

Changing from within: Plato's later political thinking

Julia Annas

I'll begin by focussing on three of the many striking points about Plato's *Republic*. Firstly, the demands it makes on us, as individuals and as members of society, are extreme. Secondly, these demands are the product of highly abstract philosophical reasoning.¹ Thirdly, the *Republic* has the clear structure of an answer to a challenge. Show us, Socrates is challenged at the beginning of book 2, that it is the just, rather than the unjust person, who lives a happy life – even in the worst circumstances that could befall him. Socrates accepts this challenge and answers it.²

The *Laws*, Plato's later discussion of the happy life, individually and socially, differs very strikingly in all three respects. The main speaker, an Athenian, plays the major role in proposing a legislative code for a new city, Magnesia, and his proposals are explicitly marked as less extreme than those of the earlier work.³ Secondly, the proposals do not spring from philosophical thinking. Rather, they emerge from a rambling conversation between three old men. And thirdly, the *Laws* does not have the form of an answer to a challenge to defend the value of living a just life. The dialogue's main project emerges in a way that many readers find baffling, from a long and apparently formless discussion of a variety of apparently unrelated topics.

¹ This is not, of course, done within the *Republic* itself, which is highly conscious of its own provisional status, but it is clear that the book envisages direction of individual and social life in accordance with the reasoning of people who are trained in a kind of philosophical reasoning which emphatically does not answer to experience.

² 588b1-4 returns explicitly to the challenges at the beginning of book 2.

³ 739a1-e7 makes the sharpest contrast between a utopian ideal of community and a society realistically founded on human nature. It is famously difficult to establish clearly what exactly Plato takes to be the relation between the *Republic* and the *Laws*, however, and the interpretation of this passage is much disputed. My claim here relies on the character of the works themselves rather than on Plato's conjectured attitude to their relation.

This third feature of the *Laws* makes it quite problematic to deal with as a contribution to ethics and social thought. The *Republic* gives us a challenge about justice and a philosophical answer to it. But the apparently rambling introduction to the law-code for Magnesia appears to leave it quite unclear just what the Athenian takes himself to be doing in establishing it. Hence the understandable tendency to see the work as untheoretical, as though Plato had just given up on the attempt to produce a philosophical account and rationale for the virtuous individual and social life, and fallen back on the supposed wisdom of old men talking.

I shall be arguing that, while the *Laws* does not have the clear form of a response to a challenge about the good life, neither is it as formless as it has seemed to many. There is a structure to be found in the way that Plato prepares us for, and then presents, the law-code for Magnesia. Moreover, bringing out this structure helps us to understand the first two differences I mentioned. We will, I hope, gain some insight into the question of why Plato's proposals for the good society are in the *Laws* more empirical than they are in the *Republic*, and why Plato puts them forward with so little philosophical argument.

The first three books of the *Laws* are taken up with a conversation which wanders among the aim of education, the importance of virtue, the place of pleasure in the arts and the prehistory of Greece. Recurring among these topics is the Athenian's persistent attempt to persuade his Cretan and Spartan friends of the usefulness for education of drinking parties. It is easy to think of this long introduction to the law-code as unstructured, or an outright mess.

Plato disagrees. We find quite a few references back in the third book to the topics of the first two, in a way that shows that he is trying to get the reader to hold all the material together in his mind.⁴ And at the end of book 3 the Athenian claims that all this material so far has had

⁴ At 641d6-9 the Athenian prepares to develop a point about the educational use of drinking as part of the discussion they have all embarked on, 'about laws and constitutions'. At 682e8-683a4, as we get from the fall of Troy to the settlement of Sparta, the Athenian says that the discussion is going back to the point from whence it digressed to talking about drink, thus taking in most of books 1 and 2. At 685a6-b1 there is a reference back to the very beginning (625b1-7) when the three old men set out. At 686d7 the discussion of the Dorian League halts while the Athenian makes the point that we should not admire mere success, only success which is virtuously based, in terms recalling the two passages in the earlier books where goods other than

one goal: discerning ‘how a city might best be run, and individually how a person might best live his own life’.⁵

Is he right? *Do* the discussions of education and drinking parties and so on have the aim of discerning the best way to run a state and the best way for an individual to run his life? If so, how?

I think it is worth following up Plato’s indications that these apparently rambling conversations have a unitary aim. Nobody will claim that this opening discussion is an example of clear and focussed organization, but I think that if we look carefully we find two things. One is that Plato introduces, informally, themes worked out in detail in the later law-code. And we also find something else, which is what I shall mainly be concerned with: a new way of thinking about ethics and politics, a novel kind of methodology, which is distinctively different from the *Republic*’s appeal to philosopher-rulers but by no means a mere fallback on experience. This new approach to ethical and political thinking can illuminate the whole work for us. Scholars used to think of the *Laws* as reflecting Plato’s own crabby old age and failing philosophical powers, and I hope that the present thoughts will help to fortify the far more fruitful re-evaluation of the work that has been taking place for some years, and to which Malcolm Schofield has made such wonderful contributions.

Themes

The priority of virtue:

One central point stressed in the introductory discussion is the *priority of virtue*: virtue is not merely one good among other goods like health and wealth; it is importantly prior to all of them. It is divine while they are merely human. Two passages (631b-632d and 660d-664a) make this point insistently, and the claim is that it is because virtue is prior that it is the aim of the laws. What sort of priority do we have here? This is not clear, and there has been a lot of debate

virtue are said to depend on virtue (631b-632d and 660d-664a). And these are explicitly recalled at 697a2-c3.

⁵ 702a7-b1: *tauta gar panta eirêtai tou katidein heneka pôs pot’an polis arista oikoiê, kai idiai pôs an tis beltista ton hautou bion diagagôî.*

on the topic.⁶ But here what matters is clear: the laws of a well-run city should aim first and foremost at the citizens being virtuous, rather than any other kind of goal, such as wealth, or military dominance.

This claim is developed in the law-code that makes up the bulk of the work. It dominates the great address to the citizens at the opening of book 5, where they are told to honour their soul, and it is spelled out for them what honouring the soul requires: living according to virtue.⁷ That the priority of virtue is the aim for society is visible throughout the law-code, and I shall give just a few examples of it. For example, in Magnesia men should marry by the age of 35. This is important not primarily because of the need to produce enough new citizens, though that is as important as it was in any Greek city. Rather, what matters is for all (male) citizens to appreciate the importance of family life and the connectedness of the generations. A solitary life is one which rejects a man's natural role as part of a continuing family. A correct view of what is important in life is more important than merely producing more citizens. Smaller examples are even more striking. The laws regulating market behaviour force sellers to declare a fixed price, eliminating bargaining; this is because it involves lying, which is obviously bad for the character. Plato is fundamentally altering people's behaviour, in the name of their ethical improvement, in ways that lessen profit, the mundane aim of trading.⁸ The founding of Magnesia also exhibits

⁶ See Julia Annas, *Platonic Ethics Old and New*, Cornell University Press 1999, Chapter 3; 'Platonic Ethics and Plato', in *Le Style de la Pensée*, Festschrift for Jacques Brunschwig, ed Monique Canto and others, Paris, Les Belles Lettres 2002, 1-24; Christopher Bobonich, *Plato's Utopia Recast*, Oxford University Press, 2004. I defend the view that the overall position is that virtue is sufficient for happiness (see 660d1-e6, 661e6-662a5, 663d2-5), although this is not carried out completely consistently.

⁷ The address runs from 726a1 to 734e2. At 732d8 the Athenian turns from divine to merely human considerations about correct public and private practices.

⁸ . The law about hunting, for example, (823a6-824a19) forbids forms of hunting which do not involve personal risk and danger, and thus help to develop courage. The law thus disallows trapping and other widely used forms of hunting which involve no risk. Here the importance of developing citizen character leads to what would surely be regarded in Plato's day as ridiculous constraints on providing food.

Plato's relentless subordination of all other aims to that of the production of virtuous citizens. Sea trade is suspected, because mixing with other traders makes citizens dissatisfied with their own city. Defensive city walls are deplored, because they make the citizens less willing to risk their lives for the city, and so less courageous.⁹

The source of law

The opening conversation introduces two ideas about law which do mark a notable change from the *Republic*. One is famously introduced in the very first sentence of the work, where the Athenian asks the Cretan and Spartan interlocutors whether their law-systems come from some human or a god. Both say: by a god. Cretan laws were given by Zeus, Spartan by Apollo. It is not fanciful to think that for Plato these stories are a kind of crude grasp of the important point that the source of law *is* divine, since it is reason, *nous*, which is a divine force in the universe and in us to the extent that our reasons are in tune with divine reason.

This informal idea is developed in the rest of the work, particularly the passage where we are told that we should arrange our public and private lives in accordance with the immortal element in us, *nous*, the distribution of which is law, *nomos*.¹⁰ This idea that law has a divine grounding in cosmic intelligence, which our own minds should study and strive to emulate, underlies Plato's felt need to develop, in Book 10, a basic theology that all the citizens must share, one in which obedience to the city's laws should be undergirded by acceptance of the idea that the world, including us, is governed by divine rational ordering. This idea, which, as has

⁹ The preamble and law on marriage is at 772d5 -774c2; the dangers of ports at 704b6-705a7; the undermining of citizen morale by city walls at 778d4-779b7 (where a wall is reluctantly accepted, but only in the form of continuous houses, which would not be much of a barrier to enemies).

¹⁰ 713e6-714a2, where there is an etymological claim. For this see also 957c4-7. This is the truth in the tale of Cronus, when humans were ruled by *daimones*.

often been noted, is in some ways a precursor to the idea of natural law,¹¹ has the ground prepared for it by the claim that Cretan and Spartan laws have gods as their source.

The force of law

The second striking idea introduced informally before the law-code is begun is the idea that good citizenship involves *slavery* to the laws. This is an idea that is developed emphatically and unapologetically in the law-code. The Athenian says that a master should communicate with slaves mostly by giving commands (*epitaxis*) – a term that recurs when he talks of the way the laws command citizens.¹² You do what the law tells you, without arguing or answering back, the way a slave obeys a master. Plato, fully aware of the shock-value of this metaphor, makes it as provocative as he can. ‘Every man should have this view about every person, that he who has not served as a slave could not become a praiseworthy master, and that we should take pride in serving finely as a slave rather than in ruling finely – first serving the laws, this being service to the gods.’¹³ Citizens should, of course, be slaves to the laws, and thus to the gods (law being the earthly embodiment of cosmic reason), not to any humans. And Plato’s audience would be familiar with the use of slavery as a metaphor for political subjection (though this if anything sharpens the use of the metaphor rather than blunting it).

We are prepared for this, to the extent that anything can prepare us, by the part of the introductory conversation where the Athenian explains why Athenian citizens at the time of the Persian wars defended their city successfully against the Persians, despite being greatly outnumbered.¹⁴ The Athenians of that period are repeatedly said to have been ‘willing slaves’ to

¹¹ See the illuminating article ‘Morality as law and morality in the *Laws*’ by Terence Irwin, 92-107 in *Plato’s Laws: a critical guide*, edited by Christopher Bobonich, Cambridge University Press 2010.

¹² Masters should communicate with slaves by command (*epitaxis*), 777e6-778a1; law is a command (*epitaxis*), 723a5.

¹³ 762e1-7. See also 715c2-d6.

¹⁴ In this passage Plato praises the Athenians of the Persian war period in general, though stressing Marathon. We find later (705d3-707d6) that he distinguishes between the land battles, which expressed and furthered courage, and the naval battles, which he deplores as not

their laws; and the threat of the Persian invasion, says the Athenian, ‘made us serve an even greater slavery (*douleian eti meizona...douleusai*) to the rulers and to the laws.’ Slavery to the laws is mentioned repeatedly in this passage, as something to be praised and seen as exemplary in Athenian heroes of the past.¹⁵ This is, to put it mildly, a striking thing to say about people fighting a war which was at the time and later paradigmatically seen as a fight for freedom. It goes beyond anything normally acceptable to Greeks, even Spartans, who gave great value to obeying laws.¹⁶

The opening conversation thus introduces us informally to two points about citizens’ attitude to the laws, points which will be crucial in the development of the law-code which is to structure the lives of Magnesians.

Education and moral psychology

The conversation also spends a lot of time on education, particularly in what we call the arts. Plato insists, as he does in the *Republic*, on a holistic approach to education: children are to be brought up to enjoy, and to dislike, not only kinds of intellectual work but also kinds of exercise and kinds of music, dancing and singing – a wide range of culture, in fact. The Athenian makes negative comments on types of public performance, something that looks forward to the rejection in Magnesia of Athenian drama. His comment that festivals are our gift from the gods prepares us for the way that culture in Magnesia will turn out to be centred on traditional participatory activities at communal religious festivals, rather than on occasions like the Athenian drama festivals.¹⁷

exemplifying true courage. That he can seriously think this about the battle of Salamis, which saved the existence of Athens as a city, shows the force of the priority of virtue.

¹⁵ 698a5-c3, 699c1-d2, 700a3-4, 701b5-c4.

¹⁶ In Herodotus (VII 104) the exiled Spartan king Damaratus tells Xerxes that while Spartans are free, they also have law over them as a master, which they fear more than Persians fear their king.

¹⁷ 653c7-d5. This prepares us (if anything can) for the striking claim that humans please god by their ‘play’ (803d2-804c1).

Much of the discussion of education in the Introduction is at a general level very similar to what we find in the *Republic*. There is a striking difference, though, and it is informally introduced in the opening conversation of the first three books, before being developed as the law-code is unfolded. This is a difference in moral psychology.

In the *Laws* we find that Plato's model of the person is that of a puppet whose movements are produced by the 'rigid cords' of pleasure and pain (644c4-645c6). This is not hedonism, though, since the puppet's movements are directed by the 'soft, golden cord' of reason. Plato is thinking, not of puppets on strings, but of toys which move around by themselves (a kind of clockwork wind-up toy)¹⁸. A person's reason is thus what moves *her*, as a whole person, though the only materials she has to work with are our tendencies to go for pleasure and to avoid pain. Education is important because we can influence and re-form these tendencies. This is the model on which Plato now thinks of the acquisition of virtue.

We are introduced to this idea in the introductory conversation. The interlocutors discuss the importance of habituation in children to take pleasure in the right things, as the children of craftspeople are habituated into the use of the tools they will use as adults (643b4-d4). Everyone draws from the stream of pleasure, but only those who do so in the right ways live well (6336d7-e3). Because our tendencies to pleasure and away from pain are to be educated so thoroughly, Plato feels free to put forward the claim that nobody would choose to do anything unless convinced that they would gain more pleasure than pain from it (663a9-b6). This claim is repeated later in the work, at the end of the address to the citizens of Magnesia (732d8-733d6).

¹⁸ Although most scholars, including myself, have thought of this passage on the model of a marionette, it makes a great deal more sense in terms of a wind-up 'self-moving' puppet. Sylvia Berryman ('The Puppet and the Sage: Images of the Self in Marcus Aurelius', *Oxford Studies in Ancient Philosophy* XXXVIII (Summer 2010), 187-219, especially 189-196), while not questioning the marionette interpretation for Plato, collects extensive evidence from Aristotle onwards for the existence of wind-up puppets, and I see no reason not to extend this back to late Plato, despite the absence of contemporary external evidence. Berryman's own concern is the change in significance of the puppet model in later antiquity, from an image of self-movement to one of merely mechanical, automatic movement.

In the introductory conversation two points emerge that are worth noting. One is that Plato now thinks that humans have some implicit readiness to accept rhythm and order in their movements; early training appeals to and brings out something there already.¹⁹ The other is that the education discussed is described as sometimes working on the citizens as *epôdai*, ‘spells’ or ‘charms’: that is, as working on the citizens at a sub-rational level, as some of the persuasive ‘preludes’ to the laws will be said to do later.²⁰ One of these points shows Plato finding greater response to reason in us than we find elsewhere; the other indicates a reliance on sub-rational modes of influence on us. We thus find a mixed picture: we need both reason and sub-rational influences for us to develop in the right way. This mixed picture is what we will find in the way that the laws of Magnesia work to produce virtuous citizens.²¹

The introductory conversation, then, introduces informally important themes that will be developed in the main part of the work.. But more centrally we also find in it an illustration of a new methodology, one which casts light on why Plato now chooses to express his views on the happy individual and social life through the medium of a law-code for a proposed new city.

Methodology

It is at some very general level obvious that the good city of Magnesia represents a compromise between two disparate kinds of social system. On the one hand is a system

¹⁹ Rachana Kamtekar, ‘Psychology and the inculcation of virtue in Plato’s *Laws*, 127-148 in . Bobonich (ed), *Plato’s Laws, a critical guide*, Cambridge University Press 2010.

²⁰ Education is said in the introductory conversation to ‘enchant’ or cast spells on the souls of the young (659c9-660a8, 664b3-c2). Later this is one (but only one) of the ways in which the preambles to the laws are said to persuade the citizens to obey the laws (773d4-e4, 812b9-c7, 840b9-c3, 903a10-b2).

²¹ The heavy emphasis in the introductory conversation on reason on the one hand, opposed to pleasure and pain on the other, might suggest an intellectualist approach to education for citizenship, but we this would be mistaken: we find that we are still to aim for a harmony of soul; the ‘greatest ignorance’ turns out to be, not a cognitive defect but a disconnect between one’s evaluations and one’s feelings (688e3-689e2).

represented by Sparta: compulsory education of all (male) citizens in a way focussed on community rather than family, with military victory and dominance as its overall aim, and an attitude of unquestioning obedience to established law. On the other hand we have a system represented by Athens: citizens are (within definite cultural limits) free to live as they individually choose, and are expected to participate actively in ongoing governance. This ‘compromise’ way of regarding the *Laws* will be especially familiar to any reader of Glenn Morrow’s great work *Plato’s Cretan City*,²² a book that makes clear something not apparent from the text itself, namely that a large proportion of the legislation the Athenian introduces is based on (more or less modified) Athenian law. Plato is producing a compromise aimed at developing what he sees as the best in each system. Spartan (and Cretan) obedience to established law is to be combined with Athenian participatory attitude to citizenship.

Two points need to be made here. Firstly, Plato obviously did not think that Spartans (or Cretans) had no laws; clearly any functioning city-state would have them. What Plato is doing is more a matter of importing (some modified version of) the content of Athenian law into a context where, as in Sparta and Crete, the attitude to law is very different from the Athenian one. Athenians thought of lawmaking as an ongoing business. Spartans and Cretans, in contrast, tended to think of the laws as a finished and fixed system. This is the attitude that Plato wants, but he thinks that the content of contemporary Spartan and Cretan laws is too narrow to justify this attitude.

Secondly, Morrow, and a great many subsequent students of the *Laws*, felt comfortable talking of Spartans and Cretans as Dorians, and in taking a contrast between Dorian and Ionian to be a contrast of cultures rooted in ethnic differences. There are signs that Plato himself thinks in these terms in the *Laws*,²³ but of course Plato’s conception of an ethnic difference can’t be easily lined up with ours, and contemporary ancient historians regard ‘Dorian’ as a theory-laden term, one moreover laden with some very disputable theory. When I started working on this issue, I thought that ‘Dorian’ was a harmless way of lumping together Spartan and Cretan culture for the purposes of discussing Plato, but this turns out not to be the case, so I shall avoid the term

²² Glenn Morrow, *Plato’s Cretan City*, Princeton University Press, 1960, reprinted 1993.

²³ At 680c6-d3 Megillus comments that the way of life that Homer describes is Ionian rather than Laconian. And at 682d5-e4 Plato talks of a big migration of ‘Dorians’ so-called from Dorieus.

‘Dorian’, and will speak of Athenian culture as represented by the Athenian, and of Cretan and Spartan culture as represented by the Cretan, Cleinias, and the Spartan, Megillus. This is a bit clumsy, but safer in restricting the discussion to what is at stake in Plato.²⁴

There is one other historical problem at this point. Why does Plato set his proposed city in Crete? It is reasonable to think that Plato is doing in real-world detail what he does mythically in the Atlantis story, where ancient Athens turns out to have many of the features of historic Sparta.²⁵ Magnesia, however, is to be in Crete, not in Spartan territory. Perhaps a Spartan foundation was implausible, and Plato found Crete a suitable substitute, sufficiently like Sparta. He makes the claim that the two governments and ways of life are similar; their laws are ‘brothers’ (682e11- 683a2). But this in turn raises a puzzle. Polybius in his *Histories* Book VI 45-47 tells us in a lengthy and very irritable aside that he is amazed how otherwise reputable writers, including Plato, can think that Crete is at all like Sparta. In fact, he says, their ways of life are completely dissimilar. Was Plato ignorant about Crete? Had things changed radically by Polybius’ day? (Both are possible.) We have no alternative, however, but to proceed as though Plato knows what he is talking about with respect to Sparta and Crete.

How is this compromise between two different cultural systems to be achieved? From the start the project is set firmly in a Cretan setting; the Athenian is the visitor, unlike Plato’s dialogues where the visitor (or stranger, *xenos*), comes to Athens. The Athenian, moreover, is quite deferential to Cretan culture,²⁶ though he does on occasion criticize a Spartan or Cretan

²⁴ I owe my wake-up call on this issue to Cynthia Patterson. See Edouard Will, *Doriens et Ioniens*, Strasbourg 1956, and, for more recent rethinking on some points, John Alty, ‘Dorians and Ionians,’ *Journal of Hellenic Studies* cii (1982), 1-11.

²⁵ In the Atlantis story, in the *Timaeus-Critias*, the ideal ancient city, which turns out to be the historical embodiment of the *Republic’s* ideal city, is ancient Athens, and the repulse of Atlantis clearly recalls the Persian Wars; but ancient Athens turns out to be a land-city like historic Sparta, while Atlantis turns out to have some of the features of historic Athens. We can see in narrative form the idea that an ideal city would have to have some of the features of both (pre-contemporary) Athens and (contemporary) Sparta.

²⁶ He starts by remarking that Cretan and Spartan laws have divine lawgivers, conspicuously not mentioning Athenian law, which did not.

law or institution (for example, the *sussitia* or common meals, and gymnastic exercises, for encouraging pederasty (636a4-e3)). But there are two occasions when the Cretan, Cleinias, gets offended, saying that the Athenian is finding fault with Cretan laws and institutions (630d2-3, 667a6-7). This is, in fact, exactly what the Athenian is doing, but on both occasions he avoids conflict by evading the charge. The criticisms remain, but Cleinias has been persuaded not to object to them. It is important to the Athenian that Cleinias stay on board when the discussion requires criticism of established Cretan or Spartan ways.

This deference of the Athenian to sensitivity about Cretan and Spartan institutions and culture prepares us for the most striking aspect of the way he proceeds at 628e2-632d7. The best aim for a state, he says, is peace. Cleinias is puzzled: Cretan and Spartan institutions are directed entirely towards war. The Athenian now does something unexpected. Instead of admitting that he does disagree with Cretan and Spartan views on this, and arguing as to which is the better aim for a state, peace or war, he sets out to show that, though Cretans and Spartans don't recognize it, they are really in agreement. He takes a poem by Tyrtaeus, Sparta's best-known war poet,²⁷ which praises warrior courage above every other thing. There are, the Athenian says, two kinds of war, and a struggle to be virtuous is better than a struggle just to win battles. Good laws, he says, will aim at virtue as a whole; aiming at courage alone is inferior. The Cretan reacts badly to this – you are making the laws of Crete look inferior, he says. No, says the Athenian – in fact, Cretan and Spartan laws *do* actually aim at the whole of virtue, not just military courage.

This is a surprising thing to say, since it is on the face of it obviously false, and it appears false to the people who ought to know, the Cretan and the Spartan. But the Athenian carries on. You are wrong, he says to the Cretan, to say that your laws aim only at producing military courage. In fact the laws of Crete do aim at producing the whole of virtue in their citizens. Cretan laws are rightly admired among Greeks, he goes on, because they recognize that virtue is not just one among other goods to aim at, but one which is divine while they are merely human, and so the good which should dominate a society's organization and the formation of its citizens. This is Plato's way of introducing the priority of virtue, which, as we've already seen,

²⁷ The poem, quoted in part both here and in the second passage, is Tyrtaeus fragment 12 West, preserved in Stobaeus' *Anthology*. The Athenian also quotes a couplet from the Theognis corpus (77-78 *Theognidea*, West).

dominates the society of the *Laws*. In a good society, the Athenian claims, everything will be shaped by the need to have citizens whose characters are virtuous. It's not a surprise that Plato thinks this, but it *is* a surprise that he presents it as the real though unobvious content of Cretan law.

Why would Plato do this? Scholars have generally not focussed on the fact that the best society is presented as the real content of Cretan law. Schofield suggests that, 'This is surely just politeness.'²⁸ But it seems to be more than that. The Athenian ends this passage by wishing that Cleinias and Megillus had explained to him just how all this 'is present' in their laws, and how it is systematically obvious to someone experienced in laws, though not clear to 'the rest of us' (632d1). And this claim, that the best society, aiming at virtuous citizens, is to be found, if only by the expert, in Cretan law, turns out to be quite prominent.

The point is repeated in a second long passage, in book 2, 659c9 and ff. The speakers have returned for the third or fourth time to the need for poets to produce the right kind of vehicles for education. Cleinias comments that in Sparta or Crete poets don't even think of innovating. Cretan law, then, says the Athenian, commendably forces poets to produce the right kind of composition – and once again he makes the claim that what is taught by the poets is actually the priority of virtue, the splendid life of the virtuous and the awful fate of the vicious, however wealthy and powerful they are. He goes further than he did in the first passage, in claiming that the priority of virtue as a whole is actually the message of *Tyrtaeus*' military poem.²⁹ Even Cleinias is taken aback, and demurs, but the Athenian carries on, claiming at length that the priority of virtue is 'what is said by Cretans and Spartans, as it seems'.

²⁸ Malcolm Schofield, *Plato*, Oxford University Press 2006, p. 310.

²⁹ Obviously Tyrtaeus is an example of someone praising one virtue to the exclusion of all other goods, and so getting something right but failing to have the right conception of virtue. But the extant fragments of Tyrtaeus are so harshly bloodthirsty that it remains odd for Plato to have the Athenian claim at any level that he is *really* praising virtue as a whole. Compare fragments 6 and 7 West, from Pausanias, who turns to Tyrtaeus for the way the Spartans behaved with *hubris* to the defeated Messenians, treating them 'like asses worn out by heavy burdens, carrying to their masters half of every crop that their land bears, because of hateful necessity' and forcing them to 'lament, they and their wives, for their [Spartan royal] masters, whenever the woeful doom of

Later, in book 4, the Athenian confirms that the laws for the best society are present, for the expert to find, in the implicit content of Cretan law. At the start, he says, it was claimed that Cretan laws aim at a single object, and whereas you, Cleinias and Megillus, said that this was warlike competence, I said that it was right that they should aim at virtue, but did not agree that they aimed at a part of virtue rather than the whole (705d3-e1). The project of the *Laws* is represented as an expanded and improved version of what Cretan laws already do.

Why does the Athenian present his project this way, by making a claim that seems flatly false, and, moreover, flatly false to the people he is talking to? I suggest that he sees his project as one of accepting the framework of Spartan and Cretan laws, and their systems of overall education of all citizens, but of persuading his interlocutors to accept a considerable enlargement and improvement of this framework. Plato thinks that Cretan and Spartan laws get something basic right, namely that the city should have as an overall aim the good character of the citizens, something to be achieved through obedience to laws. The problem he consistently finds with Cretan and Spartan society – its over-valuation of military and competitive forms of courage – can, he now thinks, be solved from within: by taking over a Cretan kind of society but improving it by enlarging its aim from courage to virtue as a whole.

Why, though, would members of such societies accept such enlargement of their horizons as an *improvement*? This is especially problematic given that Spartans and Cretans were notoriously hidebound about sticking to time-honoured traditions. Plato attacks this problem, I suggest, in the introductory conversation by having the Athenian persuade the two old men, conservative products of rigid systems, that the new elements he is going to introduce are not new principles imported from outside, but rather developments of what they already accept. He presents what he is going to do as changing existing culture from within rather than changing it to accord with externally imported principles. This project calls not for philosophical argument but for considerations persuasive to unphilosophical people, considerations which will convince

death came on any? This is victors crowing over the defeated – exactly the kind of faulty attitude coming from the over-valuation of military dominance that the Athenian criticises through the initial conversation. Later at 858e1-4 the Athenian openly criticizes Tyrtaeus, together with Homer, for giving bad guidance to citizens.

them that their time-honoured and deeply conservative ways of living can be improved. Such people are likely to be especially intolerant of changes imposed on the basis of abstract philosophical thinking, which characterizes the approach of the *Republic*.

Plato's project in the *Laws* is thus put forward in a way which respects established traditions to the point of claiming that the best society can be found implicitly in some of them, suitably enlarged and improved. Megillus and Cleinias are persuaded to enlarge their cultural and ethical horizons in ways which set the scene for their acceptance, in the development of the law-code, of a great deal of Athenian-based law which transforms their laws and ways of life considerably. The extent to which the laws are like those of Athens is never explicitly brought out, and no doubt this is deliberate. But by the time we get the law-code introduced, from book 4 onwards, the interlocutors have already accepted important modifications in their own laws and systems of education, so that their acceptance of the new law-code has been well prepared.

The Athenian urges them, as we have already seen, to enlarge their view of the aim of their education from military prowess to virtue as a whole. And as we have seen Cleinias and Megillus accept this when it is presented as the real, though unobvious, content of their systems of law and education. So in the rest of the work they do not object that foreign ideas are being foisted on them. Thus what is actually a compromise between Cretan and Spartan ways of life on one hand, and Athenian on the other – one in which both give a great deal of ground – is presented from the start as internal re-interpretation of what old and conservative Cretans and Spartans already accept.

We have an illustration of this in what has seemed to many ancient as well as modern interpreters the most bizarre feature of the introductory conversation, namely the Athenian's persuasion of his interlocutors to accept, as a valuable cultural institution, the Athenian institution of the drinking-party or *symposium*. The Athenian talks of drunkenness, *methê*, but it is clear that what is under consideration throughout is the *symposium*, a drinking-party organized according to strict rules and etiquette, a regular institution with a recognized social function – that of bonding men among the Athenian elite, and of introducing young men to the culture of this group. In this respect it played a role analogous to that of the common meals or *sussitia* in

Sparta and Crete.³⁰ We are familiar with the philosophical discussions among the guests at Agathon's symposium in Plato's *Symposium*, and also with the way an ideal symposium, among thinking people, is said in the *Protagoras* to be a discussion rather than an occasion for heavy drinking. But the Athenian in the *Laws* is thinking of actual Athenian *symposia*, where drinking to some stage of drunkenness was accompanied by traditional songs and poetry, and it is this that he proposes to introduce into Cretan and Spartan educative culture.³¹ But what could possibly be valuable about getting drunk, even to the accompaniment of poetry and singing at a *symposium*?

The Athenian proceeds slowly and carefully. He starts from civic institutions which test and develop courage; this leads Megillus to an enthusiastic description of the more brutal Spartan institutions.³² The Athenian insists that courage, if it is not to be 'lame' or one-sided (634a2), must include the ability to resist pleasures as well as pains.³³ This does not convince his interlocutors at first,³⁴ so he moves to explaining that it is wrong to dismiss wine-drinking completely without investigating whether it can be well-regulated and controlled by someone who is sober and capable of steering the discussion in good directions.

³⁰ As is pointed out by Oswyn Murray, in 'Symptotic History', pp 3-13 of Oswyn Murray (ed), *Symptotica: a Symposium on the Symposium*, Oxford University Press 1990.

³¹ See Manuela Tecuşan, 'Logos Symptotikos: Patterns of the Irrational in Philosophical Drinking: Plato Outside the *Symposium*,' in Murray (ed), 238-260.

³² 633b5-c7: he mentions contests in summer heat, thefts which bring a beating if detected and the *krupteia*, a secret policing of the countryside to keep down Spartan subjects, here praised as a training in endurance for those carrying it out, especially in the winter. The Athenian does not comment on these, but it is reasonable to infer that he thinks them overly brutal for the purpose. Magnesia has nothing corresponding to the first two, and the 'country wardens' carry out a far more benign version of keeping the countryside under review (762b6-763c2).

³³ This may strike us as a peculiar view of courage, but was clearly less strange to Plato and his audience. At *Laches* 191d-e Socrates introduces it with no opposition from the other speakers.

³⁴ The discussion moves to a discussion of *sophrosune*, 'self-control', perhaps as a fall-back to an audience unlikely to endorse, at least at first, a conception of courage enlarged from the military kind.

This is a sensible point: whether drinking-parties are a good thing or a bad depends on how they are organized, and it is now established that they can be well-organized. But Cleinias now (641a1 and ff) makes an obvious objection: even so, what *good* are *symposia*? What *benefit* could there be from them, either to individuals or to a city, comparable with the obvious benefit of military capability? The Athenian's reply is that the city benefits from education, *paideia*, more than from mere military capability. 'Education brings victory, while victory can bring lack of education' (641c2-3) since mere military victory can make people insolent and forgetful of the values that good education develops. Cleinias now (at last) gets the point (641c8-d2): properly conducted *symposia* are being claimed to be an important factor in education.

The Athenian now argues that *symposia* can be an important educational tool. Wine-drinking obviously gets us to lose control of ourselves, and hence it can tell us a great deal about ourselves, and can be the subject of testing and training, comparable to training of the body. Properly supervised drinking-parties can test whether someone is afraid of the right things, namely things that he should be ashamed of. Conventional ways of testing courage require facing someone with actually fearful situations, but we need only the 'cheap and fairly harmless' test of a (properly conducted) drinking-party for him to reveal his readiness to think and act in certain ways, shameful or not. *Symposia* provide a way of 'knowing the nature and dispositions of people's souls', which is clearly valuable to someone exercising the 'skill of politics'.³⁵

The Athenian's project is clear enough: Spartans and Cretans are to be persuaded that *symposia* of the Athenian kind can be a legitimate and useful part of education and culture in a well-run city whose aim is the virtue and so happiness of its citizens, and which takes virtue to have priority over other goods. This is a big modification of their culture, and it is presented here as an enlargement of their conception of what courage is.

We find a puzzle, here, though. For after the Introduction the *symposium*, over which so much time, effort and argument has been spent, disappears. No place is found for it among the

³⁵ This stretch of the discussion goes from 646d5 - 650b10; the quotations are 649d 7-8 and 650b7.

institutions of Magnesia. It is as though the Athenian had forgotten about it. There are no references to *symposia* as such outside the introductory conversation.³⁶

We do find something that seems relevant, the ‘chorus of Dionysus’. We find (664b) that at festivals there are ‘three choruses’: the Muses’ chorus of children, Apollo’s chorus of young men, and a third chorus, that of Dionysus, consisting of older men (between 30 and 60), who need to get drunk in order to overcome their inhibitions about performing in public. Later the claim is made (670b) that these older men will have the best taste and judgement about songs and music. Older people, we are told again, need to be compelled to perform in public in order to give the city a demonstration of the best that they have learnt. The legislator must lay down proper ‘symptotic laws’ (671c4), for the ‘guardians of the laws’ to discipline those who threaten to go out of control.³⁷

How does the ‘chorus of Dionysus’ relate to the introduction of the (properly regulated) *symposium* into educative culture? The answer is not at all clear.³⁸ One obvious answer would be that only the older men are allowed to partake of the properly regulated *symposia*. England, the editor of the *Laws*’ text, charmingly compares this to Oxbridge Fellows’ after-dinner drinking.³⁹ This would, however, make no sense of the *educative* function of the *symposium* for the young,

³⁶ 775b4-6 suggests festivals like the Athenian rural Dionysia, though these figure nowhere in the discussion of the production and consumption of wine at the end of book 2. 773c8-d4 compares the blending of citizens in marriage with the chastening dilution of wine by water in a wine-bowl (the *krater* of the *symposium*).

³⁷ Their authority, we are told, is to be no less than those of military commanders, echoing the claim made in the introductory conversation that the testing done by *symposia* is as valuable as valuable as conventional military training.

³⁸ This ‘chorus of Dionysus’ appears once in the later books. At 812 b9-c7 we are told that, when children are learning the lyre, the sixty-year old singers of Dionysus will be especially expert at perceiving which rhythms and harmonies have powerful effects in their representation of good character, and so which will charm (*epaidei*) the souls of the young.

³⁹ E. B. England, *The Laws of Plato*, Manchester University Press 1921, Arno Press reprint, New York, 1976, vol I, p 313, note on 662b2: ‘the situation suggests an old-fashioned College Common-Room at Oxford or Cambridge’.

on which the Athenian lays such stress. It is the younger men, the ‘chorus of Apollo’ from 18 to 30, who need the testing of the reformed *symposia* to determine their fitness as citizens. (We might note that nobody under 18 can drink wine anyway in Magnesia, so even a younger drinking party would be made up of men over 18. Possibly this might be to minimize the erotic and pederastic function of the actual *symposium*.⁴⁰) We have no clear way of relating the ‘chorus of Dionysus’ to the properly regulated *symposium*, and the latter disappears from view after the initial discussion. We are left with a loose end.

In itself the presence of loose ends in the *Laws* is not too disconcerting. The work is unfinished, and there are other problems that would presumably have been worked out in a final version: for example, the contradictory indications about the role of women, and the place in the city of the Nocturnal Council. The sheer length of the discussion of *symposia* in the Introduction is bound to make us wonder whether Plato left a very large loose end that he never had the opportunity to tidy up. So there may well just be no answer, at least no philosophically interesting answer, to the question of why the introductory conversation discusses the admission to educative culture of *symposia* at such elaborate length.

But even though the supposedly crucial cultural function of properly regulated *symposia* falls by the wayside, it has played a useful role, as a concrete illustration of the kind of enlargement and improvement from within that Plato thinks can be made if we start from a going culture of the Cretan or Spartan kind. The two conservative old men have overcome their prejudices and accepted a practice that they have hitherto simply rejected. This is quite significant, given how conservative and anti-innovative are the cultures that they represent. The discussion of the *symposium* has thus opened them up to the idea that their culture could be improved by taking from another culture an institution which nonetheless can be shown to be consistent with the educative aims of their own. They have been softened up to the idea that the

⁴⁰ We might note that nobody under 18 can drink wine in Magnesia, so even a younger drinking-party will be made up of over-18s. Possibly this may be to minimize the erotic and pederastic function of the *symposium*. See Jan Bremmer, ‘Adolescents, *Symposion* and Pederasty,’ in Murray (ed), 135-148. Young boys served as wine-pourers, and as inhibitions loosened through drinking often became objects of erotic attraction. The Athenian criticizes Cretan legitimation of through the story of Ganymede, wine-pourer to Zeus, at 636c7-d.

laws which structure the future city of Magnesia, and which will take over Cretan and Spartan assumptions about education and culture, could turn out to be laws which owe a great deal to the quite different Athenian culture, which they have hitherto thought of as being at odds with their own.

Conclusion

I've suggested that in the *Laws*' introductory conversation is not rambling and incoherent – rather, it introduces new themes, and also a new methodology. Both in the *Republic* and in the *Laws* Plato rejects the kind of society represented by democratic Athens, thinking that it is a basic prerequisite of a good society that there be an overall aim towards which society educates citizens, and that this is done by laws and institutions which the citizens themselves do not question. In the *Republic* he comes at this kind of society from above, as it were, through philosophical arguments. In the *Laws* his procedure is more empirical, but I've argued that it is a mistake to find no theoretical structure at all. Rather, Plato is building his good society from below, by accepting Cretan and Spartan culture as a starting-point and then enlarging its aim from military dominance to the practice of virtue as a whole. This goes with a recognition that such changes have to be recommended to actual Cretans and Spartans not by philosophical argument, which their training leaves them incompetent to understand,⁴¹ but by considerations which lead them to accept change from within, as being an unfolding of the implicit content of what they already accept.⁴²

⁴¹ This is made extremely clear in Book 10, at 891d6-893a9.

⁴² I have not, of course, argued that the moves I indicate in the introductory conversation are clearly marked, or that as a whole it is well-planned. Nor am I claiming that it foreshadows everything major in the rest of the work, merely that it opens up conservative Cretans and Spartans to what will turn out to be the hybrid nature of Magnesia. Further, there may well be aspects of that do not fit the rest of the work well. There are two passages at the end of book 3 which claim that a lawgiver should aim at producing a city which is free, has intelligence and is dear (or friendly) to itself (693b2-5, 701d7-9). Freedom is something we might expect after the discussion of Athens and the right degree of freedom, and it is certainly something prominent

There may well be an objection. This is what *the Athenian* does; but are we entitled to infer that this is *Plato's* position? It is tempting to think that in the *Laws*, as opposed to most of Plato's other dialogues, we can take the main speaker to be Plato's mouthpiece, because there is so little dramatic substance to the characters (and none of them is called Socrates). But it is still a dialogue (mostly), and I take it that in using the dialogue form Plato is always distancing himself from his writing, so that we accept it as something to think about for ourselves and not on the basis of his authority. Plato is writing all the parts and choosing the setting for the conversation. What he accepts emerges from what the Athenian says *and* from the fact that he says it in the context of establishing, in Crete, a society with the very unAthenian framework of Cretan and Spartan societies.

But does the Athenian actually have some dramatic depth? I've argued that he makes Magnesia acceptable to Cretans and Spartans by representing it to them as an enlargement from within of what they already accept. It is not, however, obvious to 'the rest of us' that Cretan laws aim at all of virtue, only to the Athenian. In fact it seems not only to the other two old men but to the reader that this claim is obviously not true. What is the Athenian's basis for his claims about the real, hidden content of Cretan and Spartan laws? These things are clear, he says, to someone 'experienced in laws by skill or indeed by some customs (*tôi peri nomôn empeirôi technêi eite kai tisin ethesin*)' (632d5-6). Is he the desired expert? Does he think he is? Does he really believe that Cretan laws further virtue as a whole? Or that Tyrtaeus' bloodthirsty poem is really praising the truly virtuous person? In short, is the Athenian being honest here with the other speakers?

about Athens, which we might expect to be integrated, in the body of the work, into a city which also stresses Cretan and Spartan discipline and the subservience of individuals to the whole. But freedom, as an ideal for the city, drops from sight in the rest of the work. See, however, André Laks, 'Freedom, Liberality and Liberty in Plato's *Laws*,' in David Keyt and Fred D Miller (eds), *Freedom, Reason and the Polis: essays in ancient Greek political philosophy*, Cambridge University Press 2007, 130-152. Laks argues that freedom as an aim of the city disappears because the argument in book 3 that we need a 'mean' of freedom removes it as a *distinct* aim for the lawgiver.

This is a difficult question to answer, since the Athenian has little dramatic personality, and people may reasonably differ on it. Furthermore, Plato, like many other ancient philosophers, was not worried by falsehood based on knowledge and for the benefit of the person deceived. Is Plato then giving us a lesson in methodology by showing the Athenian misleading his unintellectual companions, in the interest of getting them to the right conclusions? The reader is left with this problem too.

To conclude, if what I have argued is right, how does the methodology of the *Laws* relate to the two other points of difference between *Republic* and *Laws* which I mentioned at the beginning?

It is not surprising that the *Laws* is less extreme - now that Plato is producing his best society from below, it is to be expected that his proposals are less disruptive of accepted customs than those produced by philosophical argument from above. The second point was the relative absence of philosophical argument to support the major claims made in the *Laws*, and I hope that by now I have shown why philosophical argument is not the appropriate means for Plato's new project.

We can see, then, that three outstanding points of difference between the *Republic* and the *Laws* hang together closely, and it turns out to be the point about the *Laws*' literary structure which enables us to understand the other two. If so, then, perhaps unexpectedly, it will be a fact about the work's literary structure which best helps us to understand its message - an interesting conclusion about a dialogue often supposed to have no literary structure. Plato, it emerges, retains his literary skills longer than has sometimes been supposed.