plato’s omission of any reference to the Spartans’ famed obedience to law must also be deliberate. The implied criticism here is that even in spite of the system of checks and balances, Sparta’s constitution still relied
too heavily on human authority—the two kings—instead of the rule of law. As the Athenian later declares: “Where the law is itself ruled over and lacks sovereign authority, I see destruction at hand for such a place. But where it is despot over the rulers and the rulers are slaves of the law, there I foresee safety and all the good things which the gods have given to cities” (715d). The establishment of the rule of law, however, will require a further development in Plato’s constitutional theory.

The Athenian concludes his historical account of the Spartan mixed constitution by declaring: “the god has revealed what had to be done and what should still be done to bring about an especially stable rule” (τὴν μενούσαν μᾶλλον ἄρχην, 692b7). He says that it does not require any “human wisdom” (σοφόν) to see that a “model has come into being” (παραδείγματος… γεγονότος, 692c2-3), viz., that they should “arrange the ruling offices in due measure and make one [ruling office] from three” (μετριάσαι τὰς ἄρχας καὶ μίαν ἐκ τριῶν ποιῆσαι, 692c4).

These are the things Kleinias and Megillus, for which we can blame the so-called statesmen and lawgivers of old—and also the ones now. And the reason we engage in such blame is to investigate the causes and to find out what should have been done differently. As we said in the present case, they shouldn’t have legislated great ruling offices, or unmixed authority (μεγάλας ἄρχας οὐδ’ αὐτ ἀμείτους); they should have considered something like the following: that a city should be free and wise and a friend to itself (ὅτι πόλιν ἐλευθέραν τε εἶναι δεί καὶ ἐμφύουνα καὶ ἑαυτὴ φίλην), and that the lawgiver should give his laws with a view to these things (693a5-b5).

This is the first reference in the Laws to the triadic goal of legislation—freedom, wisdom, and friendship—and it emerges from the Athenian’s account of Sparta’s mixed constitution. Thus, the mixed constitution is the legislative model by which the lawgiver brings about freedom, friendship, and wisdom. And as the Athenian repeatedly
emphasized, this is true not only for historical regimes but the regime they are going to construct as well.

4.3.3 Persia and Athens: Two Mother Constitutions

Kleinias asks the Athenian to explain what he meant when he said that the lawgiver should aim at freedom, friendship, and wisdom (693c). The Athenian responds as follows:

Listen, then. There are, as it were, two mother-constitutions. It would be correct for someone to say that the others spring from these and correct to call one monarchy and the other democracy: and to say that the Persian type is the full development of the former, while my people’s country is the full development of the latter. Almost all other regimes, as I said, are blended (διαποικιλµέέναι) from these. Now a constitution must partake of (µµεταλαβεῖ) these two forms if there is to be freedom and friendship, together with wisdom (εἴπερ ἠλευθερία τ’ ἔσται καὶ φιλία µετὰ φρονήσεως): this is what the argument wishes to set before us when it says that no city will ever have a fine political life if it lacks a share in either of these (693d- e).

The Athenian tells his companions that long ago the Persian and Athenian regimes were “somewhat well measured,” but now Persia “delights only and more than is necessary in the monarchical principle” (τὸ µοναρχικόν), while Athens in “the principle of freedom” (τὸ ἠλευθερον, 693e5). Moreover, he argues that each regime flourished as long as possessed “due measure,” and again suggests that they investigate “the causes” (αἰτία) of this change (693e-694a). Having received Kleinias’ approval, he begins with the political history of Persia.

The Persians under Cyrus, possessing the proper amount of slavery and freedom (τὸ µέτριον... δουλείας τε καὶ ἠλευθερίας), began by becoming free and then became despots over many others. For the rulers shared their freedom with the ruled and drew them toward equality (ἐπὶ τὸ ἰόν ἀγοντες). As a result the soldiers felt more friendly toward their generals and faced danger with eager spirit. Moreover, if someone among them was wise and

57 LSJ, διαποικιλλω, A.
capable of giving counsel, the king wasn't jealous but allowed freedom of speech (παρρησία) and honored those capable of giving counsel; hence, a man was willing to share his capacity, in their midst, as something common. Everything prospered for them in those days because of freedom and friendship and a common sharing in intelligence (δι' ἑλευθερίαν τε καὶ φιλίαν καὶ νοῦ κοινωνίαν, 694a - b).

Several commentators have observed that this is a rather idealistic picture of the Persian monarchy under Cyrus.58 One may hear in this passage an echo of the constitutional debate in Herodotus (3.80- 82), in which Darius argues in favor of retaining a monarchic form of government because their “freedom” (ἐλευθερίη) comes from the king (3.82.5). The Athenian goes even further, arguing that a monarchic constitution can provide in addition to individual freedom, other values that were commonly associated with democratic constitutions, namely equality, and freedom of speech. For the Athenian, equality and freedom of speech are not the exclusive property of democratic regimes, but a functioning part of any moderate constitution. Nevertheless, the kind of freedom and equality granted by the Persian monarch are qualitatively different from what 4th century democrats usually meant by those terms. As Leo Strauss rightly pointed out, the Persian monarch did impose a limit on parrhesia; only the “sensible among the ruled” are permitted to speak frankly.59 The condition on one’s freedom of speech is that one know what one is speaking about. Furthermore, Seth Benardete observed that there was a fundamental difference in the way the Persian and the Spartan monarchies were mixed: “Persia exhibited a less class-structured regime than Sparta; rather, the aristocratic and democratic elements were distributed across the entire population without Cyrus

59 Strauss (1975) 49.
having to dilute his rule in any way.”60 This resulted in two distinct advantages for the Persians: 1) “Good sense was not restricted to a single group” (i.e., the gerousia), and 2) “equality did not take the form of the lot.”61 As we shall see, Athens under the ancestral constitution recognized similar restrictions on democratic freedoms.

Under Cyrus, the Persian constitution was a monarchy that possessed freedom, friendship, and wisdom. Cyrus’ heirs, however, were not monarchs but despots because they deviated from the mean between absolute authority and unlimited freedom:

We find that they got worse year by year, and we claim the cause of this [was that] by going too far in depriving the many of freedom, and by bringing in more despotism than is appropriate, they destroyed the friendship and community within the city. Once this is corrupted, the policy of the rulers is no longer made for the sake of the ruled and the many, but instead for the sake of their own rule… When they come to need the assistance of their populaces to fight in their defense, they discover that there no longer exists a community with a spirit eager to run risks and fight. They have countless myriads of subjects in number, but all of them are useless in war (697c-d).

Here the Athenian argues that the moderate freedoms enjoyed by the citizens of Cyrus’ Persia fostered a sense of community and friendship between ruler and ruled. Without that friendship, the citizens no longer have a reason to fight. As Strauss observed: a city “must not only be wise but strong as well,” and, a city’s “strength by nature resides in the majority,” in the dēmos.62 By comparison, we saw that Sparta’s military success during the Persian wars was dependent upon the willing obedience of the dēmos to the rulers and laws. And the willing obedience of the dēmos, in turn, was the direct result of their freedom to participate in their own government. What Plato clearly saw, I think, is

62 Strauss (1975) 46-47.
that the lawgiver must grant a limited degree of political freedom to the people because it is the people who fight and die for the freedom and autonomy of the polis. Moreover, I suggest, he saw in the history of the Greco-Persian war, that the people are much more willing to fight and die for freedom than for a king, however enlightened he may be. As Berlin observed:

Men who have fought for freedom have commonly fought for the right to be governed by themselves or their representatives - sternly governed, if need be, like the Spartans, with little individual liberty, but in a manner which allowed them to participate, or at any rate to believe that they were participating, in the legislation and administration of their collective lives.⁶³

The Persians were defeated, the Athenian tells us, because the kings became despotic and “deprived the ἄνδροι of freedom” (697c8), but his analysis does not stop there. The ultimate cause of the Persians’ downfall, he argues, was a failure of education. Cyrus was “a good general and a friend to his city,” but “he failed completely to grasp what is a correct education, and didn’t direct his mind at all to household management” (694c). His children were brought up in luxury, lacking nothing except self-restraint because their education had been entrusted to “women and eunuchs” (694d- 695b). Darius, who was not the son of a king, and who, therefore “was not brought up under a luxurious education,” managed to restore order temporarily (695c-d). He reintroduced “a sort of general equality,” and reinvigorated the “friendship and sense of community among all the Persians” (695d). But, the Athenian contends, Darius “failed to learn from the vice of Cyrus,” and brought up Xerxes with the same sort of “royal and luxurious education” as Cyrus had brought up Cambyses (695d-e). Thus, Xerxes suffered a similar

fate as Cambyses, and since that time there has not been a “truly Great King” in Persia (695e). Thus, the Athenian concludes: “No child or man or old man will ever become outstanding in virtue if he has been brought up in such a way” (696a). The implicit argument is that a well-governed city can only last if it has a correct system of education.

After the Greco-Persian Wars, the Athenian continues, the “ancestral constitution” of Athens was corrupted “in the same way” (τινα τρόόπον ταύτόν, 699e2); the only difference was that Persia and Athens departed in opposite directions from the mean. The Persian kings gave into extreme “despotism” (τὸ δεσποτικὸν, 697c8), while the Athenians led the majority “into complete freedom” (ἐπὶ πᾶσαν ἐλευθερίαν, 699e3-4). Before the Persian Wars, however, the “ancestral constitution” of the Athenians possessed a measured degree of freedom:

Next we should go through the discussion of what pertains to the Attic constitution in the same way, showing how total freedom from all rule is to no small extent inferior to a measured degree of rule by others. For at that time, when the Persian expedition came against the Greeks, and probably against all the settlements in Europe, there was an ancient constitution (πολιτεία παλαιὰ) with certain rulers based on a division into four classes. In it was a certain despotic mistress, Reverence, on account of whom we were willing to live as slaves of the laws that then existed (καὶ δεσπότις ἐν ἡ τις αἰδώς, δι’ ἐκ δουλεύοντες τοῖς τότε νόμοις ἥν ἥθελομεν, 698a - b).

Most scholars agree that the “ancient constitution” referred to here is the constitution of Solon. As Schofield has observed: the Athenian “does not call his [Solon’s] politeia a democracy, as do both Isocrates (Areop. 16) and Aristotle (Pol. 2.12 1273b38).” Aristotle certainly does describe the Solonian constitution as a democracy, but, more importantly

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I think, he also describes it as a mixed constitution (καὶ δημοκρατίαν καταστήσαι τὴν πάτριον, μείζαντα καλῶς τὴν πολιτείαν, 1273b 38-39). In my view, Plato does not want to appear to compromise the earlier claim that a moderate constitution—and that is certainly what he thought Athens under the ancestral constitution was—will combine elements of both monarchy and democracy. But what is truly remarkable about this passage is that, according to the Athenian, the Solonian constitution contained a strong, monarchical element: “Reverence” for the law was “a despotic ruler.” The key difference between Persia under Cyrus and Athens under the Solonian constitution is that Persia had a human monarch, whereas in Athens, a moral feeling—Reverence—filled the monarchical role.

Earlier I noted Sparta’s reputation for fear of law, and that this fear was the source of their strength in battle. Here Plato seems to want to claim this reputation for his beloved Athens. After a rather lengthy account of the glory of Athens during the Persian War (698b-699c), the Athenian concludes:

So all these things instilled in them a friendship for one another: fear, both that which came at the time (sc. of the Persian invasions) and that which sprang from the laws they already had—the fear which they had acquired while they were slaves to the laws of old (ὁν δουλεύοντες τοις πρόσθεν νόμοις ἐκέκτηντο), which we have often in the arguments before called “reverence,” and which we claimed those who are going to be good must be enslaved to. The coward is free from this and is fearless in respect to it. But if our populace had not at that time been seized by this sort of fear, they would never have banded together as they then did to defend themselves, nor would they have defended the temples, the graves, the fatherland, and their relatives, as well as their friends. Instead, each of us would have been scattered from the rest at that time and little by little dispersed here and there. (699c-d)

66 Simply because Aristotle disagrees about what Solon’s actual contribution was, does not mean that he did not think the constitution was mixed. His silence on the matter seems to indicate that he agreed with Plato on this point.
Thomas Pangle notes: “Athenian education in pious awe and music was not the sole source of the regime’s excellence. Virtue was supplemented by fear of the enemy.” The point I wish to emphasize is not that Plato has taken up in the Laws a conception of virtue grounded upon metus hostilis, i.e., that fear of the Persian enemy preserved the good morals of Old Athens, though one might use the passage cited above as evidence for a more nuanced understanding of Neal Wood’s influential essay on the topic. Rather, what I would like to focus on is the role of αἰδώς in the moral education of the Athenians of old. As we saw in the previous section (4.2), αἰδώς was an essential part of the education in virtue that the Athenian laid out in book I, and in particular it was the emotion that assisted the moderate man’s reason in mastering the pleasures of wine.

Malcolm Schofield writes, “Aidōs, is a powerful motif throughout the Laws… Its departure… is what powers the city’s decline.” Lack of αἰδώς leads to the desire for absolute freedom, which, in turn, leads to the breakdown of social and political order. Yet, for Schofield, αἰδώς also “reinforces the climate of ‘conformity rather than commitment’” — i.e., commitment to the defense of the homeland, which, Schofield suggests, comes from “fear of the enemy.”

Schofield’s interpretation of αἰδώς, in my opinion, is based on a misunderstanding of the meaning of the term in this passage. He understands αἰδώς as “respect” and “as originating in a fear of disgrace at the thought of breaching social norms, that is then internalized and when habituated forms the basis of the virtue of

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sōphrosunē (restraint).”\textsuperscript{71} This, in my view, is the correct understanding of αἰδώς in book I (646e–650b), but there is another meaning of αἰδώς at work here in the history of Athens. Paul Woodruff, who has closely analyzed the different uses of αἰδώς in Greek literature, argues that αἰδώς covers “a range of feelings and emotions that are linked … respect is for other people, shame is over one’s own shortcomings, and awe [or reverence] is usually felt towards something transcendent.”\textsuperscript{72} It is this last sense of αἰδώς, as “awe,” or “reverence,” i.e., “a sense that there is something larger than a human being,” that more properly describes the citizens’ emotional response to the law.\textsuperscript{73} The Athenian’s point, I think, is that the Athenians of old came to defense of Greece not because they feared, or respected, the opinions of other men, but because they held the laws in reverence. Their commitment to the defense of Greece came not simply from a fear of the enemy, but also from the recognition that they had something worth saving—their freedom. And they understood that they were free because they lived under the rule of law, and not dependent upon the arbitrary will of a monarch.

Even though αἰδώς is a kind of fear, it is the appropriate feeling to have in the face of something greater than oneself, e.g., the gods, or in this case, the laws. Thus, αἰδώς is not simply fear, but fear mixed with admiration; it is reverence—the recognition of one’s place in a metaphysical, social, or political hierarchy. Αἰδώς, moreover, is a kind of knowledge—self-knowledge—that is available to philosophers and non-philosophers alike. “Reverence for the law” means that one understands that

\textsuperscript{71} Schofield (2006) 95-96, n. 84.
\textsuperscript{72} Woodruff (2001) 63-5.
\textsuperscript{73} Woodruff (2001) 63.
the limitations imposed on one’s individual liberty by the law are necessary both for one’s own benefit, and for the common good. Reverence is, then, an emotion that mediates between the demands of freedom and wisdom, and creates the conditions for true political friendship and moderation. It is a necessary condition of political moderation because not all citizens can be expected to attain true rationality, that is, the philosopher’s reason. By reverencing the laws, and by willingly enslaving themselves to the laws, the citizens of Magnesia can be said to attain a limited degree of reason. In so far as they submit themselves to the law, they are following the reason inherent in the law. And this will make them virtuous and happy.

As the Athenian himself admits, he has not yet made clear how these “myths” (µύθων, 699d8) about the Persian War pertain to lawgiving. When Megillos asks for further clarification, the Athenian responds: “Under the ancient laws, my friends, the many in our city were not sovereign over certain matters but were rather voluntarily enslaved, in a certain sense, to the laws” (οὐκ ἢν, ὁ φίλοι, ἣμῖν ἐπὶ τῶν παλαιῶν νόμων ὁ δῆμος τῶν κύριος, ἄλλα τρόπον τινὰ ἐκὼν ἐδούλευε τοῖς νόμοις, 700a). Megillos, in turn, asks: “Which laws are you speaking of?” The Athenian then delivers the famous description of "the development of the excessively free way of life" (τὴν τοῦ ἐλευθερίου λίαν ἐπίδοσιν βίου) in Athens:

Meg.: Which laws are you speaking of?

Ath.: First those regulating the music of that time— if we are to start from the origin of the development of the excessively free way of life. Our music in those days was divided according to its own forms and postures. There was a form of song comprising prayers sung to the gods, called "hymns"; opposite to this was another form of song which someone might well call "dirges." "Paeans" were another... They gave the name "laws" (νόμον) to another form of song—this sort
was for the kithara, they used to say. Once these, and certain others, had been arranged, it was not allowed to misuse one form of song for another. The authority that knew about these things and used its knowledge to judge them, penalizing anyone who disobeyed, was not, as is the case today, whistling, nor the majority, with its unmusical shouts, nor the clapping that bestows praise. Instead it was accepted practice for the educated to listen in silence until the end, while the children and their attendants and the general mob were kept in order by the threat of a beating. So the majority of the citizens were willing to be ruled in an orderly fashion in these respects, and did not dare to render judgment by their noise. (700a-d)

This “aristocracy in music,” however, was replaced at some time and in some undefined way by “a kind of wretched theatrocacy” (θεατροκρατία τις πονηρὰ, 701a2-3)—“an unmusical lawlessness” (τῆς ἀμοῦσου παρανομίας, 700d3) over which the poets were the de facto rulers. These poets were “ignorant concerning what is just and lawful for the Muse” (ἀγνώμονες δὲ περὶ τὸ δίκαιον τῆς Μούσης καὶ τὸ νόμιμον), and “more subdued by pleasure than necessary” (μᾶλλον τοῦ δέοντος κατεχόμενοι ύφ’ ἡδονῆς, 700d4-6). “As a result of their irrationality, they unwillingly falsified music” (μουσικῆς ἀκόντες ὑπ’ ἄνοιας καταψευδόμενοι), by “mixing” (κεραννύντες) musical genres, and by arguing that “it was quite correct to judge music by the standard of the pleasure it gives to whoever enjoys it, whether he be a better or worse sort” (700e2-4). As a result, “they instilled in the many a lawlessness as regards music, and made them dare to suppose that they were adequate judges.” (700d4-e6)

If this phenomenon had been limited to music alone, the Athenian concludes, or “even if it had only become a kind of democracy of free men in music” (εἰ γὰρ δὴ καὶ δημοκρατία ἐν αὐτῇ τις μόνον ἐγένετο ἐλευθέρων ἀνδρῶν, 701a3-4), it would not have been such a terrible thing. Here Plato uses ἐλευθέρος in a strictly aristocratic sense, as in those who possess slaves and who therefore have the free time (σχολῆ) to study
music. By encouraging an uneducated *demos* to judge music on the basis of pleasure without consideration for the moral and psychological consequences, the poets gave the people the impression that “everyone is wise in everything” (701a-c). And this newfound “freedom” (*ἐλευθερία*) made the people “fearless, as if they were knowers, and the absence of fear engendered shamelessness” (701a7-8).

*Lack of reverence for the law, therefore, derives from a lack of respect for the opinions of others—most importantly, the opinions of better men—which, in turn, makes a man shameless. Thus, we can see how the different meanings of *αἰδώς* relate. And it was the loss of *αἰδώς* that was the ultimate cause of Athens’ downfall; the rule of *αἰδώς* was replaced by the rule of the *dēmos*.*

This passage makes clear without further comment that individual political freedom must be limited because unchecked freedom leads ultimately to the dissolution of law and order.\(^{24}\) It also reinforces the point of the Athenian’s argument in books I and II, that music is not a peripheral cultural or social phenomenon, but is something that deeply imbues political life. As Socrates (quoting Damon) proclaims in the *Republic*: “For

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\(^{24}\) Several commentators have noted that Rousseau also redefined freedom as obedience to the law (*Le Contrat Social*, I.7), cf., Strauss (1975) 49; Schofield (2006) 82; Laks (2007) 143.
never are the ways of music moved without the greatest political laws being moved” (424c). Music has a definite moral and political function. An education in music habituates the soul toward moderation, and “makes one desire and love to become a perfect citizen who knows how to rule and be ruled with justice” (ἀφεῖν τε καὶ ἀφεσθαι ἐπιστάμενον μετὰ δίκης, 643e). Thus, it is no coincidence that the Athenian takes the theater to be a microcosm of the polis, or that the demos’ attitude toward the laws of music is emblematic of their attitude toward the polis’ laws tout court.

In the Athenian’s concluding statement that the rule of an uneducated demos introduced “a harsh epoch in which there is never a cessation of evils” (μὴ ληξαὶ ποτε κακών), I suggest, the philosophical reader could not help but hear an echo of the Republic’s famous dictum that “unless philosophers are kings in the city… there will be no cessation of evils either for cities or for the human race” (οὐκ ἔστι κακῶν παύλα, 473d5). 75 Here it is intended to remind the reader of the necessity that the wise should rule, and the historical example of Athens’ decline from the rule of αἰδώς (and thus, the rule of law) to democracy in the post-Persian War years, is empirical support for that thesis. But Athens under the ancestral constitution was not the rule of philosopher kings, but a mixed constitution (αἰδώς and law, educated aristocrats, uneducated dēmos).

The Athenian concludes the history of Athens, and the historical investigations of book III as a whole, by reiterating the triadic goal of legislation:

Athenian: We said that the lawgiver must in laying down his laws aim at three things, namely that the city for which he legisitates be free, that it be friend to itself, and that it possess reason (ἡ νομοθετουμένη πόλις ἐλευθέρα τε ἐσται καὶ φίλη ἑαυτῇ καὶ νοὸν ἐξει). Those were the goals, weren’t they?

75 Monoson (2000: 227) notices the echo as well.
Megillos: Certainly.

Athenian: For the sake of these things we chose the most despotic constitution and the freest (τήν τε δεσποτικωτάτην... και τήν ἑλευθερικωτάτην), and are now investigating which of these is correctly governed (ὁρθῶς πολιτεύεται). We have seen that when either—the despotic and the free—was limited within measure, affairs went outstandingly well, but when either marched on to its extreme—the one to slavery and the other to the opposite—there was no advantage in either case.

Megillos: What you say is very true.

Athenian: It was also for the sake of these things that we looked at the establishment of the Dorian armed camp, ... the arguments about music and drunkenness that emerged earlier than these, and the things that came even before that. All these things have been discussed for the sake of understanding how a city might best be established sometime, and how, in private, someone might best lead his own life. (701d- 702b)

Thus, the historical investigations of Laws III have led to two conclusions about laws and constitutions: 1) that a correctly governed city will be free, a friend to itself, and will possess reason and wisdom, and 2) that to achieve these goals, a city must have a mixed constitution, i.e., a constitution that is “the mean” (τὸ μέτριον) between extreme despotism and absolute freedom.

In spite of the great utility of the interlocutors’ survey of historical constitutions in book III of the Laws, all of the examples they have discussed are ultimately deficient in some way. These historical constitutions have provided the raw materials from which they may begin to construct their own constitution. They define, in a sense, one of the limits of possibility. If Magnesia’s constitution is going to gain the willing acceptance of its citizens, then it must be a form of constitution that is at least broadly recognizable, and acceptable to the colonists. In other words, given the Greek’s natural disposition for free forms of government, a Persian style monarchy is unlikely to gain acceptance.
Furthermore, given the fact that the majority of Magnesia’s colonists will be drawn from Crete and the Peloponnese (708a), a constitution that resembles a Dorian constitution would be most effective. Moreover, Sparta’s mixed constitution had one advantage that neither the Persian nor the Athenian mixed constitution had, namely, a division of powers and system of checks and balances that was enshrined in the constitution.

If historical constitutions define one limit of possibility, then human nature defines the other. Plato recognizes that all human beings have a desire for the widest possible area of absolute liberty, or as the Spartan, Megillos, puts it, a desire “to have everything follow one’s wish” (687e6-7). One of the central lessons of the Athenian’s history, however, is that giving free reign to this desire threatens to destroy social and political order (684c, 687b-e, 688c- 689c, 700a-701c). Again, part of the demiurge’s task is to apprehend in his historical and human materials the intrinsic purposes that they imperfectly serve, and to devise a means for the better realization of those ends. Thus, the legislator redirects the citizen’s natural, human desire for freedom toward a “desire and love to become a perfect citizen who knows how to rule and be ruled with justice” (ἐπιθυµητὴν τε καὶ ἔφαστὴν τοῦ πολίτην γενέσθαι τέλεον, ἄρχειν τε καὶ ἄρχεσθαι ἐπιστάμενον μετὰ δίκης, 643e5-6), which is the essence of political moderation. The Athenian, in effect, challenges his Greek colonists to see their relatively recent concern for, and self-identification with, freedom as part of the more traditional Greek value of moderation.76 Freedom and self-government may have become central to Greek identity in fifth and fourth centuries, but Plato locates in popular maxims like the Delphic μηδὲν

76 Raaflaub (2004: 86) argues persuasively that the origin of the concept of political liberty can be traced to the aftermath of the Persian Wars (c. 480 - 470).
ἄγαν (’nothing in excess’), and the Hesiodic μέτρα φυλάσσεσθαι κακός δ’ ἐπὶ πάσιν ἄριστος (’Observe due measure: proportion is best in all things,’ Op. 694), an older strand of Greek thought that could limit an excessive desire for freedom without seeming to be an authoritarian intrusion. By placing a limit on the degree of freedom a citizen may enjoy, Plato effectively satisfies the demands of dēmos to participate in the government of their city by allowing them to vote for their elected representatives, and, if they meet the necessary qualifications, to take turns in holding magistracies (756c-e). Thus, the demos has some say in defining the quality of their lives, even as Plato directs their conception of the ends of liberty away from the satisfaction of pleasures (i.e., doing whatever one wants), and toward the higher goal of civic unity, the common good, and political stability. The mixed constitution emerges from the discussion in book III, then, as the form of constitution best suited for achieving “moderation” in government, conceived politically as “the mean” (τὸ μέτριον) between two extreme forms of constitutions: monarchy and democracy (693e5).

In chapter two, I argued that one of chief tasks of the Athenian’s argument in Laws X is to show that there is a form of political order laid down in the nature of things. In Laws III and VI, we see the lawgiver endeavoring to construct a constitution in terms of numerical ratios, and especially according to geometric proportions, in order that the political order may more faithfully reflect the cosmic order instituted by the god, νοῦς. Magnesia’s best possible constitution, therefore, will seek to strike a balance between a historically possible constitution (a city in deed), and a theoretically best constitution (a

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77 See section 4.4.
city in speech)—i.e., a constitution that is historically and humanly possible, but that aims to rise above what is merely human and contingent and thus imitates the rational order and goodness of the cosmos. And to achieve this end, Plato’s constitutional theory was heavily influenced by the Pythagorean theory of means.

4.4 Mathematics and the Mixed Constitution

As Morrow and Stalley have both observed, there was nothing original in the idea of a “middle way.” The inscription at Delphi, “Nothing in excess” (μηδὲν ἀγαν), is the most obvious example of observing the middle, or mean, in Greek popular thought. Even the application of this idea to political theory was not new. Thucydides (8.97), for example, praised the constitution of Theramenes because it was a “measured fusion” (µετρία ξύγκρασις) of the interests of the many and the few. Yet, Plato’s conception of the middle, or mean, as a result of mixing two extremes does seem to be an innovation in constitutional theory, even though it was probably derived from the Pythagorean theory of means.

According to Sir Thomas Heath, the theory of means was developed early in the Pythagorean school, and “in connection with arithmetic and the theory of music.” A fragment by Archytas tells us that in Pythagoras’ time there were three basic means—the arithmetic, the geometric, and the harmonic (or subcontrary)—each defined by its relation to two extremes. Morrow provides a clear summary of the three:

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79 cf. Plutarch, Solon 14, where the Solonian constitution is described as the “middle way.”
80 Heath (1963) 51.
In arithmetic proportion it [the mean] falls short of the one extreme and exceeds the other by the same absolute amount; in geometric proportion the one extreme bears to the mean the same ratio as the mean bears to the other extreme; and in harmonic proportion the mean is determined by the application of an identical fraction to the two extremes, in the one case to diminish and in the other to augment it.\[81\]

More clearly, in standard notion, beginning with \(a\geq b\geq c\) and denoting \(b\) as the mean of \(a\) and \(c\), the three means are:

1. Arithmetic: \(a-b = b-c\); i.e., \(\frac{a-b}{b-c} = \frac{a}{d}\); e.g., 3, 2, 1

2. Geometric: \(\frac{a}{b} = \frac{b}{c}\); i.e., \(\frac{a-b}{b-c} = \frac{a}{d}\); e.g., 8, 4, 2

3. Harmonic: \(a - \frac{a}{n} = b = c + \frac{c}{n}\); i.e., \(\frac{a-b}{b-c} = \frac{a}{c}\); e.g., 6, 4, 3 where \(n=3\)

The most important aspect of this theory for our purposes is the political significance that Archytas attached to each of the means: the geometric mean is democratic because it represents an equality of ratios; the arithmetic is oligarchic because it gives greater power to the less important part of the state (i.e., the wealthy); and the harmonic is aristocratic because it gives the more important part of the state—the wise—the greatest power.\[82\] As Carl Huffman observed, Archytas supported “a more democratic constitution” because he thought the rich and poor share the “ability to calculate” \((logismos)\).\[83\] For Archytas, it was “the clarity of calculation and proportion” that limited “the constant striving for more \((pleonexia)\), which produces discord in the state.”\[84\]

Although Plato never expounds the ethical and political significance of the different kinds of means, the influence of this Pythagorean theory of means can be seen

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82 Stobaeus, Florilegium. XLIII. 133 (=II. 137 Meineke); cf. Morrow (1993) 524, n. 10.
83 Huffman (2011).
84 Huffman (2011).
throughout the Platonic corpus. In the *Gorgias*, Socrates argues that principles of order and correctness explain the goodness of the cosmos, and govern human affairs. He complains that Callicles pays no attention to the role played by orderliness and self-control, and that he neglects geometrical equality (507e6-508a8). He declares:

“geometrical equality has a mighty power among both gods and men” (508a6-7). In the *Statesman* (283c-284b), the Eleatic Stranger divides the art of measurement (ἡ μετρητικῇ τέχνη) into two parts: the first part is concerned with “the greatness or smallness” of its objects relative to one another, while the second part deals with their greatness or smallness relative to “due measure” (τὸ μετρίου). In the *Philebus* (23c-26d), Socrates divides “all beings” (πάντα τὰ ὄντα, 23c4) into four classes (γένος) — “the unlimited” (τὸ ἀπειρον), “the limit” (τὸ πέρας), “the mixture of these two” (τὸ ἐξ ἀμφοῖν τούτων συμμισγένεν), and “the cause of this mixture” (τῆς συμμείξεως τούτων πρὸς ἀλληλα τὴν αἰτίαν). The unlimited includes qualities capable of being more or less, for example, hotter and colder. The limit includes measure, proportion, and ratio. The mixture of the limit and the unlimited produces “law and order” (νόμον καὶ τάξιν, 26b9-10), “harmony” (σύμφωνα, 25e1), and “everything beautiful” (καλὰ πάντα, 26b). And the cause of the mixture is “reason and wisdom” (νοῦς καὶ φρόνησις, 28d8), “the craftsman of all these things” (πάντα ταῦτα δημιουργοῦν, 27b1).

Perhaps the most relevant *comparandum* in the Platonic corpus is *Timaeus* (31b-36d). Here Timaeus describes the cosmic demiurge’s construction of the world body through the application of two geometric means to the four primary elements—earth, air, water, and fire; water and air are means between the more fundamental elements of
fire and earth. This not only gave the world body three-dimensionality, but also caused it “to agree with itself through proportion” (δι’ ἀναλογίας ὀμολογήσαν, 32c1-2). Thus the world body came to have “friendship” (φιλία) and was rendered “indissoluble by none other except him who bound it together” (ἄλυτον ὑπὸ τοῦ ἄλλου πλὴν ὑπὸ τοῦ συνδῆσαις, 32c2-4). As for the world soul, the demiurge began by “mixing” (µειγνύς) “the Same,” and “the Other,” and then “blended” (συνεκεράσατο) them together with “Being” to create “one entire form” (εἰς µίαν πάντα ἰδέαν, 35a). Then the demiurge divided up the original mixture so that the portions correspond to two sets of numbers: 1, 2, 4, 8 and 1, 3, 9, 27. The two sets form two geometric proportions, ὁπι.,
1:2::4:4:8 and 1:3::3:9:27. Without descending too far into the complex mathematics and musical theory upon which this passage depends, we should observe one last point: Timaeus tells us that the demiurge “proceeded to fill up the double and triple intervals (διαστήµατα) by cutting off still more portions from the original mixture; and he put them in the intermediate positions between the portions he already had, so as to have two means (µεσότητας) within each interval” (36a, transl. Kalkavage). The two means he uses are the harmonic mean and the arithmetic mean, and the result is three new intervals (3:2, 4:3, and 9:8). As Kalkavage notes: “Timaeus refrains from telling us the meaning of what the god is doing. The educated reader is expected to grasp, without being explicitly told, that the god is constructing the musical scale in Pythagorean

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85 As Kalkavage (2001:149) notes, in musical terms, each set also constitutes “a tetraktys or ‘quaternary’ — a mystic Four in which the Pythagoreans saw inscribed such things as the ages of man, the seasons, elements, and more.”

86 In music theory, 3:2 is the vibration ratio of a perfect fifth, 4:3 is a perfect fourth, and 9:8 is the ratio for a major second, or whole tone.
Thus, the parts of the world soul are harmonized by a mixture of the three Pythagorean means. And, as we shall see, it is also significant that the world soul is conceived as “despotic mistress and ruler” (ὡς δεσπότιν καὶ ἀρξουσαν, 34c5) of the body, which is mediated only by the geometric mean.

Stalley has argued that application of the theory of proportions may be useful in music or medicine, but it cannot be applied to political systems: “No doubt the virtue and the well-being of a state depends on the acceptance of some form of law and order, but forms of political order cannot be expressed in numerical ratios, and in any case there is no one form of order which is objectively right, laid down in the nature of things.”

Thus, Stalley rejects the general theory of constitutional mixing, claiming that in practice a mixed constitution amounts to nothing more than “checks on individual power” and the reconciliation of conflicting claims to authority. While I think that Plato would agree that political affairs cannot be treated with the same precision as mathematics or music because human nature is always intractable (739c-740a; 745e-746c), nevertheless, we have seen that one of the legislator’s chief tasks is to construct a constitution in terms of numerical ratios, and especially according to geometric proportions, and that the point of the Athenian’s argument in Laws X is to show that there is a form of political order laid down in the nature of things. Thus, the "harmony" of a political system is not strictly a metaphor, but the analogue to the harmony in the

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89 Stalley (1983) 79.  
90 See section 3.3.  
91 See section 2.6.
cosmos, which can be defined musically, and that means by the mathematical
proportions of fifths, fourths, and whole tones.

First, we must remember that, according to the Athenian, constitutional law is
comprised of two parts: 1) “the appointment of men to fill each ruling office,” and 2)
“the laws that are given to the ruling offices” (735a5-6; cf., 751a-b, 763e, 768e). In chapter
three, we saw how the Athenian’s religious legislation embodies a kind of mathematical
order and precision. But as regards the constitution, if we look to the way the Athenian
legislates for the distribution of offices, we may also see a practical example of
mathematical order in politics. Here the selection procedure for the Council (βουλήή) is
illustrative (656b7-e8). The Athenian sets down that the Council is to have 360
councilmen. Morrow notes: “Plato’s chief reason for the choice of three hundred and
sixty... was its approximation to the number of days in the year; each [council] member
will be able to serve as chairman of his prytany once during his year of office.” The real
innovation in Magnesia’s Council, however, is that it will be constituted not on the basis
of tribes (as it was in Athens), but by property classes: “By dividing the number into
four parts of ninety each, there will be ninety councilmen elected from each of the
classes” (756b7-c2). By allowing for equal representation from all economic classes, the
legislator effectively eliminates one of the chief sources of faction in the city-state; the
extremes of wealth and poverty will be moderated by the two middle classes. As

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92 This section is greatly indebted to Morrow (1993), who should be consulted for questions regarding the
institutions of the Laws and their historical precedents.
93 As we saw earlier (p. 185, n. 74), 360 is one of the divisors of 5040.
Morrow eloquently put it, there will be “a certain ‘democracy’ of interests meeting in council.”

Equally, if not more, innovative is the election procedure for council members (756c-e). As Morrow rightly opined, an election of this kind has probably never been attempted “in all history.” The election procedure that the Athenian describes is an elaborate affair, taking place over five days. On the first day, all citizens are required to “nominate” (φέερείν) candidates from the highest property class, or pay a fine. Over the next three days, the same procedure will be conducted for nominations from the second, third, and fourth property classes, the only difference being that the third and fourth property classes may abstain from voting without a penalty under certain conditions.

On the fifth day, all citizens will cast a vote (on a written ballot) for one nominee from each property class. Although the Athenian is not explicit on how exactly the number is to be reduced, it is clear that the voting process is supposed to result in one hundred and eighty candidates from each property class. Half of these one hundred and eighty candidates will then be “chosen by lot” (ἀποκληρώσαντας, 756e7). Before they can officially inaugurated as council members, however, each winner of the lot must be carefully “scrutinized” (δοκιμάσαι, 756e7).

Morrow describes this election as an example of “κλήρωσις ἐκ προκρίτων,” but the “πρόκρισις, which precedes the final decision by lot, is clearly the most important

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97 LSJ, φέερω: IV.7.
98 Aristotle (Politics, 1266a14 ff.) argues that this make the election more oligarchical than it initially appears.
99 Morrow (1993:169) argues persuasively that Plato intends each citizen to vote for one nominee.
part of the proceedings.”100 Nevertheless, Morrow argues that the election procedure makes use of the “geometric” mean, and is, therefore, “democratic.”101 Aristotle, however, condemns the election procedure for the Council as “oligarchical” because of the Athenian’s provision allowing the third and fourth property classes to abstain from voting on the third and fourth days of the nominating stage (Politics, 1266a14). The result, he complains, will be that “those from the highest property class will be more numerous and of better quality (βελτίους), since some of the common people, not being compelled [to vote], will not take part in the elections” (Politics, 1266a 20-22).

Earlier we touched upon the difference between Aristotle’s and Plato’s definition of oligarchy. Let’s now look at the way Plato has the Athenian describe the election procedure for the Council:

This selection procedure [of the Council] would strike a mean (μέσον) between a monarchical and a democratic regime, which is the mean the regime should always aim for. For slaves and masters would never become friends, nor would lowly types and serious gentlemen, if they were both held equal when it comes to honors. Both these situations fill regimes with civil strife; equal rewards would become unequal if they were distributed to men who are unequal, unless the distribution struck a proper measure. The ancient pronouncement is true, that "equality produces friendship" (ὡς ἴσότης φιλότητα ἀπεργάζεται); the saying is both very correct and graceful. (756e9-757a6)

Perceiving that his companions do not understand, the Athenian explains what kind of equality he means:

For there are two equalities, the same in name, but in many respects almost diametrically opposed in deed. Every city and every lawgiver is competent to assign honors according to the other sort—the equality that consists in measure and weight and number—and by the use of the lot applies it in distributions (τὴν μέτρῳ ἴσην καὶ σταθμῷ καὶ ἀριθμῷ, κλήῳ ἀπευθύνων εἰς τὰς διανομὰς αὐτήν). But it’s not so easy for everyone to discern the truest and best equality (τὴν δὲ ἀληθεστάτην καὶ ἀρίστην ἴσότητα). For it is the judgment that belongs to Zeus, and it assists human beings only to a small degree, on

100 Morrow (1993) 168.
each occasion; still, every bit of assistance it does give to cities or private individuals brings all the good things. By distributing more to what is greater and smaller amounts to what is lesser, it gives due measure to each according to their nature (μέτρα διδοῦσα πρὸς τὴν αὐτῶν φύσιν ἐκκεντρίζω); this includes greater honors always to those who are greater as regards virtue, and what is fitting—in true proportion—to those who are just the opposite as regards virtue and education. Presumably this is just what constitutes for us political justice (πολιτικὸν... δίκαιον, 757b-c).

Morrow assumes that the Athenian is here contrasting arithmetic and geometric means. Aristotle ignores the fact that the Athenian is using two ranges of extremes, and advocating for two kinds of mean. What we have here is not simply one range of extreme terms (wealthy - poor) but two (wealthy – poor, and virtuous/ educated - vicious/ uneducated). Regarding the first range of extremes (wealthy - poor), representation in the council is distributed according to the geometric mean—i.e., each of the four property classes have the same number of representatives even though there would presumably be more poor citizens than wealthy citizens in the city as a whole.

This, in effect, supports the legislative goal of friendship. However, regarding the second range of extremes (virtuous/ educated - vicious/ uneducated), representation is distributed according to the harmonic mean. The harmonic mean always tends strongly toward the least elements in the range, in this case, the virtuous/ educated. This is not only why the πρόκρισις is the most important part of the process, but also why the δοκιμασία and the exemption of the third and fourth class from voting are necessary. These aspects of the election procedure ensure that the wise (irrespective of property class) will have a greater share of seats in the Council.

Thus, just as the cosmic demiurge of the Timaeus constructed the world soul 1) by creating a mixture of the Same, the Other, and Being, and 2) by dividing up the mixture
so as to create a geometric mean, and 3) by filling up the intervals in the geometric means with arithmetic and harmonic means, so too the political demiurge of the Laws creates a mixture of property classes, divides them up in such a way as to create a geometric mean (ninety council members from each property class), and fills out the selection procedure by inserting an arithmetic mean (the lot) and a harmonic mean (πρόκρισις, δοκιμασία, and voting exemption).

4.5 Conclusion

In the Laws, Plato begins with the premise that human beings have some limited metaphysical freedom. We are endowed by νοῦς with the freedom to choose which master we will serve in our lives: reason or pleasure. Whichever master we choose, we are to understand that absolute freedom is an illusion, “the ultimate and greatest ignorance” (689a). Only the god, νοῦς, is “truly free” (875d). If we freely choose to submit ourselves to the mastery of reason, this results, paradoxically, in a kind of moral freedom—i.e., we become the masters of our own pleasures and pains. “No human being would ever become a praiseworthy master,” the Athenian declares, “unless he has been a slave” (762e). When the parts of the soul that feel pleasure and pain are guided by, and in harmony with, the rational part, this is called σωφροσύνη. This harmonious state of the soul, in turn, is what constitutes the individual human being’s happiness.

The moral freedom that results from self-mastery is also, for Plato, the necessary condition of political liberty. A man must be able to rule himself before he can be entrusted with the responsibility of ruling over others. This is why the candidates for
nearly every major office in Magnesia must undergo a rigorous selection procedure (δοκιμασία) designed to vet the candidate’s virtue and dedication to the law (734e-735a, 715c-d). Virtue is the prerequisite for serving as a magistrate. Not every citizen, then, will be eligible to serve, but every citizen has been provided with an education in virtue, and with the means to cultivate virtue throughout his life. Thus, the only thing hindering him from full political freedom is himself.

The Athenian never gives us an explicit definition of the “moderate” political freedom (τὸ μέτριον ἐλευθερίας, 694a) he endorses. Nevertheless, two things seem to be envisioned. First, since all of Magnesia’s citizens are, at least in theory, expected to acquire self-mastery, and therefore, some degree of moral freedom, they must be treated as free by the legislator. That means that they will be governed by persuasion rather than by force (thus, the Athenian’s innovative dual method of legislation, or preludes to laws). Although it is true that the Athenian says that citizens should be “slaves to the rulers and laws,” their status is actually rather different from household slaves who must obey unconditionally the commands of their masters. The Athenian repeatedly says that their enslavement must be “willing,” or “voluntary” (ἐκών), denoting the qualitative difference between a household slave and a Platonic slave to the law.

Citizens of Magnesia are, paradoxically, free slaves. Because they are slaves, they must obey the laws and rulers. But, because they are free, the legislator has an responsibility to educate them, to explain the reasons why he set down the laws as he did. The master, like the tyrant or despot, has no such obligation.

Secondly, and relatedly, all of Magnesia’s citizens are free from the arbitrary will
of a ruler (both the despotic rule of a single human being and the arbitrary rule of the 
démos), and are therefore free to participate in the legislation and administration of their 
collective lives. This concept of autonomy, I have argued, is the political analogue to 
individual self-mastery. Platonic autonomy does not match exactly, but does overlap in 
significant ways with Skinner’s “neo-republican” concept of liberty.102 Like the neo-
republican concept of liberty, Plato emphasizes that individual freedom is intimately 
tied to the freedom of the state, and in particular, to a particular form of government—a 
self-governing republic with a mixed constitution.103 Yet, unlike Skinner, who regards 
individual political liberty as dependent on a particular form of government, Plato 
thinks that a free form of government depends on citizens who are morally free, and 
who can therefore, rule in the interests of the common good, with a view to the 
happiness of the city as a whole. Platonic political liberty, then, is an essential and even 
central element within the good life for which individual moral liberty is prerequisite.

By providing the citizens of Magnesia with a moderate degree of political 
freedom, then, the second-best politeia of the Laws is able to distribute magistracies in a 
fundamentally different way than the ideal regime of the Republic. Rather than giving 
political power to a philosopher-king, the Athenian sets up "Guardians of the laws" 
(νομοφύλακες); some of the Guardians will be chosen “because of their wisdom,” while 
others “because of their true opinions” (τοὺς μὲν διὰ φρονήσεως, τοὺς δὲ δι’ ἀληθοῦς 
δόξης, 632c5-6). Nevertheless, the result will be that “νοῦς will bind all these together 
and may declare that they follow moderation and justice” (ὅπως πάντα ταύτα 

102 Skinner (2002).
συνδήσας ὁ νοῦς ἐπόμενα σωφροσύνη καὶ δικαιοσύνη ἀποφήνη, 632c6-7). Thus, the constitution of the Laws will distribute magistracies to the philosopher and the non-philosopher alike, but νοῦς, whether it comes through direct intellectual intuition of the Good, or indirectly through true opinion, will bind the philosopher and non-philosopher together around the common goal of following moderation and justice, which, we have said, is the essence of becoming like god. When men such as these fill the magistracies of the city, its regime may truly be called an imitation of the rule of god.
5. The Rule of Law and the Rule of Philosophy

ο μὲν οὖν τὸν νόμον κελεύων ἄρχειν δοκεῖ κελεύειν ἄρχειν τὸν θεόν καὶ τὸν νους μόνους, ὁ δ' ἄνθρωπον κελεύων προστίθησι καὶ θηρίον· ἢ τε γὰρ ἐπιθυμία τοιούτου, καὶ ὁ θυμός ἄρχοντας διαστρέφει καὶ τοὺς ἀρίστους ἄνδρας. διόπερ ἄνευ ὁρέξεως νοὺς ὁ νόμος ἐστίν.

He who urges that the law shall rule seems to recommend that God and Reason alone shall rule, but he who urges that a man rule adds a wild animal also; for appetite is of this nature, and passion misleads even the best men when they are rulers; therefore the law is reason without desire.

— Aristotle (Pol. 1287a28-32)

We have seen that, in the Laws, Plato repeatedly defines the goal of legislation through the tripartite formula of “freedom, friendship, and wisdom” (693d8-e1, cf. 693b, c, e, 694b, 701d). In chapter three, I argued that Magnesia’s civil religion is primarily concerned with the promotion of friendship within the state, and in chapter four, I proposed that the mixed constitution was chief means by which Plato grants a limited degree of political liberty to the citizens of Magnesia. I have also maintained throughout this dissertation that the triad—freedom, friendship, and wisdom—also forms a unity, i.e., the three constitute different aspects of political virtue. Thus, both civil religion and the mixed constitution promote, to a certain degree, wisdom as well as freedom and friendship. Nevertheless, wisdom as such is not their primary aim. In this final chapter, I propose to investigate the following question: “Where is wisdom to found in the

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1 As we have seen (Section 4.2.3), moderation sometimes stands in the place of freedom, and reason in the place of wisdom. We have also discussed (Section 2.1) Plato’s tendency to describe a single concept by means of a doublet, as e.g., the doublet "νοὺς καὶ φρόνημα" refers to the virtue of reason (Phlb. 28d8, 59d1, 63c5-7, 66b5-6; Lg. 631c6-7).
constitution and legislation of the *Laws*?" Another way to frame this question is: "Where is the monarchical principle in Magnesia’s mixed constitution?"

The traditional answer to this question is that the Nocturnal Council (νυκτερινὸς σύλλογος) is the political body responsible for providing wise government in Magnesia. Advocates of this interpretation argue that Plato introduces the Nocturnal Council as an institution, which is formally outside the legal structure of the constitution, and which has direct authority over it. In short, many of these commentators see the council as a revamped version of the *Republic*’s philosopher-kings. They cite numerous similarities between the way Plato describes the Guardians of the *Republic* and the Nocturnal Council of the *Laws*. For example, Plato frequently calls the Nocturnal Council “guardians” (φύλακες, 964c, d, e; 965b, c; 966a, b, c, d; 968d, 969c; cf. R. 503b5), and the “savior of the regime” (σωτηρία, 960b-e, 969c; cf., R. 463b, 502c-d, 536b). At one point, he refers to the Nocturnal Council as “divine” (θεῖος, 969b2), a word, we have seen, that Plato typically uses to indicate those who have had contact with the intelligible world.

As Klosko observed: “Language like this smacks of philosopher-rulers.”

The major problem with this view, as many of its adherents recognize and, it seems, embrace, is that it breaks the *Laws* into two distinct parts: the rule of law in the first eleven and half books, and the rule of philosophy in the last nine Stephanus pages. Plato’s introduction of the Nocturnal Council, then, is seen as a betrayal, or rejection, of

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2 Among commentators who take this position are Zeller (1889) 539-540; Barker (1951) 406, 408, n.1; Sabine (1950) 85; Pangle (1980) 504; Klosko (1988); Brunt (1993) 250-251.
4 Section 2.1; cf. Van Camp (1956) 173-177, 412-423.
the political philosophy of the vast majority of the *Laws*. Barker, for example, held that Plato was clearly “not of the same mind” when he wrote book XII as when he wrote the earlier books.\(^6\) He says that the conclusion of the *Laws* represents a “return to the doctrines of the *Republic*, couched in a new and astronomical form, with astronomy and number taking the place of dialectic and the ideal,” and that members of the Nocturnal Council are “the ‘perfect guardians’ of the *Republic* turned collegiate and set to control, in ways that are never explained, a system of political machinery into which they are never fitted.”\(^7\) Barker concludes that the Nocturnal Council cannot be reconciled with the rest of the *Laws*; Plato simply changed his mind and died before the dialogue could be revised.\(^8\) George Sabine also thought that the Nocturnal Council “is entirely out of keeping with the purpose of which Plato has been following,” and “not only fails to articulate in any way with the other institutions of the state but also contradicts the purpose of planning a state in which the law is supreme.”\(^9\) Its inclusion in the *Laws*, he says, “is a flagrant violation of loyalty to the second-best state.”\(^10\) T. A. Sinclair was not quite as adamant as Barker or Sabine, but he still saw the Nocturnal Council as evidence of Plato’s divided mind; that even after his failed experiment in Sicily, Plato simply could not give up on the “idealism” of the *Republic*.\(^11\) More recently, Thomas Pangle observes: “This Nocturnal Council… is the embryonic version of an institution by which

\(^{6}\) Barker (1951) 408, n.1.  
\(^{7}\) Barker (1951) 406.  
\(^{8}\) Barker (1951) 408, n.1.  
\(^{9}\) Sabine (1950) 85.  
\(^{10}\) Sabine (1950) 85.  
\(^{11}\) Sinclair (1951) 206.
he seeks to transform the regime ruled by laws into a regime ruled by philosophers.”

Citing Aristotle as support for his view (Pol. 1265a 4-5), Pangle observes: “In ‘bringing the regime around by degrees toward that of the Republic’ Plato moves the conversation toward what is Utopian… he shows that only the rule of philosophers will satisfy certain political needs that are inescapable, and that gradually become obvious to unphilosophic statesmen like Kleinias and Megillus.”

George Klosko, whose article “The Nocturnal Council in Plato’s Laws” is the most recent defense of the traditional view, argues that the rule of law outlined in exhausting detail in the first eleven and half books of the Laws is “out of keeping with a state that contains a philosophical element.” And to justify this claim, he appeals to the Statesman:

In the Statesman, Plato makes an important distinction between government by philosophical wisdom and government by laws. Laws are deficient because they are always general, designed for average people under average conditions. Plato likens them to prescriptions that a doctor would leave if he had to be away from his patients for a time. The rule of philosophical wisdom need not be constrained by laws. Just as the doctor, who possesses the knowledge that goes into writing prescriptions, would not feel bound by past prescriptions, the statesman, who knows the science of ruling, need not abide by past legislation. Thus for Plato the direct rule of scientific intelligence is free.

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12 Pangle (1980) 504.
13 Pangle (1980) 504.
14 Klosko defends the traditional (formal) view against Morrow’s “informal” view (1993: 508-513) that the Nocturnal Council has only two minor political responsibilities: 1) the rehabilitation of imprisoned atheists (908a, 909a), and 2) the examination of authorized travellers, who may have witnessed possible improvements to the laws in other foreign city-states (951c-d). Beyond these two areas, the council’s role in the political administration of the city is “interpretative and advisory,” i.e., “whatever its recommendations might be, they are to become effective only through appropriate action by the officers and the courts” (1993: 576). Morrow’s interpretation runs into the very obvious problem that Plato has the Athenian say at the very end of the dialogue that “If this divine council should come into being, the city must be given over to it” (969b1–3). Thus, Morrow’s view is that the council has only indirect political authority and must function within the bounds of the law, while Klosko’s view is that the council has direct political authority and can function outside the law if it sees fit. My interpretation will be that the council has direct political authority, but functions within the rule of law; there is no conflict between law and philosophical wisdom.
from laws. Accordingly, in the Republic the philosophers do not draw up legislation.\(^{16}\)

Thus, Klosko concludes that the Nocturnal Council should be viewed as “a departure from the argument throughout the earlier books.”\(^{17}\) “We are forced,” he says, “to posit some change in Plato’s plans as he wrote the work. Presumably, had he lived to complete the work he would have integrated the two parts into a consistent discussion... This sort of view has been held by numerous authorities, including Aristotle.”\(^{18}\)

### 5.1 The Rule of Law and the Rule of Philosophy

In laying out my own interpretation of the role of philosophy in the political regime of the Laws, I will begin with an examination of Aristotle’s comments in book II of the Politics (1265a3-4), which both Pangle and Klosko claim supports their interpretation. Aristotle describes the constitution of the Laws in this way:

ταύτην βουλόμενος κοινοτέέραν ποιεῖν ταῖς πόλεσι κατὰ μικρόν περιάγει πάλιν πρὸς τὴν έτέραν πολιτείαν.

(i) In spite of his wish to make it (i.e., the constitution of the Laws) more generally acceptable to actual states, (ii) he gradually brings back round again to the earlier one (sc. the Republic).\(^{19}\)

The translation given here is Sinclair’s, which, I think, represents the majority reading.\(^{20}\)

This translation, in my view, is founded on the traditional (formal) view of the

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\(^{16}\) Klosko (1988) 83.  
\(^{17}\) Klosko (1988) 84.  
\(^{18}\) Klosko (1988) 85; cf., Arist. Pol. 1265a3-4. I will address Klosko’s interpretation of Aristotle’s comments in section 5.1.  
\(^{19}\) Sinclair (1962) 121. I have supplied the divisions and parenthetical comments.  
\(^{20}\) cf., Newman (1887) 265-266; Rackham (1932); Phillips Simpson (1997); Pangle (2013) 73.
Nocturnal Council as the institution by which Plato seeks to transform the regime ruled by laws into a regime ruled by philosophers.\textsuperscript{21} Again, according to this view, Plato devotes eleven and a half books of the \textit{Laws} to outlining a more practical regime that is more like those in actual 4\textsuperscript{th} century poleis, but then at the very end of the dialogue, he tries to turn it around again to the rule of philosophy.

The first problem with the standard translation of Aristotle’s comment has to do with the phrase κοινοτέέραν τα \insigma πόλεοι. W. L. Newman argues that this probably means “not ‘having more affinity to existing States,’ but ‘more suitable to them’ or ‘more within their reach’” and most translators seem to follow Newman’s assessment.\textsuperscript{22} Newman, moreover, cites \textit{Laws} 739e as support for this conclusion, but this passage, in my view, does not actually provide us with much insight. We will recall that what Plato says 739e is that they are constructing a “second-best” political regime, but that they must always keep the paradigmatic, “first-best” regime of the \textit{Republic} in view.\textsuperscript{23} It is not clear to me, at any rate, how this passage helps explain that Aristotle’s ‘κοινοτέέραν τα \insigma πόλεοι’ means more within the reach of existing city-states. If the constitution of the \textit{Laws} is explicitly modeled on that of the \textit{Republic}, how does that make it more attainable for actual city-states? The regime of the \textit{Republic}, we have seen, is repeatedly flagged as not possible for actual human beings.\textsuperscript{24} The question, in my opinion, is less about whether Plato intended the regime of the \textit{Laws} to “have more affinity with” or “be more

\begin{flushleft}
\textsuperscript{23} See my argument in section 1.4.
\textsuperscript{24} Section 1.4.
\end{flushleft}
attainable for actual Greek city-states, and more about what exactly it is that the constitution of the *Laws* “shares” with the constitutions of historical Greek poleis. The answer, I maintain, is that the constitution of the *Laws* and the constitutions of actual Greek cities were both founded on the rule of law. The rule of law, in turn, is to be contrasted with the rule of philosophers, which has no precedent in (and hence, no affinity with) historical Greek city-states. And because it has no precedent, it is less likely to be within their reach. So, Aristotle’s phrase, ταύτην βουλόμενος κοινοτέραν ποιεῖν ταῖς πόλεσι, should be interpreted as saying that Plato wanted to found the constitution of the *Laws* on the rule of law because that would make it more similar to the constitutions of historical Greek poleis, and in turn, more attainable for them.

Nevertheless, Plato is the consummate political demiurge, and as such he does not simply adopt the rule of law as it has been conventionally used, but rather seeks to identify the latent possibilities in the rule of law, and thus to reform it in order to make it conform more nearly to the purpose for which it was made, *viz.*, to be the standard of wisdom and reason in human affairs, and to safeguard against tyranny on the one hand, and anarchy on the other. Plato does not accept the rule of law as it is, but as it should be. This, in my view, is the point of the second half of Aristotle’s comment—that Plato leads the regime of the *Laws* “back around again little by little” (κατὰ µικρόν)\(^\text{25}\) to the regime of the *Republic*. The traditional interpretation, however, seemingly ignores Aristotle’s phrase, “little by little,” insisting that the rule of philosophy does not enter into the picture until the introduction of the Nocturnal Council, which, they argue,

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\(^{25}\) LSJ, µικρός, III, 5b.
suggests a betrayal of the rule of law. My translation of Aristotle’s comment places
greater emphasis on this phrase, “little by little,” indicating that the introduction of
philosophical rule into the dialogue does not occur suddenly at the end. Rather, as we
shall see below, the rule of philosophy is incorporated into the rule of law through a
gradual process that starts at the very beginning of the legislative project, and that
culminates in introduction of the Nocturnal Council at the end of the dialogue. Thus, the
Nocturnal Council does not represent a rejection of the rule of law, but is, as Plato says,
simply a safeguard for the philosophical conception of the rule of law that is outlined
over the course of the entire dialogue.

Finally, the standard translation of βουλόμενος as a concessive participle seems
to imply that Aristotle viewed the political project of the Laws as a failure, which, in my
view, is not entirely self-evident. Aristotle certainly criticizes particular aspects of the
Laws’ constitution—e.g., he thinks that 5,000 citizens would require a much larger
territory than Plato expects (1265a10-17)—but nowhere does he imply that Plato is
ultimately forced to reject the rule of law in the Laws because it is in some way defective.
Thus, I translate βουλόμενος not as a concessive participle, but as a circumstantial
participle implying purpose: “Wanting to make this [constitution] have more in
common with [actual] city-states, he leads it back around again little by little to the other
[constitution].”26 Again, the emphasis here is on the phrase “little by little.” Plato turns
the constitution of the Laws back toward that of the Republic little by little rather than by
a sudden turn at the end in order to make the constitution of the Laws have more in

26 S. 2064, 2065, 2069.
common with constitutions in actual city-states. This is perhaps the most controversial aspect of my proposed translation of *Politics* 1265a3-4 because it entails a radical revision of Aristotle’s assessment of the political project of Plato’s *Laws*.

Nevertheless, an examination of the context of *Politics* 1265a3-4, as well as supporting evidence from other passages in the *Politics* suggests that Aristotle is actually pointing us toward the interpretation that I am proposing. First, in the very next sentence of *Politics* 1265a, Aristotle lays out what in his view is the central difference between the regime of the *Laws* and that of the *Republic*: “For apart from the sharing of wives and property, he [Plato] constructs the two constitutions on very much the same pattern: the same education, the same life of freedom from essential tasks, and the same arrangements for common meals…” (*Pol.* 1265a4-8). Aristotle’s assumption here is clearly that the constitution of the *Laws* incorporates in some way the rule of philosophy. Moreover, by saying that Plato constructs both regimes on the same pattern, Aristotle suggests that Plato intended all along to weave the rule of philosophy into the *Laws*’ constitution. Yet, the *Laws* would simply be the *Republic* 2.0 unless Plato somehow makes the rule of philosophy more attainable for actual city-states. This is why, on my translation, 
\[\betaουλομενος\] must be a circumstantial participle. Aristotle clearly saw these two competing requirements that Plato set for himself in the *Laws*, namely that its constitution be more attainable for cities inhabited by flesh and blood human beings, but it nevertheless aspire to be ruled by philosophical wisdom. By bringing the rule of law back around *little by little* to the rule of philosophy, Aristotle suggests, Plato sought to gradually accustom non-philosophical statesmen like Kleinias and Megillos to the idea
that the rule of philosophy is within their reach because the rule of law, properly conceived, is the rule of philosophical reason.

The epigraph to this chapter is a passage from book III of the Politics, where Aristotle is discussing the relationship between an ideal monarch and the rule of law: “He who urges that the law shall rule seems to recommend that God and Reason (νοῦς) alone shall rule, but he who urges that a man rule adds a wild animal also; for appetite is of this nature, and passion misleads even the best men when they are rulers; therefore the law is reason without desire” (1287a28-32). Aristotle’s conception of the rule of law corresponds almost exactly to the way Plato has the Athenian Stranger describe it in the Laws (875d ff; 925d-926a). Thus, I think, what Aristotle means by saying that Plato brought the regime of the Laws back around to the regime of the Republic is that in the Laws, Plato redefines the rule of law as an approximation to the rule of Reason (νοῦς), which brings the rule of law back to the rule of philosophy, even as it redefines what the rule of philosophy means. It no longer means the direct rule of the human philosopher-king, but the indirect rule of the philosophical god, νοῦς, through the rule of law laid down by the philosophical legislator.

By way of conclusion, what I propose is to first review how law and philosophical wisdom are mixed together in the very definition of “law” (νόμος) arrived at in book IV. Secondly, I will discuss again how the Laws expands and clarifies what it means for a philosopher to engage in political activity, i.e., how the Republic’s concept of a philosopher-ruler is adapted in light of the theology of νοῦς. Thirdly, I will argue that the Laws’ reconception of “law” as “the rules ordained by divine Reason for governing
human affairs” (714a) overcomes the conflict between law and knowledge that was the center of focus in the Statesman. Conceived as such, the rule of law is the only form of constitution that can strike a balance between the competing demands of wisdom and consent. According to my account, then, philosophy has an even more active role in legislation than previously has been thought.

I will close by offering a fresh interpretation of the political role of the Nocturnal Council. What gives law the right to rule, I argue, is the νοῦς contained within it, and it is precisely the task of philosophy to apprehend the νοῦς inherent in the cosmos and embody it in legislation. Philosophy, therefore, is not incompatible with law, but is essential to it. Law is the political expression of philosophical insights into the ordering of states. On this interpretation, the Nocturnal Council does not undermine the rule of law, but rather continues the work of the Athenian Stranger, the Laws’ philosophical legislator. The Nocturnal Council ensures that the citizens of Magnesia, or, at least their representatives, can ask questions of the original law code, especially if something new turns up that is better (cf., Plt. 294b-c). In this way, the council “safeguards” the original code of legislation set down by the Athenian at the founding, and they make sure that what he legislated always aims what is best, most just, and applicable for all human beings. The Nocturnal Council, therefore, makes Plato’s conception of natural law possible in a human society.

5.1.1 Law and Philosophy in the Mythical Founding of Magnesia

Immediately after the Athenian agrees to help Kleinias found the colony of Magnesia (702d-e), they begin to discuss what kind of constitution (πολιτεία, 712b) this
city should have. This crucial turning point I take to be the beginning of the legislative project properly speaking (722d). Straightway, the Athenian declares: “When the greatest power coincides in a human being with wisdom and moderation, then occurs the natural genesis of the best constitution (πολιτείας τῆς ἀριστης), and laws to match; but otherwise it will never come to pass” (712a). Then he tells Kleinias: “Let’s try to adapt this [argument] to your city” (712b). In other words, the Athenian begins the discussion of constitutional legislation by reminding the practiced reader that the best constitution is still the rule of philosopher-kings, but he explicitly says that this constitution will have to be adapted in some way in order for it to work for Kleinias’ city.

When he asks what kind of constitution they should arrange for the city, his companions are unable to answer (712c-e). Kleinias asks: “Just what do you mean by this question? Do you mean what sort of democracy, or oligarchy, or aristocracy, or monarchy?” (712c). The Athenian replies that those are not “constitutions” (οὐκ εἰσίν πολιτείαι, 712e10), but rather “city administrations where the city is under the sway of despots, with some parts enslaved to other parts of itself. Each of these administrations takes its name from “the authority that is the despot” (713a). He then says that if their regime should take the name of the authority that is despot, “then one must use the name of the god who truly rules as despot over those who possess reason” (νοῦς, 713a). Kleinias asks: “Who is this god? “(Τίς δ’ ὁ θεός; 712a5). Rather than answering directly, the Athenian tells his companions the “myth” (µῦθος, 713a6) about the Age of Kronos.

In chapter two, I introduced this myth to show that the Athenian sets down the
constitutional theory of the *Laws* in mythical form. The particular form of constitution
(πολιτεία) they agree to establish is “an imitation” (μιμεῖσθαι) of the rule of god. The
bulk of my argument in chapter two aimed at showing that the god, whose rule their
constitution will imitate, is not the Kronos represented in the poetry of Homer and
Hesiod, but the god of pure Reason (κορῶς νοῦς), implied by the etymology of the
*Cratylus* (396b), and confirmed by reference to the elaborate cosmo-theology of the
*Philebus* and *Timaeus*. Since “law” is the name we give to “the regulation ordained by
Reason” (τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον, 714a1-2), i.e., the principle
governing behavior or practice that has been established and maintained by the
authority of νοῦς, the rule of law, as a form of constitution in the *Laws*, will be the best
possible imitation of the direct rule of divine Reason (νοῦς). As the Athenian declares
later in book XII: “If our laws should be correctly set up, then our divine and marvelous
law (νόμος) would truly possess a name (ὄνομα) akin to Reason” (νοῦς, 957c).

We also observed in the introduction to chapter two that these passages direct
the practiced, philosophical reader to two Platonic intertexts. The myth of Kronos itself
is a truncated version of a very similar myth that appears in the *Statesman* (268e- 274e).
And the Athenian’s statement that there will be “no rest from evils and toils for those
cities in which some mortal rules rather than a god” (οὐκ ἔστιν κακῶν αὐτοῖς οὐδὲ
πόνων ἀνάφυξις) directs the practiced reader to Socrates’ argument in book V of the
*Republic* about the need for a philosopher-king (473c11- d6). In our pursuit of the
theological question, however, we left unanswered an important political question; *viz*.,

why does Plato draw the practiced reader’s attention to the Republic and Statesman at this point in the dialogue, when he is just beginning to articulate the constitutional theory of the Laws? Clearly, he intends the practiced reader to interpret the Laws’ particular conception of the rule of law in the light of the arguments from the Republic about the philosopher-king, and the arguments from the Statesman about the art of statesmanship. But what exactly is he supposed to conclude from this?

5.1.2 The Political Philosopher

Let us address the allusion to the Republic first. On the one hand, the message seems straightforward. If the politeia of the Republic is the first-best politeia, as I argued in chapter one, then the rule of law in the Laws is second-best, or the best humanly possible alternative, to the rule of philosopher-kings. On the other hand, as I suggested above, the theology of νοῦς provided Plato with a metaphysical basis upon which he could set forward a new conception of νόμος as “the regulation of reason” (τὴν τοῦ νοῦ διανομήν, 714a2), and a conception of the rule of law as the imitation of the rule of νοῦς. So, there seems to be a gap here between the rule of νοῦς, on the one hand, and the rule of philosopher-kings, on the other. Plato does on occasion say that a philosopher is “divine” (Θεῖος, R. 331e, 500c-e; Lg. 666d, 817b, 945c, 951b), and we have seen that “becoming like god” is the goal of the philosophical life, but it would be wholly unusual, I think, for Plato to take the next logical step and equate the philosopher with
the god. Such a move, in my view, would undermine his entire philosophical project. If Plato is not equating the philosopher with the god, then how do we make sense of this gap?

The answer, I think, is again found in the Timaeus. As we noted earlier, the Timaeus opens with a conversation about “a political regime” (περὶ πολιτείας, 17c), in which Socrates rehearses a version of the argument of Books II to V of the Republic: the principle of specialization in crafts, the division of classes, the education of the guardians, the equality of women, the abolition of the family and private property, as well as the eugenic program and the elaborate social arrangements intended to support it (17c-19a). Scholars, of course, have noticed the one glaring omission from Socrates’ recapitulation, viz., any mention of the philosopher-king. Developmentalists view this omission as evidence that Plato had abandoned the idea by the time he wrote the Timaeus. Yet, the subsequent passage in the proem of the Timaeus suggests another explanation.

Socrates tells his interlocutors that he would like to see his “beautiful” but “static” city “in motion” (κινούμενά). He continues:

I’d love to see our city distinguish itself in the way that it deals with the other cities, one after another, in ways that reflect positively on its own education and training, both in word and deed— that is, both in how it behaves toward them and how it negotiates with them (19b-d, transl. Zeyl).

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28 Plato says repeatedly that philosophers may come closest of all human beings to “becoming divine” (R. 500c-d, Phdr. 247c-248a), but he never suggests that they can cross over the divide between human and divine and actually become gods.
29 Section 2.4.1.
Now Socrates confesses at this point that he is quite unable to give such an account of his city in motion, and he says that this should not be “so surprising” in his case (19d). Presumably, what Socrates is referring to here is his claim that his δαιµόνιον always prevents him from engaging in politics (Apology 31c- d9). If this is correct, then what that means is that Socrates considers a speech describing his city in motion to be tantamount to political activity. What is required, then, is someone like Timaeus, who “by nature as well as by training” is capable of engaging in “both philosophy and politics” (ἀµα φιλοσόφων… ἢ καὶ πολιτικών, 19e). Thus, Timaeus, not Socrates, is the philosopher who can engage in political activity, and the reason why he can do what Socrates cannot, I suggest, is because he has an explanation of the order of the sensible world through νοῦς, that Socrates tells us plainly he does not have (Phd. 99c6-8).

Furthermore, we must remember that the politeia of the Republic is a “model laid up in heaven” (ἐν οὐρανῷ… παράδειγµα, R. 592b2), i.e., it belongs to the intelligible world of the Forms (Ti. 28a). Therefore it cannot move or change; it cannot come-into-being in the sensible world and partake of motion. As we saw with the Theory of Forms, if we want to give an account of the orderliness and rationality of the cosmos, we need not only an explanation through Forms, but also an explanation through νοῦς.32 Likewise, if we want to see a rational political order in motion, existing on earth and inhabited by flesh and blood human beings, then we also need an account of νοῦς. Only the theology of νοῦς set forth in the Philebus and Timaeus provides us an account of orderly and rational motion in the sensible world.

32 See section 2.2.
In the *Republic*, the philosopher’s right to rule is founded on his knowledge of the Forms, and his assimilation to the order they display (484a-d; 499d-500e). While this may be sufficient for a philosopher ruling a city in heaven, “a city inhabited by gods” (*Lg.* 739d), it is not sufficient for a city inhabited by human beings. Even in the *Republic*, Socrates suggests that the philosopher would require something in addition to the theoretical knowledge of the Forms, if he is to concern himself with human affairs. He says that if the philosopher should practice putting what he sees in the intelligible world of Forms into “the dispositions of men, both in private and in public, instead of forming only himself,” he would become a “demiurge (δηµιουργὸν) of moderation, justice, and popular virtue as a whole” (500d). The *Republic*, we have seen, tells us very little about what this political demiurgy would look like in practice.33 This, I have argued, is how the *Laws* fills the lacuna left in the *Republic*; the Athenian Stranger demonstrates for us in his actions exactly what political demiurgy means.34 Yet, we cannot fully understand the political demiurgy of the *Laws* unless we first understand νοῦς’ cosmic demiurgy in the *Timaeus*. The political demiurge models himself on a specific Form, νοῦς, and thereby not only possesses knowledge of the Forms (as well as the paradigmatic *politeia* of Kallipolis), but also becomes an efficient cause of order in the political world. As opposed to the purely theoretical philosopher, the political philosopher (or demiurge) has the practical experience of dealing with human beings, their history, culture, and social and political institutions (*Lg.* 639d, 968b). In short, he has “practical wisdom” (φρόνησις). It is not enough that he know what would be best under ideal conditions;

33 Section 1.4.1; cf., Laks (1990) 216.  
34 Section 1.4.1.
the political philosopher must also know what is the best possible under human conditions. The rule of νοῦς, therefore, is what the philosopher looks to when he creates a rational political order for human beings. His right to rule is still founded on his knowledge of the Forms, and his assimilation to the order they display. All that the Laws and Timaeus do is simply clarify that one special Form, νοῦς, is particularly important for philosophical legislation.

5.1.3 The Myth of Kronos and Plato’s Philosophy of Law

As we saw above, Klosko argues that the introduction of the Nocturnal Council, as an official body of philosophical rulers, in book XII undercuts the rule of law that has been set down in the first eleven and half books of the Laws. His interpretation of the Nocturnal Council, moreover, is grounded on the conception of law described in the Statesman, which, he argues, is in direct conflict with the scientific knowledge of the ideal statesman. The result, it seems, is that the rule of law and the rule of philosophical wisdom appear to be mutually exclusive forms of government. A similar interpretation of the myth of Kronos has been set forward by Schofield.35

Schofield argues that when the practiced reader of Plato comes to the myth of Kronos in the Laws, he will remember that a much fuller version of the myth is told in the Statesman, “but with a rather different moral.”36 In the Statesman, the rule of law is the second-best form of constitution because it imitates the rule of the ideal statesman of the age of Zeus (293e, 300c). In Laws’ version of the myth of Kronos, the second-best

form of constitution is said to imitate not the rule of the ideal statesman, but that of the
divine shepherd of the age of Kronos. Schofield argues:

In the age of Cronos the human race was governed and protected by the deity as sheep
are tended by the shepherd. In the present age we have to take on the responsibility, and
look after ourselves, in a community where there is no intrinsic difference in nature any
more between ruler and ruled—all of us are human. To exercise rule adequately in these
circumstances, we need a political knowledge rather differently conceived than as the
skill of an overseer. And when the Statesman eventually debates the relationship between
that knowledge and the rule of law, it treats law as a very inferior substitute... [R]eliance
on law is not a very intelligent way to run our affairs, any more than would trying to
pilot a ship simply by sticking unwaveringly to a rule book.37

With these recollections in mind, Schofield concludes, the practiced reader will surely
question why the Athenian in the Laws “evades the problems the Statesman points up,”
and “elides distinctions the Statesman is careful to establish.”38 Thus, Schofield concludes
that the moral the Athenian draws from the myth of Kronos, viz., “a thesis about the
supremacy of law couched in theocratic terms,” simply shortcuts the hard-won
distinctions drawn in the Statesman.39 “This is religion being used to present the
attractions of a particular conception of law and politeia, in a way which preempts
further philosophical debate but at the same time intimates to the practiced reader the
author’s awareness that and how he is preempts it.”40

Schofield’s interpretation, as we saw in chapter one, was subject to an effective
critique by Christopher Rowe. Rowe argues that the practiced reader will be able to
reconcile the apparent contradiction that in the Statesman it will be the political expert (a
human being) who will rule, while in the Laws it will be the god who rules, by observing

37 Schofield (2003) 10. Italics are the author’s.
that the political expert will have to employ impersonal, godlike reason in order to steer the ship of state. “The expert statesman himself will ultimately have to set down laws, for the simple reason that he can’t be everywhere at once (294c-295b); and it is a city governed by his laws that will be second best, because of the inherent weakness of law as an instrument, to direct rule by him in person.”

In my view, Rowe’s interpretation is a vast improvement over Schofield’s, but there are still two substantive problems. First, both Rowe and Schofield think that the moral the Athenian derives from the myth of Kronos is that the god, not some human being, should rule. Even a cursory examination of the text of the Laws reveals that this is not exactly what he says. Just like the Eleatic Stranger in the Statesman, the Athenian Stranger in the Laws never suggests that it is possible for Kronos to rule directly. Rather, the “moral” (λόγος) he derives from the myth is that “we should imitate (μιµεῖσθαι) by every device the way of life that is said to have existed under Kronos” (713e4-7; cf., Plt. 274b-d). And the form of constitution that most closely imitates the rule of Kronos (= νοῦς) is the rule of law (714a1-2), not a theocracy as both Rowe and Schofield suggest. Secondly, Rowe’s interpretation only makes sense if we accept his definition of νοῦς in the myth. As we saw in the introduction to chapter two, Rowe thinks that νοῦς refers not to “some external god,” but to “human reason,” that is, “human reason at its best, and to the degree that human reason successfully reproduces (‘imitates’) the ratiocination of the god or gods themselves.” I argued that νοῦς can refer to the human

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41 Rowe (2010) 42, n.47.
virtue of reason, but more often, and especially in cosmological and theological contexts, it refers to the supreme god in the Platonic pantheon, the source and creator of all that is good, orderly, and rational in the sensible world. This description of νοῦς is more easily reconciled with later descriptions in Laws X and XII, where the theoretical foundations of the Laws’ politeia are laid down (as opposed to its mythical foundations in the Kronos passage). If, however, we accept my interpretation of νοῦς instead of Rowe’s, then we will have to reexamine the contention levied by Klosko and Schofield that the rule of law is fundamentally irreconcilable with the rule of philosophical knowledge.

As we observed above, the myth of Kronos is introduced into the Laws at the very beginning of the legislative project in order to answer the Athenian’s question, “what sort of regime do we have in mind to arrange for the city?” (τίνα δή ποτε πολιτείαν ἐχόμεν ἐν νῷ τῇ πόλει προστάτειν, 712b8-c1). He says that if they named their constitution the way democracies, oligarchies, and monarchies do, i.e., by taking its name from the authority that is the despot, then they should use “the name of the god who truly rules as despot over those who possess reason (τὸ τοῦ ἀληθῶς τῶν τὸν νοῦν ἐχόντων δεσπόζοντος θεοῦ ὄνομα, 712e9-713a4). When Kleinias asks who this god is, the Athenian relates the myth of Kronos:

Now long before the cities whose formation we described earlier, there is said to have come into being a certain very happy rule and arrangement under Kronos. The best of arrangements at the present time is in fact an imitation of this…Now we have received an oracular report of the blessed way of life of those who lived in that time, how it had everything without stint and spontaneously. And the cause of these things is said to have been something like the following: Kronos understood that, as we have explained, 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 time kings and rulers within our cities—not human beings, but daimons, members of a more divine and better species. He
did just what we do now with sheep and other tamer herd animals. We don’t make cattle themselves rulers of cattle, or goats rulers of goats; instead we exercise despotic dominion over them, because out species is better than theirs. The same was done by the god, who was a friend of humanity: he set over us the better species of *daimons*, who supervised us in a way that provided much ease both for them and for us. They provided peace and awe and good laws and justice without stint. Thus, they made it so that the races of men were without civil strife, and happy (713a9-e3).44

The Athenian then explains the meaning of this myth to his companions:

What this present argument *(ὁ λόγος)* is saying, making use of the truth, is that there can be no rest from evils and toils for those cities in which some mortal rules rather than a god. The argument thinks that we should imitate by every device the way of life that is said to have existed under Kronos; in public life and in private life—in the arrangement of our households and our cities—we should obey whatever within us partakes of immortality, giving the name *(ὁνόμα)* “law” *(νόμος)* to the regulation *(διανομή)* of Reason *(网约ς, 713e4-714a2)*.

Other than the specific argumentative aims of the two myths, which we will address below, the Statesman’s version differs from the Laws’ in only one key respect: the myth of Kronos in the Statesman is part of a larger cosmological myth *(μυθος, 268e4)* that describes two distinct cosmological ages: the age of Kronos and the age of Zeus. During the age of Kronos, the Eleatic Stranger tells us, “the god himself *(αὐτός ὁ θεός)* accompanies the universe, guiding it on its way and helping it move in a circle” *(συμποδηγεῖ πορεύομεν καὶ συγκυκλεῖ, 269c)*. During the age of Zeus, however,

44 τῶν γὰρ δὴ πόλεων ὅν ἐμπροσθείς τὰς συνοικήσεις διήλθομεν, ἔτι προτέρα τούτων πάμπολυ λέγεται τις ἀρχῆ τε καὶ οἰκήσεις γεγονέναι ἐπὶ Κρόνου μάλ’ εὐδαιμόνων, ἣς μιμήμα ἔχουσα ἐστίν ἵτις τῶν νῦν ἀριστα οἰκείται... φήμην τοῖν παραδεδεμεθα τῆς τῶν τότε μακαρίας ὕπατος ἐκ ἀφθονίας καὶ αὐτόματα πάντ’ εἰχεν. ἢ δ’ τούτων αἰτία λέγεται τοιάδε τις, γιγνώσκων ὅν Κρόνος ἁρά, καθάπερ ἡμεῖς διεληλύθαμεν, ὡς ἀνθρώπεια φύσεις συνεμεία ἵκανη τά ανθρώπους διουκούνα αὐτοκράτωρ πάντα, μή ὑμῶν ὑβρεώς τε καὶ ἀδίκας μεσοτιμοῦσα, ταύτ’ οὖν διανοούμενος ἐφίστη τότε βασιλέας τε καὶ ἄρχοντας ταῖς πόλεων ἡμῶν, οὐκ ἀνθρόπους ἀλλὰ γένους θεισέρομεν τε καὶ ἀμείνους, δαιμονιας, οἷον νῦν ἡμεῖς ὄρθιον οἷον ποιμνίως καὶ ὅσον ἡμερινοί εἴσον ἀγέλαια; ὧν βοῶν βοῶν οὐδὲ ἄγας ἂγαν ἄρχοντας ποιοῦμεν αὐτοίοι τίνες, ἀλλ’ ἡμεῖς αὐτῶν δεσποτάμενες, ἀμείνους ἐκείνους γένους, ταὐτὸν δὴ καὶ ὁ θεός ἁρα καὶ φιλάνθρωπος ἄν, τό γένος ἀμείνους ἡμοῖς ἐφίστη τό τῶν δαιμόνων, ὁ διὰ πολλῆς μὲν αὐτοὺς ἔσετο, πολλῆς δ’ ἡμῖν, ἐπιμελημένοις ἡμῖν, εἰρήνην τε καὶ αἰῶνα καὶ εἰνομίαν καὶ ἀφθονίαν δίκης παρεχόμενον, ἀστασίατα καὶ εὐδαιμόνα τά τῶν ἀνθρώπων ἀπηγράζετο γένη.
Kronos “lets go (ἀνήκεν) of the universe, allowing it to revolve back in the opposite direction, of its own accord” (269c-d).45

The Eleatic Stranger says that, in the age of Kronos, human beings had no need of politeiai, and so no need of the art of the statesman either, because the god ruled over, and protected us (271d-272a). In the present age of Zeus, however, we have been deprived of the god, and must now rely on our own resources and take care of ourselves (274b-d). Now Schofield suggests that in the Laws’ version of the myth of Kronos, the Athenian Stranger elides this crucial distinction in order to preempt further philosophical debate. But what effect does this elision have on the Athenian’s argument? First, the Athenian never suggests that the direct rule of νοῦς is possible in our present age. In fact, he carefully distinguishes the rule of Kronos, which is said to have existed “long before” (ἔµµπροσθε, 713a9), and “the best kind of rule possible at the present time” (τῶν νῦν ἀριστα, 713b3-4), which, he says, is an “imitation” (munitiona, 713b3; muµµεισθαί, 713e6) of the rule of Kronos. The Eleatic Stranger also says that in the present age of Zeus, the best possible constitution is an imitation: he says that we should “join in imitating and follow along with the cosmos as a whole” (ὁλος οἱ κόόσµμος, Ὀ

45 The standard interpretation of the Statesman’s cosmic reversals argues for a simple two-stage cycle; e.g., Kahn (2009) 150. Briefly, in the age of Kronos, the cosmos rotated in a reverse direction to the one in which it now does, a motion that Stanley Rosen (1995: 44) conveniently described as “counternormal.” The counternormal rotation moves “west-to-east” and is “under god’s control.” The “normal” rotation of the cosmos, of course, is the one we are all familiar with; it moves east-to-west, and according to the standard interpretation, occupies the whole of the time when the cosmos is not under the direct control of the god. Rowe (1999: xxii) has proposed a different interpretation of cosmic reversal, according to which “things go in the same direction in both the age of Cronus and the age of Zeus, with a relatively short period of reversal taking place in between them,” i.e., at the moment when the god lets go of the cosmos. This issue need not overly concern us because whatever the differences between the Statesman and the other cosmologies of Plato, the god of the Statesman can still be plausibly identified with νοῦς, as I argued in section 2.4.2.
imitating the rule of νοῦς directly and imitating the cosmos, which by all accounts, is the oldest and most divine of all the creations of νοῦς? If my argument in chapter two is correct, then very little. In both the Timaeus and Statesman, demiurgic νοῦς creates the cosmos and then endows it with νοῦς so that it arrange all its constitutive parts into a rational order (Ti. 41a-d; Plt. 273b-274a) Therefore, the two-stage cosmic cycle of the Statesman has very little effect on the political teaching of the myth, at least insofar as it relates to the Laws.

Secondly, the Eleatic Stranger introduces the myth of Kronos into the discussion of the Statesman in response to a problem raised by their initial definition of the art of the Statesman. The definition arrived at through the process of “division” (διαίίρεσις) is that statesmanship is “the knowledge of the rearing of the two-footed flock of human beings” (267b- d). The problem with this definition is that unlike herdsman, who alone are competent to “care for” (ἐπιμελοῦνται) their flocks, the statesman must compete with host of others—from farmers to doctors—who claim to care for the human herd. At the conclusion of the myth, the Eleatic Stranger says that the myth has brought to light two errors in their initial definition: “the much greater and more noble mistake” of defining the statesman as the divine shepherd of the Age of Kronos instead of the human ruler of our own era (274e), and a minor error in defining the statesman as the ruler of the entire city without specifying the type of rule (275a). The minor error is addressed, not in the myth per se, but later during the discussion of constitutional forms (291d- 303c). Thus, the function of the myth is to address the greater mistake of taking the divine shepherd as the “model” (παράδειγµα, 275b) for the statesman.
Since the primary function of the myth of Kronos is to correct a mistake made during the dialectical process, we can conclude that cosmology in the Statesman is deployed in the service of the larger aim of the dialogue, viz., to address the question: What is political knowledge? Therefore, as Schofield rightly observed in an earlier essay, the Republic and Laws are works of legislation; their task is “the construction of the good city or the best scheme of political order,” and they “treat statesmanship within the context of an answer to the question of how political order so conceived might be brought into being in the first place.”\footnote{Schofield (1999) 37.} The Statesman, by contrast, starts with the question—What is political expertise?—and “only subsequently and indirectly works out a consequential story about the way society would be managed if it were governed by someone with that expertise.”\footnote{Schofield (1999) 37.} Furthermore, as Rowe argued, the myth of Kronos in the Statesman “cannot be taken straightforwardly... as a piece of cosmological speculation.”\footnote{Rowe (1999) xx, n. 28.} I am not suggesting that since the cosmology of the Statesman has a secondary function, it should not be taken seriously. Rather I am suggesting that the fine details of the Statesman’s cosmology might have been adapted to serve the larger, pedagogical, and political aims of the dialogue.

The whole notion of a two-stage cosmic cycle seems to me, at least, a peculiar feature of the cosmological myth of the Statesman. In none of Plato’s other dialogues that deal even tangentially with cosmology—the Phaedrus, Philebus, Timaeus, and the Laws—is there any mention of the motion of the cosmos changing direction, or of a period of

\footnote{Schofield (1999) 37.} \footnote{Schofield (1999) 37.} \footnote{Rowe (1999) xx, n. 28.}
time when the god does not supervise the universe. Therefore, Schofield’s claim that this two-stage cosmic cycle in the Statesman somehow undermines the moral of the myth of Kronos in the Laws seems implausible.

The cosmology of the Statesman has a specific argumentative and political purpose, viz., to divide the human statesman of the world in which we live from the divine shepherd of the previous cycle. As such, the two-stage cosmic cycle with two diametrically opposed states of nature drives home the contrast between the human statesman of the present age and the divine shepherd of the previous cycle. As Kahn argues, the myth of Kronos is “a device for removing the ideal Statesman from the human world and relocating him in the mythical space of an alternative cosmic cycle.” Even though in the Laws’ version of the myth of Kronos, the Athenian makes no explicit mention of different cosmic cycles, he still says repeatedly that an ideal statesman, or philosopher-ruler, is not possible at the present time (874e-875d; cf., 711d-712a). There is no conflict between the Statesman and Laws on this point of political philosophy.

Of course, the larger problem with the Athenian’s allusion to the Statesman is the inherent conflict between law knowledge set up in the constitutional discussion later in that dialogue. When the Eleatic Stranger and Young Socrates address the minor error of defining the statesman as the ruler of the entire city without specifying the type of rule (291d-303c), the Stranger begins by positing three types of constitutions: monarchy, oligarchy, and democracy (291d). He then divides these three basic forms of constitutions on the basis of three factors: 1) whether they acquire power by force or

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with the consent of the ruled, 2) whether or not wealth is a consideration in determining who should rule, and 3) whether the constitution is law-abiding or lawless (291e). Thus he ends up with five (or six) forms of constitutions: 1) tyranny, 2) kingly monarchy, 3) aristocracy, 4) oligarchy), and 5) democracy.50

He then says that by splitting things up this way, they have forgotten that is was knowledge (ἐπιστήμη) that they were looking for (292c). Thus, he says that the only criterion they should consider in making divisions is whether or not “expert knowledge about ruling human beings” can found in any of these constitutions (292d). Only a constitution in which the ruler truly possesses expert knowledge should really be called a “constitution” (πολιτεία): “all the others that we generally say are constitutions we must say are not genuine, and not really constitutions at all, but imitations (μεμιμένας) of this one; those we say are ‘law-abiding’ have imitated (μεμιμήσθαι) it for the better, the others for the worse” (293e). “The best thing,” the Stranger declares, “is not that laws should have power, but the kingly man who possesses wisdom” (άνδρα τὸν μετὰ φρονήσεως βασιλικόν, 294a), and the reason why, he says, is as follows:

That law 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... [Furthermore, law] resembles some self-willed and ignorant person, who allows no one to do anything contrary to what he orders, nor to ask any questions about it, not even if, after all, something new turns out for someone that is better, contrary to the prescriptions that he himself has laid down (294b-c).

50 Democracy, he says, goes by same name “whether in fact it is by force or with consent that the masses rule over those who possess wealth, and whether by accurately preserving the laws or not” (291e-292a). This suggests that there are two types of democracy, but he does not pursue the question.
Therefore, the Eleatic Stranger concludes, the rule of law is a “second-best” (δεύτερος πλοῦς, 300c2) form of constitution.

On this point, the Statesman and the Laws are in complete agreement. In the constitution of the Laws, the rulers must be “the servants of the laws” (τούς δ’ ἀρχοντας... ὑπηρέτας τοῖς νόμοις, 715c6-7) and this constitutional arrangement is repeatedly described as “second-best” (Lg. 739a- e, 807b- c, 874e- 875d). If a human being could be found who both possessed expert knowledge about ruling human beings, and could be trusted with the political power, “he would not need any laws ruling over him because no law or order is stronger than knowledge” (875a-c). So, it seems that there is no development, or change, at all in Plato’s political philosophy from the Statesman to the Laws.

At this point, I want to remind the reader of how I defined my complementarian approach to reading the Laws. In chapter one, I argued that my approach to the Laws is rooted in seeing its continuity with other dialogues, rather than starting with the assumption that it represents a radical break from Plato’s “earlier” positions. Nevertheless, I claimed, this does not rule out the possibility of development across other dialogues, that is, development in this loose sense that Plato may have refined, or clarified, or even criticized earlier positions without completely abandoning earlier positions that are central to his political philosophy. Thus, I want to argue here that Plato does refine, even develop, his political philosophy in at least one important respect in the Laws, and this is precisely why he alludes to the myth of Kronos.
The central innovation in the political philosophy of the *Laws* is that the rule of law is conceived of as the expression of divine Reason (νοῦς, 714a). In the *Statesman*, law is treated throughout as man-made law (294e-295a) and it is for this reason that the legislator in the *Statesman* can only set down laws “for the majority of people, for the majority of cases, and roughly, somehow, like this” (295a, transl. Rowe). By defining “law” (νόμος) as “the regulation (διανοµή) ordained by Reason” (νοῦς, 713e4-714a2), Plato mixes the rule of reason into the rule of law. In my view, then, this is precisely why Plato directs the practiced reader of the *Laws* back to the *Statesman*—to show him that the new conception of natural law based on the authority of divine νοῦς overcomes the conflict between knowledge and law that was the center of focus in the *Statesman*.

Finally, I think that the myth of Kronos in the *Laws* collapses the distinction between the rule of philosophy and the rule of law in another way. Recall that under the “very happy” (μάλ’ευδαιμον) rule of Kronos, the god did not rule directly over human beings, but rather set up δαιμονες as kings and rulers (βασιλέας τε και ἄρχοντας) within our cities (713c-d). These δαιμονες were “a more divine and better species” (γένους θειοτέερου τε και αμείνονος), and they “provided peace and awe and good laws (ευνοµίαν) and justice without stint” (713d-e). And thus, “they made it so that the races of men were without civil strife, and happy” (ἀστασίαστα και ευδαιμονα, 713e).

Nearly a century ago, E. B. England argued that the “verbal assonance between δαιμονας and διανοµας,” suggests that the mythical δαιμονες stand for “νοῦ διανοµας, ‘the arrangements’ or ‘appointments made by the intellect,’ and to which we give
the name of *laws.*" Thus, νόμοι are to be interpreted here as surrogate δαίμονες. David Sedley recently argued the myth of Kronos in the *Laws* also suggests an etymology of εὐδαιμονία. Sedley argues:

It is not always appreciated that Plato, much like Aristotle after him, has a double concept of happiness—one political, one intellectual. The key to understanding both kinds is, in his view, to see that happiness consists in being governed by νους… In book IV of the *Laws*, the political type of happiness is elucidated through the myth of the reign of Cronos. This deity represents νους, and when in power he provided mankind with good government through the intermediacy of daimons, thus producing in the human race complete eudaimonia.52

Thus, the etymology of the word εὐδαιμονία is "being well (εὖ) governed (ἀρχεοθαι) by δαίμονες." In the *Laws*, then human happiness quite literally depends on the rule of law.

What I want to suggest here is that there is a third etymology at work in the myth of Kronos that would have been familiar to the practiced reader of Plato. In the *Cratylus*, Socrates tells us that the word, δαίμων, is rooted in the notion of "wisdom" (φρόνησις) and "knowledge" (δαήήµμονες), as is confirmed by our tendency to call good and wise human beings δαιµόνιοι, "brilliant" (Cra. 397e-398c). In the *Symposium*, Diotima tells Socrates that δαίμονες exist “in between god and mortal” (μεταξύ τε και θνητου); they form the median point between the extremes of god and man (Smp. 202d13-e1). A δαίµων, she says, “interprets and ferrys to gods things from human beings and to human beings from gods… for it is in the middle of both and fills up the interval so that the whole itself has been bound together by it” (Smp. 202e3-7). Thus,

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what I think Plato is signaling in the myth of Kronos is that the mythical δαίμονες represent the philosopher-kings of the Republic, those good and wise human beings who “keep company with the gods” who “become orderly and divine like the gods to the extent that it is possible for human beings,” and who “practice putting what they see in the divine world into the dispositions of men,” and so become “demiurges of justice, moderation, and virtue as a whole” (R. 500c-d). In sum, what the practiced reader of Plato is supposed to derive from the myth of Kronos in the Laws is that the laws are surrogates not only of the mythical δαίμονες but also of the philosopher-kings.

If we are looking for “development” in Plato’s political philosophy from the Republic to the Laws, I suggest that it is to be found here. The political philosopher of the Laws, unlike the philosopher-king of the Republic, will no longer be content to quietly contemplate the Forms. Rather he, like the Athenian Stranger, will imitate the demiurgic activity of the god, νοῦς, and will seek to apply what he sees in the paradigmatic world of the Forms to the polis and to the men who inhabit it. The political philosopher does not need to be compelled to participate in politics; he willingly submits to the rule of law because he understands that νοῦς is the source of law, properly conceived and correctly established. Moreover, his motivation to serve the city is grounded in the awareness that all men have a share of the divine νοῦς, which he loves. Although the god may have blessed him with a greater share than most, νοῦς is the basis of his kinship with all the citizens. Therefore, he is obliged to care for the welfare of all citizens and to cultivate reason within those citizens. The political philosopher recognizes that his unfinished search for νοῦς καὶ σοφία would fulfill not only his own desire for knowledge, but also
the city’s desire to be ruled with justice. Thus, he willingly engages in the highest form of political service, i.e., the philosophical defense of the theology of νοῦς, which is the theoretical basis of law.

Therefore, I take Plato quite literally when he says that law is to be the sovereign in his state. As the Athenian declares:

I hold that it is this above all that determines whether the city survives or undergoes the opposite: where the law is itself ruled over and lacks sovereign authority, I see destruction at hand for such a place. But where it is despot over the rulers and the rulers are slaves of the law, there I foresee safety and all the good things, which the gods have given to cities (715d).

Law is not only a formal sovereign, but also a politically authoritative expression of the insights of philosophy into the ordering of the state. At the same time, law is also essential to the effective authority of philosophy. It is not abstract theoretical knowledge that governs the city, but the practical insights that have been gleaned from this theoretical knowledge, reformulated in legal terms, and publicly declared as rules for the ordering of the state.

5.1.4 The Law of Nature

Immediately following their discussion of the myth of Kronos, the Athenian asks his companions whether his definition of law, or Pindar’s, is most “in accordance with nature” (κατὰ φύσιν, 715a1). Earlier in the dialogue, he also credited “the Theban Pindar” with spreading the notion that “the rule of the stronger over the weaker” is “the law of nature” (690b). There the Athenian referred to a lost poem by Pindar that was
famous in antiquity and a favorite of Plato’s. What we have of Pindar’s poem goes as follows:

\[
\begin{align*}
\text{Νόοµος} & \text{ ὁ πάντων βασιλεὺς} \\
\text{θνατῶν τε καὶ ἀθανάτων} & \text{ἀγεὶ δικαιῶν τὸ βιωτάτων} \\
\text{ὑπερτάτα χειρ.} & \text{τεκμαίροµαι} \\
\text{ἐργοσιν Ηρακ’λεος} & \text{ἐπεὶ Γηρυόόνα, βόας} \\
\text{Κυκ’λωώπει} & \text{καὶ ἀπ’ οἰότας ἐλασεν (Bowra, fr. 152 = Snell 169)}
\end{align*}
\]

Law, which is king of all, both mortal men and immortals, conducts (?) the uttermost violence with the hand of power, making it just; I judge from the deeds of Heracles, since to the giant-built courtyard of Eurustheus he drove the cattle of Geryon without leave asked or price paid (transl. Dodds).

In the *Gorgias*, Plato has Callicles quote the same poem (484b1-c3). For Callicles, moderation and traditional justice are simply conventional values asserted by the weak majority in order to check the influence of a powerful few (483a-c). Against the many, Callicles argues that Pindar’s νόµος is “the law of nature” (νόµον τὸν τῆς φύσεως, 483e3), i.e., “that the stronger rule the weaker and have a greater share than they” (τὸν κρείττω τοῦ ἠττονος ἄρχειν καὶ πλέον ἐχεῖν, 483d).

In the *Laws*, the Athenian attributes this same meaning of νόµος directly to Pindar. While some scholars debate whether this is what Pindar meant, what matters

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53 *Gorgias* 484b-c; cf., Herodotus, 3.38.
54 On whether Plato misquotes the phrase δικαίων τὸ βιωτάτων, see Dodds (1959) 270-2.
55 Although this phrase, “law of nature,” is so familiar to our modern ears, we should note that it only occurs twice Plato: once in the passage from the *Gorgias* cited above (νόµον τὸν τῆς φύσεως, 483e3), and once in the *Timaeus* (τοὺς τῆς φύσεως... νόµους, 83e4-5). For Timaeus, the laws of nature clearly amount to the numbers and ratios that the Demiurge uses as basic building blocks in his construction of the cosmos as a rational order. Thus, Timaeus and Callicles are, as it were, in disagreement as to what constitutes “nature” (φύσις).
56 Dodds, for example, was hesitant to credit “pious Pindar with the shocking opinion.” Dodds (1959) 270. A history of interpretation can be found in Gigante (1956), 76-102, 146-57, 257-60.
for our purposes, is less what Pindar himself intended by νόμος, and more how Pindar’s poem was broadly interpreted. As Dodds rightly observes: “In the controversy about νόμος and φύσις the passage… was distorted for controversial purposes.”57 The Athenian is obviously concerned that this notion of the rule of the stronger is “the one most widely spread among all living things” (690b7). And he vehemently disagrees with this view:

It is likely that the greatest title would be the one bidding the ignorant to follow, and the wise to lead and rule (ἔπεσθαι μεν τὸν ἀνεπιστήμονα κελεῦν, τὸν δὲ φρονοῦντα ἡγεῖσθαι τε καὶ ἀρχεῖν). Indeed it is this title, O most wise Pindar, that I at least would hardly assert is against nature, but rather according to nature: the natural rule exercised by the law over willing subjects, without violence (τὴν τοῦ νόμου ἐκόντων ἀρχὴν ἀλλ’ οὐ βίίαιον πεφυκυῖαν, 690c1-3).

When the Athenian returns again to Pindar’s rule of stronger after the myth of Kronos, he reasserts his opposition to such a view: “This we presumably declare not to be a constitution (πολιτεία), nor do we declare any laws correct (ὀρθοὺς νόμους) that are not laid down for the sake of what is common to the whole city” (715b2-4). The Athenian, thus, is clearly entering the debate over νόμος and φύσις, and he takes Pindar, or the Sophistic interpretation of Pindar’s poem, to advocate the rule of the strong.

In opposition to the sophistic conception of natural law, the Athenian claims that the true πολιτεία is “the natural rule exercised by the law over willing subjects, without violence” (690c2-3). Moreover, he implicitly equates the rule of law with the rule of the wise. The Athenian offers no justification for either claim, and since Kleinias and Megillos raise no objections, he simply moves on with his account of Sparta’s mixed

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57 Dodds (1959) 270.
constitution (691d ff). The philosophical reader is surely meant to recall the passage from the Gorgias cited above.

In the Gorgias, Callicles quotes Pindar to support his argument that the observation of nature, and the investigation of history (in particular, political history), reveal that the domination and exploitation of the weak by the strong is the law of nature: “both among the other animals and in whole cities and races of men, it [nature] shows that justice has been judged to be thus: that the stronger rule the weaker and have a greater share than they” (τὸν κρείττω τοῦ ἠττονος ἄρχειν καὶ πλέον ἔχειν, 483d). For Socrates, however, the law of nature is not that the stronger should rule and have a greater share than the weaker but that “partnership and friendship, orderliness, moderation, and justice (τήν κοινωνίαν... καὶ φιλίαν καὶ κοσμότητα καὶ σωφροσύνην καὶ δικαιότητα) hold together heaven and earth, and gods and men, and that is why they call this universe a world order (κόσμον), my friend, and not an undisciplined world-disorder” (507e-508a).

A thorough analysis of the debate between Socrates and Callicles is not possible here, but it is worth noting two points of Socrates’ refutation of Callicles’ views. First, Socrates prods Callicles to define exactly what he means by ὧ κρείττων (488b-c).

“According to nature,” Socrates argues, “the many” (οἱ πολλοὶ), whom Callicles condemned as weak, are in fact stronger: they are able, as Callicles himself complained, to suppress the gifted few by “setting down laws” (τοὺς νόμους τίθενται, 488d). Thus, the laws of the many are the laws of the stronger. And since the many think that “it is just to have equality, and not more [than an equal share]” this too is a law of nature.
(489a). This is obviously a conclusion that Callicles does not accept, and so he goes on to redefine (with Socrates’ help) that ὁ κρείττων must also be ὁ φρονῶν (“the wise”, 490a1).

Secondly, Socrates repeatedly asks Callicles to clarify what exactly the stronger are supposed to have more of a share of (490b-491a). After much wrangling, Callicles finally states: “It is necessary for the one who is to live rightly to allow his desires to be as big as possible and not to curtail them… [but] always to have his fill of them whenever any desire should arise” (491e-492a). Socrates counters that Callicles advocates pleonexia only because he “neglects geometry” (508a). Instead of looking at the way predatory animals behave, Socrates says, he should observe the mathematical orderliness of the cosmos: “it has escaped you that geometric equality has great power among both gods and men” (ἀλλὰ λέληθέν σε ὅτι ἡ ἴσότης ἡ γεωμετρικὴ καὶ ἐν θεοῖς καὶ ἐν ἀνθρώποις μέγα δύναται, 508a5-7). Thus, Socrates argues that a proper understanding of nature comes not from the study of zoology, but cosmology and mathematics.

Thus, I think that Plato is trying to suggest two thing to the practiced reader by this allusion to the Gorgias: 1) that his conception of law in the Laws is more in accordance with nature because it aims to reflect the mathematical orderliness of the cosmos, the source of which is voûς, and 2) that the rule of law is the only form of constitution that can strike a balance between the competing demands of wisdom and consent. As André Laks described the inherent problem with the politeia of the Republic:

A distinctive feature of the Platonic concept of politeia is its normative value. To be more
precise, while the descriptive meaning of the term, referring to the various kinds of political regimes (oligarchy, democracy, etc.), is quite common in Plato’s text, the philosophically relevant usage is a normative one. This normativity, however, is twofold. On the one hand, a constitution is… a certain way of distributing the magistracies. In the case of the Republic, it amounts to giving the political power to knowledge. But on the other hand, there is no constitution without the agreement of all the constitutive parts of the city… But there is a difficulty here for the Platonic politeia itself. Not only do the two criteria of knowledge and consensus not overlap; potentially they conflict... The result is a tension that pervades all of Plato’s political thought.\textsuperscript{58}

The Athenian’s equation of “the rule of wise” with “the natural rule of law over willing subjects” (690c), then, is not a false equivalence, but further confirmation that the Laws’ reconceptualization of law as the application of νοûς to the political sphere allows law to rule with reason and wisdom, on the one hand, and the willing consent of ruled, on the other.

I have offered numerous examples throughout this dissertation that demonstrate how exactly the philosophical legislator employs “the method of correct regulation” (τρόόπος... τῆς όρθῆς διανομῆς, 737c) in order to ensure that his laws create both a rational political order, and the conditions for the citizens to willingly consent to his legislation.\textsuperscript{59} The “method of correct regulation” requires a political philosopher who can legislate by means of the rational principles (especially, number and ratio) employed by demiurgic νοûς in his ordering of the cosmos, and who can also adapt those rational principles to serve the needs of human society. The non-philosophical citizen may not understand the precise reasoning behind a given piece of legislation, but, as we saw in the previous chapter, the philosophical legislator has a responsibility to educate them

\textsuperscript{58} Laks (1990) 218.

\textsuperscript{59} See in particular, sections 3.3 and 4.4.
because he is legislating for free men, not slaves. This is the purpose of the legislative
prelude; it allows the philosophical legislator to “carry on a dialogue with a free man…
using arguments that come close to philosophizing” (ἐλευθέρω... διαλεγόμενον..., καὶ
tοῦ φιλοσοφεῖν ἐγγὺς χρώμενον μὲν τοῖς λόγοις, 857d). The word φιλοσοφία does
not appear in the Laws, but this is one of the two occurrences of its cognate, φιλοσοφεῖν.

The significance of this fact should not be overlooked: preludes allow the philosophical
legislator to overcome one of the conflicts between law and knowledge described in the
Statesman, viz., the claim that “law does not allow one to ask questions of it” (Plt. 294b-c).

Furthermore, to the extent that the preludes achieve the kind of philosophical
education intended by the legislator, they obviate the need for force, or compulsion. The
traditional method of legislation is tyrannical because a law is nothing more than an
imperative, to which is added a threat of penalty if the imperative is not obeyed. Thus,
obeedience to law relies on violence, or the fear of violence, neither of which provide the
basis of true political community, that is, a constitution with the agreement of all the
constitutive parts of the city. Therefore, the traditional method of legislation is only fit
for “slaves” (720c-e). By shifting the emphasis away from fear of punishment towards
persuasion, the Athenian is able to appeal to a citizen’s reason. The citizens will
therefore become “more favorably disposed” (ἐὖμενῶς) to the lawgiver, “more apt to
learn something” (ἐὖμαθέστερον), and thus more willingly obedient to the laws (ἐκὼν
europειθής, 723a). Thus, the Athenian declares: “Anyone who proceeds about laws as we
are doing now (i.e., by using preludes) teaches (παιδεύει) the citizens and does not
legislate” (857e3-5). Therefore, by imitating νοῦς in framing the laws of Magnesia, the
Athenian imbues its laws with wisdom and reason, and by using preludes to educate the citizens, he secures their “willing obedience to the laws,” and thus makes possible a true Platonic politeia.

5.2 The Nocturnal Council Redux

In The Open Society and its Enemies, Karl Popper famously compared the Nocturnal Council to the Spanish Inquisition, arguing that the council was the institution in the judicial system of the Laws responsible for combatting heresy. While very few scholars today still give any credence to Popper’s interpretation, thanks largely to the work of Saunders and Morrow, I nevertheless get the sense that Popper’s description of the Nocturnal Council lingers in the scholarly imagination. I fully admit that this is my subjective impression, but I think it is reflected in the very translation, “Nocturnal Council.” As several commentators have noticed, the English “Nocturnal Council” is not a precise rendering of the Greek. First, this body is explicitly referred to by the name νυκτερινὸς σύλλογος only twice (909a3–4, 968a8). Elsewhere it is simply referred to as ‘the council’ (σύλλογος, 952a8, b5, 9; 961a1, 7, c3; 962c9; 969b2). More importantly, V. Bradley Lewis rightly argued that even calling it “the council” in English is misleading, since it implies that it is an official juridical body:

Indeed ‘council’ is the word usually used to render the Greek boule, the body which set the agenda for meetings of the Assembly (ekklesia, 764a3) and which presided over the day-to-day administration of the city’s affairs in most Greek democracies, and in the Laws itself in the sixth book (see 756b7 and following). Sullogos, however, does not carry this formal juridical connotation. Rather, it is usually a generic term for meetings of various kinds, though usually implying informal or ad hoc meetings and not regular or

60 Popper (1966) 143.
institutionalized ones. The practice of translating the term as ‘council’ seems to be fairly recent.\(^{62}\)

Thus, Lewis suggests the “homely, English translation” of “nightly conference” or “nightly meeting.”\(^{63}\) I would add that when the Athenian introduces the σύλλογος in book XII, he says that it will convene “each day, from dawn until the sun has risen, by necessity.”\(^{64}\) Later, he adds: “the meeting must be at daybreak” (δειν δε ύφθιον είναι τὸν σύλλογον) because that is the time “when there would be the most leisure (σχολή) from private and common activities” (961b). Thus, it seems clear that the meeting will take place early in the morning, and not in the dead of the night, with all the nefarious connotations that may entail.

I will retain the translation “Nocturnal Council” because it has become the standard in contemporary scholarship, but what I hope to suggest by pointing out the problems with this translation is the following. First, we should not allow the English word council to prejudice our assessment of whether or not this body has any formal political authority. Secondly, we should resist the dark connotations associated with the word “nocturnal.” In my view, there is nothing in Plato’s use of the term νυκτερινός that suggests that the council is something secretive, or clandestine, or in anyway opposed to an open society.

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\(^{63}\) Lewis (1998) 15.

\(^{64}\) έκάστης μὲν ἡμέρας συλλεγόμενος έξ ών ανάγκης ἀπ’ ύφθιον μέχρις ἂν ἠλιος ἀνάσχη, 951d6-7.
When the council is first introduced in book XII, it is in the context of authorized foreign travel (951c-d). The Athenian tells us why foreign travel is necessary for the long-term success of the city:

If certain citizens desire to observe the affairs of the other human beings at greater leisure, no law is to prevent them. For a city without experience of bad as well as good human beings would never be able, because of its isolation, to be sufficiently tame and perfect; nor, again, would it be able to guard its laws, unless it accepts them by knowledge (γνώµη) and not solely by habits (μὴ μόνον ἐθεσιν, 951a-b).

The Athenian then sets down the law regarding foreign travel: only citizens with good reputations who are between the ages of fifty and sixty will be allowed to travel; they are to spend no more than ten years abroad; and, when they return, “they are to go to the council of those who keep watch over the laws” in order to share with the council anything he may have observed “concerning the laying down of laws, or education, or upbringing” (951c-952b). In the Statesman, one of the criticisms levied against the rule of law was that it “does not allow one to ask questions of it, not even if something new turns up that is better” (294b-c). The responsibility assigned to the Nocturnal Council—to engage in discussions with foreign travellers—is far from minor, as Morrow suggested. Rather, it is the very place within the city where citizens and political officials can discuss potential corrections, or innovations, to the laws.

Regarding the composition of the council, the Athenian says that membership in this Nocturnal Council must be restricted to a select few who meet the requirements for “age, capacity for learning, and characteristic dispositions and habits” (968d1-3).

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65 I submit (pace Strauss) that while Kleinias and Megillos meet the age requirements, and may possibly, by the end of the dialogue, have the correct dispositions and habits, they will nevertheless not be members of the Nocturnal Council because they don’t have the capacity for learning. This is brought out clearly only
Moreover, he says that it is to be “a mixture of young and old men,” and that this mixture is to include the highest circles of political elites in Magnesia:

It shall be composed, first, of the priests who have obtained the prizes for virtue [sc. the priests of the cult of Apollo-Helios], and then of the ten Guardians of the Laws (νομοφύλακες) who are the oldest at any time, and then there will be the Supervisor of Education as a whole—the new one and those who have stepped down from this office. Each of these is not to attend alone, but with a young man between the ages of thirty and forty, having chosen the man who is acceptable to him (951d-e; cf. 961a-b).

Regarding the selection procedure for the younger members, the Athenian adds:

Each man is to select one of the young men not less than thirty years of age, after having first judged him to be worthy in nature and in upbringing, and is to introduce the young man thus selected to the others; if the candidate should meet with the approval of the others as well, he is to select him, but if not, the judgment that has taken place is to be kept secret from the rest, and especially from the man who was judged unacceptable (961b).

Later the Athenian says that the old men are “an image of νοῦς because they are distinguished by their wisdom (φρονεῖν) about many matters worthy of discussion” (965a1-2), while the young men he compares to a “soul” (ψυχή) that “surveys the whole city in a circle,” and “keeps watch” and “reports everything in the city to the elders” (964e).

The savior (σωτήρ) of every work (ἔργον), just as of every living being (ζων), is the soul and the head (ψυχῆ καί κεφαλῆ)... when reason comes into being in the soul (ψυχῆ μὲν νους ἐγγεγυγ ominos)... and when sight and hearing come into being in the head (κεφαλῆ δ’ ὄψις καί ἁκοή), that is, when reason is mixed with the noblest senses and has become one (νους μετα τῶν καλλίστων αἰσθήσεων κραθεῖς, γενομένος τε εἰς ἐν), it would most justly be called the salvation (σωτηρία) of each (961d).

Thus, the Nocturnal Council itself is to be formed into an image of the cosmos itself—“a living animal with soul and reason” (ζων ἐμψύχων ἐννοουν, Ti. 30b8). In this way, the

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two Stephanus pages earlier when Kleinias cannot remember the two proofs that the Athenian argued for in book X concerning the existence of the gods (966d8). cf., Strauss (1975) 180.
young and the old are to “deliberate collectively,” and “both of them in common really save the whole city” (965a3-4).66

If the young and the old together represent the mixing of soul and reason, and through this mixture they become the savior of the constitution and laws, then the Athenian says, they must determine “what sort of reason” this should be (ὁ περὶ τι νοῦς, 961e). Obviously, he says, it must be the “reason concerned with a city” (νοῦς...περὶ πόλιν), which is “the goal at which the statesman should aim” (τὸν σκοπὸν οἱ βλέπειν δεῖ τὸν πολιτικὸν, 962a). In this case, the goal is virtue (ἀρετή, 963a1–4; cf., 630c, 631b–d, 688a–b, 693b–e, 705d, 807c–d, 836d). The Nocturnal Council then is the institution in the regime of a practice (ἐπιτηδεύματα, 962c6), which consists of discerning the goal of the city and the adequacy of the laws to the pursuit of that goal. In short, the nocturnal council is to engage in the practice of political philosophy.

This becomes even clearer in the subsequent passage. If it is to adequately judge the degree to which the city’s laws and institutions promote virtue, then the council must inquire into the very nature of human virtue and how the different types of virtue, especially wisdom, courage, justice, and moderation (964b6), all share in the nature of virtue as such (963a–964b). And in order that they may better perform this function, the Athenian says, the council will require a more precise education (965a).

We have already discussed in chapter one the educational program of the Nocturnal Council.67 Their education consists, first of all, in the study of musical theory,

66 The Nocturnal Council, then, will not be composed of only old men, as Pangle (1980: 508) suggests. There is, therefore, no apparent conflict between old age and νοῦς.
67 Section 1.3.
arithmetic (or number theory), geometry, and astronomy (817e6- 818a1, cf., 809c3- 4). These subjects are described as preparatory for the chief subject of learning for the council members, viz., the study of virtue (962e-963a), including the unity of virtue (965c-d). Since virtue as a whole is the primary aim of legislation, Magnesia requires an element that is capable of understanding the virtue inherent in the law “intellectually” (γνώµη) and not simply through “habit” (ἔθεσιν, 951b3-4). In order to accomplish this, the members of the Nocturnal Council will also need to learn how “to look to one Form (ἰδέα) from the many and dissimilar things” (965c), “to form a noetic grasp (ἐννοεῖν) of the beautiful and the good,” and they must “be able to give a demonstration [of the Forms] through argument” (τῷ λόγῳ, 966a5- b2). Thus, many scholars, we have said, naturally conclude that the Nocturnal Council’s program of studies is meant to recall the education of the Guardians in book VII of the Republic.

There are certainly overlaps between the education of the Nocturnal Council and that of the Guardians. As Morrow observes, even dialectic is demonstrated in the Laws by the “short and very elementary dialogue on the problem of the unity and plurality of the virtues” (963d-967b). Yet, there are also two differences between the education of the Laws’ Council and the Republic’s Guardians. First, the education of the Council is

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70 Morrow (1993) 574.
treated rather briefly in comparison with the lengthy discussion in the Republic. And scholars, of course, question whether this means that Plato merely wishes us to understand that the two programs are the same, or that the education of the Nocturnal Council supplements the Republic’s educational program. This leads us directly to the second difference. The education of the Nocturnal Council gives special attention to two subjects of learning not mentioned in the Republic: cosmology and theology. The Athenian insists that no one will be admitted into the council “unless he has labored to grasp every proof (πίστις) concerning the existence of the gods” (966c7-8). And he reminds his companions of the two proofs they discussed in book X: “One is what we said about the soul, how it is the oldest and most divine of all the things, which are provided with everflowing existence by a motion that receives its coming-into-being” (γένεσις, 966d9-e2). And the other is “that νοῦς is the orderer of everything in heaven” (ὡς νοῦς εἶν ὁ διακεκοσµηκὼς πάνθ’ ὅσα κατ’ οὐρανόν, 967b5-6), and “the master of both the stars and of however so many other things [that move about the heavens]” (966e3-4). This brings us to what, in my view, is the most important political

21 The Athenian also expresses a certain reluctance to legislate precisely a program of education for the Nocturnal Council, but this is not because “the fundamental tension” between “true intelligence” and “old age” cannot be overcome, as Pangle suggests (1980: 508). The question, moreover, is not what subjects the Council should learn, but the timing. As the Athenian says: “There is the question of the times—at what times (of life) and for how much time each subject should be taken up; it is vain to discuss these matters in writings (ἐν γράµµασιν), for it would not be clear to the learners themselves whether the subject were being learned at the right time, until knowledge of the subject had, presumably, come into being within the soul of each” (πρὶν ἐντὸς τῆς ψυχῆς ἐκάστῳ ποι μαθήµατος ἐπιστήµην γεγονέναι, 968d4-e2). This supports my broader thesis that the Laws is a political dialogue. The Athenian would have to engage in a dialectical investigation of education in order to demonstrate precisely what their education would entail, and at what age and how long they should study each subject. That, in my opinion, is something he is not willing to do with Kleinias and Megillos because knowledge of the subject has not come into being in their souls. It seems that this is a subject that he would discuss with the members of the Nocturnal Council, if such an institution were to come into existence (968c).

22 Barker (1951) 406.

responsibility of the council.

When Plato first introduces the Nocturnal Council into the *Laws* in book X, it is in the context of its role in the rehabilitation of imprisoned atheists. The Athenian tells us that unreformed atheists, who have been imprisoned in the “Moderation Tank” (σωφρονιστήριον), will be allowed to associate only with the members of Nocturnal Council, who will “admonish them for the salvation (σωτηρία) of their souls” (908e6–909a5). Although this is the first reference to the Nocturnal Council in the *Laws*, commentators often treat it as insignificant. Klosko, for example, describes the introduction of the council as sudden and sketchy, and says that it gives us “little indication of the exalted role it is to play.”\(^74\) Morrow too, who argues that this passage points to one of the two official political functions of the council, nevertheless views it as a “minor” political responsibility.\(^75\) I contend, however, that this is quite possibly the most important political function the council has. Although it is true, as Morrow points out, that Plato does not explicitly invest the council with the “power to impose penalties,” if the imprisoned atheist is not reformed, this is wholly in keeping with the therapeutic (rather than the punitive) function of law that is always first and foremost in Plato’s mind.

The prelude to the law against impiety, which forms the bulk of *Laws* X, is described as “noblest and best prelude to all the laws” (887c1–2) precisely because it contains the theological argument that supports and defends the constitution of Magnesia—the rule of law as the imitation of the rule of the god, νοῦς. If a citizen

\(^{74}\) Klosko (1988) 75.
\(^{75}\) Morrow (1993) 513.
refuses to believe in the existence of νοῦς, the very foundation of the Laws’ constitution is called into question. The fact that the Nocturnal Council alone is given the responsibility of defending the political theology of Magnesia, then, suggests a very important, even necessary, official political role.

To return to book XII, during the discussion of why it is necessary for the members of the Nocturnal Council to receive higher education in cosmology and theology, the Athenian elaborates further on the necessity of this role. He argues that the members of the Nocturnal Council must study astronomy, cosmology, and theology “with precision” (ἀκριβείας, 967b2) because “the many” (οἱ πολλοί) practice astronomy and the other arts that necessarily go with it in a “lowly and amateurish way” (966e5-967a1). This leads them to believe that things come into being “by necessities” (ἀνάγκαις) and “not by the thoughts of an intention concerned with fulfillments of good things” (οὐ διαιροί αυτῆς βουλήσεως ἀναθόν πέρι τελουμένων), and thus, they become “atheists” (ἀθέους, 967a). He then goes on to explain that there have even been men worthy of the title of “philosopher” who started off down the right path in their investigations of the cosmos, but who erred in their determinations of causality, and these errors, in turn, contribute to many kinds of atheism:

Indeed, there were some even then who dared to hazard this very claim, saying that Reason is the orderer of all the things in heaven (Λέγοντες ὡς νοῦς εἴη ὁ διακεκοσμηκὼς πάνθ’ ὤσα κατ’ οὐρανόν). But these same men in turn were wrong about the nature of the soul—how it is older than bodies; by thinking it was younger, they overturned everything again, so to speak, and themselves especially. For everything that moves in heaven and that appears to the eyes appeared to them to be full of stones and earth and many other soulless bodies, which provided the causes (τὰς αἰτίας) of the whole cosmos. These were the things, which at that time caused many varieties of atheism and other disgusting views (ἀθεότητας καὶ δυσχερείας) to infect such men; and indeed the poets took to reviling, and compared those who philosophize (τὸὺς
φιλοσοφούντας) to dogs using vain howlings, and said other mindless things (967a7-d1).

So, unless the members of the Nocturnal Council understand the theological arguments of *Laws* X “with precision” (and I, of course, take that to mean in the light of the *Philebus* and *Timaeus*), then there will be no safeguard against the citizens of Magnesia falling into the traps of atheism.

Philosophical theology is difficult, and it is easy for human beings to err. Even those who are capable philosophers have committed grave errors in their assessments of cause and effect in the universe. If it was possible for great thinkers like Anaxagoras to get it wrong, then what hope does a non-philosophical citizen, with a limited capacity for reason, have? Furthermore, a theological misunderstanding is not simply an error that threatens the salvation of an individual soul; it is one that could endanger the entire political order. If some pseudo-philosopher, espousing atheistic doctrines, managed to get elected to political office, the only thing that could prevent him from abusing his power is law. And law can only do this if there is some politically authoritative body that is capable of defending the conception of law espoused by the Athenian from the attacks of sophists and other materialists. Unless the members of the council truly understand the theology of νοûς, they will never be “the true Guardians of the Laws, who truly know the truth about these matters” (τούς ὄντως φύλακας... τῶν νόμων ὄντως εἰδέναι τὰ περὶ τὴν ἀλήθειαν αὐτῶν, 966b5-6); they will never understand the “purpose” (τέλος) of the laws, or be capable of interpreting it in speech (λόγῳ) and following it in deed (ἔργοις), or be able to defend it against the questioning of others
This is hardly a minor political responsibility. What is at stake are the very theoretical foundations of Magnesia’s constitution and code of legislation.

Our survey thus far has shown that the Nocturnal Council has two important political functions: 1) it is to support and defend the political theology of Magnesia, and 2) it is to study, debate, and judge the degree to which the city’s laws fulfill the original lawgiver’s aim, i.e., the promotion of virtue, and it is to whether any of the city’s laws need correction or supplementation in order to stay true to this end. The question we must now address is whether the Nocturnal Council has any formal (and extra-legal) political authority, as Klosko and others have argued, or simply informal political influence which is most interpretative and advisory, as Morrow argued. As is the case in many scholarly disputes, the disagreement between Morrow and Klosko is centered on the interpretation of an intractable bit of Greek text. The passage in question occurs at 968c2-7:

(1) Οὐκέτι νόμους, ὦ Μέγιλλε καὶ Κλεινία, περὶ τῶν τοιούτων δυνατὸν ἐστὶν νομοθετεῖν, πρὶν ἀν κοσμηθῇ — (2) τότε δὲ κυρίους ἃν αὐτοὺς δεῖ γίγνεσθαι νομοθετεῖν — ἀλλὰ ἣδη τὰ τοιαῦτα κατασκευάζον διδαχὴ μετὰ συνουσίας πολλῆς γίγνοιτ’ ἂν, εἰ γίγνοιτο ὀρθῶς

I have divided the text into two parts in order to highlight the two points of controversy. A fairly uncontroversial translation of the first part of this passage would be as follows:

“It is not possible at this stage to legislate laws about such things, Megillus and Kleinias, until the council has been arranged in order…” The question is: to what does the τῶν τοιούτων refer? It could refer to the members of the council, which is why Pangle
translates it as “such men.” My translation “such things” follows the consensus in assuming that τῶν τοιούτων refers to the higher studies discussed at 968b, and again at 968d. Klosko, however, takes a rather idiosyncratic view that it refers to the council’s “political authority.”

The second phrase is perhaps even more important. The basic meaning of this phrase is that “then” (τότε), i.e., after the council has been arranged in order, it will be possible “for the authorities, of what they must become [authorities], to legislate.” The question is what “authority” the Athenian is referring to here. Morrow argues that the authority in question only concerns educational matters, while Klosko holds that it concerns the “constitutional position” of the Council. The difference here is quite significant since, according to Klosko’s reading, the Council would fall outside the legal structure outlined in the rest of the Laws, which, in turn, would signal a repudiation of the principles underlying that account.

On this point, at least, I find Morrow’s reading more persuasive, especially when the disputed passage is judged in the light of its context. Most of the discussion before this passage is concerned the education of the Nocturnal Council, and in particular why it needs to study metaphysics, theology, and cosmology (965a-968a). All of these subjects are the purview of philosophy, and, everyone agrees that philosophical discussion is

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76 Pangle (1980) ad loc.
78 Klosko (1988) 81, n. 56.
79 I assume a parallel construction, δυνάτον ἐστιν, to δυνάτον ἐστιν at 968c3.
really the primary purpose of the council. Similarly, as Tarán has indicated, 968d–e, the passage which immediately follows the disputed text, is concerned with the practical difficulties the interlocutors would face in attempting to legislate an educational program for the council. When Kleinias expresses his confusion about the Athenian’s statement at 968c, the Athenian replies:

Doubtless there should first be a list compiled of those who fit the nature of the guardianship in age, capacity for learning, and characteristic dispositions and habits. But after this, it isn’t easy either to discover what things should be learned, or to become the student of someone else who has made the discovery. Then in addition to these things there is the question of the times—at what times and for how much time each subject should be taken up; it is vain to discuss these matters in writings, for it wouldn’t be clear to the learners themselves whether the subject were being learned at the right time, until the knowledge of the subject had, presumably, come into being within the soul of each. Thus, while it would be incorrect to speak of all that pertains to these matters as indescribable secrets, they are incapable of being described beforehand because describing them beforehand would clarify nothing of what is being discussed (968d–e).

Therefore, both immediately before and immediately after the disputed text, then, the subject matter is education. Surely, then, the most natural reading of this passage is to take τῶν τοιούτων as referring to the subjects of learning the council will be required to study, and κυρίίους as referring to the council’s authority over education.

There is another reason to reject Klosko’s interpretation of 968c, which grants the Nocturnal Council an extra-legal political authority. Immediately following the passages dealing with the education of the council, and immediately preceding the passage in question, the Athenian asks his companions whether or not they should add one more law to their code of legislation, viz., “that the Nocturnal Council of Rulers shall be, in accordance with the law (κατὰ νόμον), a guard for the sake of its preservation” (χάριν

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82 Tarán (1975) 21, n. 78.
Kleinias agrees that they should add this law. In my view, then, this strongly suggests that the Nocturnal Council is to operate within the framework of the rule of law and on its behalf; it does not have any authority outside of the law, and therefore is not a repudiation of the law.

Having accepted the Athenian’s argument that they cannot legislate an educational program for the Nocturnal Council, Kleinias asks: “If this is the way things are, Stranger, what then ought to be done?” (968e). The Athenian answers:

It’s likely, friends, that as the saying goes, “it lies in common and in the middle” for us, and if we’re willing to risk the entire regime and throw either three sixes, as they say, or three aces, then that’s what must be done; and I’ll share the risk with you, by explaining and giving an account of my opinions, at least, concerning the education and upbringing that have now again become the topic of the discussion. The risk would indeed not be small, or even comparable to certain others… Now if, indeed, this divine council should come into being for us, dear comrades, the city ought to be handed over to it… And what we touched on in speech a little while ago as a dream, when we somehow mixed together a certain image of a community of head and intelligence, will really be almost a perfected waking vision—if, that is, our men have been mixed with precision, fittingly educated, and, once educated, dwell in the country’s acropolis as perfected guardians whose like, with regard to the virtue of safeguarding, we have not seen come into being in our lives previously. (968e- 969c).

These are the final words of the Athenian Stranger in the Laws. Megillos, who has been silent for some time now, suddenly interjects: “Dear Kleinias, from all that has now been said by us, either the city’s founding must be abandoned, or this stranger here must not be allowed to go, and by entreaties and every contrivance he must be made to share in the city’s founding” (969c4-7).³³ Kleinias agrees and asks Megillos to help. “I’ll help” (συλληήψοµµαι) replies Megillos (969d3), thus bringing the dialogue to a close.

The Athenian clearly warns his companions here that since the very salvation of

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³³ Megillos has not spoken a word since early in book X (891b), some seventy-eight Stephanus pages back.
the whole political regime now rests in the hands of the Nocturnal Council, and since they are not in a position now to legislate the educational program for this council, and since the education of the council is absolutely central to its being able to perform its role as True Guardian of the Laws, they are gambling on the potential realizability of their city in speech. When the Athenian says that “if” the Nocturnal Council comes into being, “the city ought to be handed over to it” (969b), I interpret this, not as a rejection of the rule of law outlined in the first eleven and a half books of the Laws, but in much the same fashion as those passages concerned with possibility of finding the philosopher-king that we saw earlier in the dialogue (874e-875d; 711d-712b). Plato has not given up hope that philosophy could rule the city, and if such a philosopher, or group of philosophers could be found, then they should rule, but they will rule “in accordance with the law” and on behalf of the law because there is no conflict between the laws ordained by the god, νοῦς, and the νοῦς καὶ φόρνησις that the philosopher uses to govern. The Athenian’s suspicion that it will be difficult to find a group of men who meet the requirements for age, capacity for learning, and characteristic dispositions and habits, suggests that the second-best regime of the Laws may still be out of reach for common humanity, if not humanity as such. Nevertheless, a third-best regime—the rule of law with a mixed constitution that has been framed by a philosopher even if it lacks a politically authoritative Council of Philosophers—still seems within the realm of possibility. The Athenian and his companions have assumed from the very beginning that it was unlikely that they would find a philosopher-ruler. Plato says so often that law is to rule; he dedicates so much attention to the precise formulation of the law and to the
establishment of courts to enforce the laws; and there are so many mechanisms for holding political officials accountable for acting within the law, that he must have assumed that his second-best city just might have to do without a Council of Philosophers. The Nocturnal Council of the Laws, like the philosopher-kings of the Republic, is just not likely to come into existence. The rule of law and the mixed constitution, however, is within the realm of human possibility.
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Biography

Carl Eugene Young III was born in 1975 in South Carolina. After serving in the United States Army during the wars in Iraq and Afghanistan (1998 - 2004), he attended the University of New Mexico (UNM), graduating magna cum laude with a Bachelor of Arts in Classical Studies, and in Modern Languages (Russian and French) in 2007. While at UNM, he received the Classical Association of the Middle West and South Award for Outstanding Accomplishment in Classical Studies in 2006. In 2009, he earned a Post-Baccalaureate Certificate in Classics from the University of North-Carolina at Chapel Hill.