

more fundamental Platonic thesis, namely his conviction that goodness consists not in pleasure or the satisfaction of desire, or knowledge, but in something more elusive – order, harmony, proportion, and balance. We do not have to accept that account of the good to agree with Plato that political communities must be organized with a view to the good of all citizens, and that political philosophy must therefore rest on a theory of human well-being.

## CHAPTER 4

*Virtue and law in Plato*

Julia Annas

In both the *Republic* and the *Laws*, Plato delineates societies whose aim is the happiness of the citizens;<sup>1</sup> and in both works they are to achieve happiness by living a life of virtue. It is the chief aim of Magnesia, the city of the *Laws* – one it shares with the Doric societies of Sparta and Crete, though with an enlarged and improved view of it – to make the citizens happy by rendering them virtuous.<sup>2</sup>

In the *Laws* we do not find an account of virtue as the harmony of the soul's parts, as we do in the *Republic*, but this does not indicate that Plato has narrowed or impoverished his view of virtue as the good condition of the person's character. Virtue is not merely a matter of reliably doing the right thing, but requires that the person do it in the right way, with the right understanding and with the right feelings. So much is clear from the important programme of education, which is to train the citizens of Magnesia not just to do the right things but to enjoy this, to find a life of virtue pleasant and a life of vice repulsive.

There is one obvious change: in Magnesia the citizens are to become virtuous by growing up and living in a society explicitly regulated by laws. The *Laws* introduces much of the legislation for the new city, and also extensively discusses the nature and role of law in the life of the city, and the way in which the city's aim, the virtue of the citizens, is to be brought about by the laws. In the *Republic* it is the education of the rulers, the

I am very grateful for comments, which have greatly improved this chapter, from Christopher Bobonich, Christopher Gill, Zena Hitz, Hindy Najman, David O'Connor, and audiences at Princeton and Arizona who heard versions of it. I am solely responsible for all the remaining mistakes and infelicities.

<sup>1</sup> Plato's view in both works is, I hold, that virtue is sufficient for happiness, but by the standards of later theories his position on this is not ideally clear. It is at least clear that in both works virtue is necessary for happiness.

<sup>2</sup> Happiness is said to be the city's aim at *Republic* 419a1–421c5. In the *Laws* the aim is happiness (718a6–b5, 742d2–743c6, cf. 631b3–d2, 734d4–e2, 858d6–9); virtue (630b8–c4, 688a1–b4, 705e1–706a4, 770b4–771a4, 853b4–c3, 963a1–4); making the citizens happy by rendering them virtuous (631b3–632d7, 718a3–b5, 828d5–829b2).

Guardians, which is the key to virtue, and so happiness, while in the later work law is prominent as the work of divine reason in the universe and in us. We are told that we should obey the immortal element in us as we order our homes and cities both publicly and privately, giving the name of law (*nomos*) to the distribution made by reason (*nous*).<sup>3</sup>

It is important, of course, not to exaggerate the differences between the two works. The ideal state in the *Republic* is envisioned as an exercise in ideal lawmaking, and its provisions and practices are sometimes referred to as laws that have been established.<sup>4</sup> The Guardians are sometimes said to be guardians of the laws that structure the ideal state.<sup>5</sup> Attention to legislation is said to be unnecessary, but only in matters of detail, in a context where citizens obey the city's most important laws.<sup>6</sup> Still, a new idea is introduced into the *Laws* by the idea that the citizens' virtue, and thus happiness, is now to be sought through obedience to laws rather than to rulers. We can appreciate this if we reflect on the emphasis we find, in the *Laws*, on the idea of 'slavery to the laws'.

The *Laws* not only accepts the contemporary institution of actual slavery as part of the ideal city, but treats the position of the slave more rigorously and harshly than contemporary practice.<sup>7</sup> A master's communication to slaves, Plato holds, should be mostly one of command (*epitaxis*).<sup>8</sup> For that's just what the institution is: unquestioned authority on the one hand and unquestioning deference on the other. Given this, masters and slaves can never be friends.<sup>9</sup> Plato thinks that we should look this fact in the face unblinkingly. He is notably unworried by humanitarian considerations about the slave; he worries only about masters ruining their own characters by abusing their authority or weakly evading it.<sup>10</sup>

Given this emphasis on slavery as unquestioning deference to authority, it is remarkable how prominently Plato uses slavery, in the *Laws*, as a metaphor for the correct human relation to laws. Law is a command (*epitaxis*), he says.<sup>11</sup> He repeatedly says that Athenians of what he takes to be the exemplary generation of the Persian Wars were 'willing slaves' to

<sup>3</sup> 713e6–714a2: cf. also 957c4–7 for the play on *nous* and *nomos*.

<sup>4</sup> For example, 471b9–10 – 'shall we establish this law?' (about conduct in war).

<sup>5</sup> 421a5 (at 484b9–c1 they are said to guard the laws). However, the term 'law guardian' (*nomophylax*) is new in the *Laws*.

<sup>6</sup> 425c10–426c4. Cf. Morrow (1960: 577–84).

<sup>7</sup> Morrow (1939) shows that where Plato departs from contemporary Athenian practice it is nearly always in the direction of strengthening the institution and emphasising the distinction between slave and free.

<sup>8</sup> 777e6–778a1. <sup>9</sup> 757a1–5. Possibly a contrast is intended with *Republic* 590c7–d7.

<sup>10</sup> 777c7–778a5. <sup>11</sup> 723a5.

their laws and rulers. This kind of slavery is one that should be undertaken by anyone wishing to be virtuous; only the coward is free and fearless. The threat of the Persian Wars, Plato says of the Athenians, 'made us serve an even greater slavery (*douleian eti meizona ... douleusai*) to the rulers and to the laws'.<sup>12</sup> He is describing what he takes to have been an actual society, so he is not limiting the idea to an ideally rational population.<sup>13</sup>

In Magnesia, we are told, offices will be assigned to those notable for their obedience to law. 'We say that the highest service of the gods'<sup>14</sup> is to be given to the person who is first in being most readily obedient to the established laws, and wins this victory in the city ... I have called servants of the laws those referred to as rulers not for the sake of innovation; rather, I hold that the city's safety, and the reverse, depend on this most of all.'<sup>15</sup>

And it's not just the rulers, the officials, in Magnesia who must have this attitude to the laws. We find that '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<sup>16</sup> serving finely as a slave rather than in ruling finely – first serving the laws, this being slavery to the gods, and then the young serving their elders and those who have lived notably.'<sup>17</sup> Plato cannot fail to be aware of the shock-value of this metaphor as applied to free citizens of a state, who pride themselves on not being slaves to any person, and who own actual slaves, and are encouraged to maintain an attitude of authority over *them*.

This attitude, of recognising law as having unconditional authority, is of great interest, and I shall return to it. It inevitably, however, prompts the question of how this can be the basis of a life of *virtue*, which is what the citizens are to lead in order to be happy. There are two sources of worry here, which Plato does not distinguish, though his emphasis seems to be on the first, namely, that the citizens' motivation for obeying the law

<sup>12</sup> 698b8–c2. In this passage, which stresses the freedom of the Athenians, slavery to the laws is mentioned repeatedly and emphatically: 698a5–c3, 699c1–d2, 700a3–5, 701b5–c4.

<sup>13</sup> The idea has a partial antecedent (though we do not find the actual term *doulos*) in Demaratus' claim to Xerxes, at Herodotus VII 104, that Spartans are 'free, but not free in every respect, since they have law over them as a master, which they fear more than your people fear you; at any rate they do whatever it bids'.

<sup>14</sup> Both the Oxford text and England defend the MSS reading *theôn* against editors' suggestions *thesmôn* or *nomôn*. Service to the gods *is* service to the laws because law is an expression of the divine element in us.

<sup>15</sup> 715c2–d4, d4–6.

<sup>16</sup> The word *kallôpizesthai* suggests taking pride in something in the sense of making a display of it, thinking of it as an ornament to show off.

<sup>17</sup> 762e1–7. The opening phrase shows that the thought is not limited to the immediate context concerning the country wardens.

would prominently be one of fear of the sanctions for breaking it. It would also seem that even people habituated to obeying the law might be doing so merely out of deferential routine. In either case, how can a developed disposition to live in obedience to the laws, one for which a leading metaphor is service and slavery, amount to the virtue of citizens?

Plato certainly expects Magnesian citizens to be virtuous in a full, rich sense. For one thing, virtue is to be produced and sustained by an elaborate and far-reaching system of formation and education of the citizens from birth (and even before birth) to the grave. It would be strange if this amounted to no more than the idea that 'the citizens can become virtuous if only their desires and passions are disciplined in such a way that they obey the law as a matter of habit', as one unsympathetic modern commentator has put it.<sup>18</sup>

Much in the *Laws* obviously fills the role of training the citizens to be virtuous; there is an entire system of physical, intellectual and aesthetic training whose goal is to produce citizens with good character. My question here is how this concern for becoming virtuous and living a good life (and thus being happy) is related in Plato's thought to the idea that citizens not only live under a system of laws but regard themselves as having the deeply deferential attitude to it of slaves.

Plato puts great emphasis on one aspect of his ideal legislation in the *Laws*, one whose originality he rightly stresses. The laws are to be preceded by *prooimia*, preambles or preludes (punning on the double sense of *nomos* as law and as musical composition).<sup>19</sup> The preambles are introduced as a means of persuasion, in addition to the force that lies behind any law which comes with sanctions. Previous lawgivers, he says, have failed to 'mix' persuasion with necessity in their lawgiving, but have used force unmixed.<sup>20</sup> It is a feature of Magnesian life that the citizens expect to be persuaded that they should obey the law, instead of merely giving in to a threat; the youthful atheist in Book 10 feels entitled to this.<sup>21</sup> When the idea of the preambles is introduced, in Book 4, it is illustrated by an example later repeated in Book 9, which contrasts the behaviour of free doctors treating free people, and their assistants, slaves who treat slaves. The latter

<sup>18</sup> Stalley (1983): 9. On p. 184 he talks of 'Plato's conformist conception of virtue'.

<sup>19</sup> 722d2–723d6.

<sup>20</sup> 722b4–c2. I accept Ast's conjecture *anaghén* in 722c1; whatever word is read there the passage clearly and repeatedly contrasts persuasion with force, *bia*. The MSS reading *machén* seems impossible; the Oxford text marks corruption, while England, though he reads it, thinks that it can only be defended if the containing phrase is read as a poetical quotation.

<sup>21</sup> 885c8–d4.

just give instructions and hasten on to the next patient, while the free doctor listens to the patient's whole history of the problem, and not only tells him what to do but discusses the matter with him until the patient is himself convinced to take the necessary steps.<sup>22</sup>

We get numerous examples of preambles. Plato gives, as an explicit example, a preamble to the law requiring men to marry.<sup>23</sup> There is a long preamble to the whole law code,<sup>24</sup> and we often find preambles to individual laws.<sup>25</sup> There is a long discussion of the voluntary/involuntary distinction preceding the laws specifying penalties for different kinds of action,<sup>26</sup> and most famously the bulk of Book 10 consists of a long argument for the three theses that the gods exist, that they exert providence for humans and that they cannot be deflected by human gifts, a passage preceding the laws against impiety.<sup>27</sup>

The preambles are a fascinating contribution to legal and political theory, despite the point that Plato found no followers in this area.<sup>28</sup> They raise a number of issues that I shall not be able to touch on. I shall be focusing on the single issue of how the preambles help us to grasp how citizens living in a state where they are to give the laws unquestioned authority will become *virtuous*, rather than merely reliably rule-following. Since the preambles are emphatically aimed at persuading the citizens to be obedient to the laws, they have an obvious role in the citizens' attitude to the laws, and to the citizens' own self-definition as slaves to the laws. I will look at three suggestions about the preambles' role in forming the citizens' attitude to the laws, all of which have considerable merit but leave us with further problems. I shall then make my own suggestion, which involves looking at what I take to be a fruitful parallel. We find, I claim, that Plato's ideas are, regardless of the rather dogmatic way in which they are put forward in the *Laws*, suggestive in opening up our thoughts about Plato's political thought, as well as virtue and the forms that this can take.

One thought is that what the preambles provide is rational explanation of the point of the law in question; the citizen is not just told what to do,

<sup>22</sup> 719e7–720e9 – the slave doctors follow the *epitaxis* of their masters (720b2), while the free doctor does not command (*epetaxen*) his patient until he persuades him (720d6–7); 857b9–e8.

<sup>23</sup> 721a3–722a2. <sup>24</sup> 726a1–734c5.

<sup>25</sup> E.g., 853a3–854d1 on temple-robbing; 916d1–917b7 on adulteration of items for sale; 930a3–932d7 on care for parents.

<sup>26</sup> 859b6–864c9.

<sup>27</sup> 890b3–907d8. Cf. 887a3–c1.

<sup>28</sup> Seneca, in letter 94.38, tells us that Posidonius found the *Laws* absurd in this regard, holding that a law should be brief and memorable, and that the essence of law is to command, not to teach. Seneca disagrees, but neither he nor anyone else took the *Laws* as a model.

but given an explanation which he can rationally scrutinise for justification as to why this is a good regulation, one operating for the citizens' benefit.<sup>29</sup> This is certainly an obvious message of the illustration contrasting the free and slave doctors, and it makes good sense of the second passage in which this occurs, in which the slave doctor is imagined as encountering a free doctor 'conversing with the patient and using arguments (or accounts, *logoi*) close to philosophising, starting from the source of the disease and mounting to the whole nature of bodies'. The slave doctor sneers that this is educating the patient rather than curing him, as though a patient wanted to become a doctor rather than to get well.<sup>30</sup> This certainly suggests that the preambles are designed to enable the lawgivers to convey to the citizens their own articulate grasp of the good of having the law in question. And we can see how this would contribute to the citizens' becoming virtuous, for this will help to make them, as active reasoners, active participants in the rational ordering of the city, rather than passive conformers to the laws because of the threat of sanctions.

Since, however, the citizens' rational grasp of the good aim of the laws has to be compatible with the attitude of deference that Plato emphatically calls slavery, we should not overplay the contrast here between the free and slave doctor. It would be unsafe to take Plato to be adumbrating the idea that free citizens are entitled to have laws presented for them to accept on the basis of their own reasonings.<sup>31</sup> It is moreover striking that Plato takes persuasion to be 'mixed' with force; the alternatives he presents are the single method of force and the double method of force 'mixed' with persuasion, never persuasion alone.<sup>32</sup> Even for those capable of understanding it, rational persuasion alone does not provide an adequate basis for their attitude to the laws. Further, many of the preambles are rather far from providing rational argument; the great preamble to the law code as a whole, in Book 5, has the earnest character of an address, but provides no argument, and some preambles even make use of mythical tales of terror.<sup>33</sup>

<sup>29</sup> This suggestion has recently been defended by Bobonich (2002).

<sup>30</sup> 857c7–e8. The Athenian's response to Cleinias, where a connection is drawn between the doctor's procedure and the speakers' task, is problematic and has been variously interpreted. I take the Athenian to be saying that the critic is right (not to sneer but) to think that the doctor is educating his patient, provided that he realises that the procedure of the speakers in the *Laws* is indeed educating the citizens rather than legislating. Here 'legislating' must mean 'merely legislating without education', that is, using force alone without persuasion; this is because it is here cast in the role of the doctor's cure, which presupposes that something has already gone wrong. It need not imply that Plato standardly thinks of legislating as being an alternative to education.

<sup>31</sup> See Bobonich (2002) for discussion of the citizens' entitlement as free and rational members of a community of equals very unlike the hierarchically ordered society of the *Republic*.

<sup>32</sup> 720e2–9; 722b4–c2.     <sup>33</sup> 865d3–866a1, 870d4–871a1, 872c7–873b1.

Other considerations apart, however, how does the idea that the preambles give the citizens rational arguments for the laws help us to see how these citizens are developing and living *virtuous* lives? On the face of it, understanding the reasons for a law enables a citizen to see it as something she could give rational assent to, rather than as an alien imposition, something she can see no justification for but has to obey anyway. But there is a distance between this and the idea of the virtuous citizen as envisaged in the *Laws*, one whose every activity and enjoyment is in tune with those of the other citizens, whose life exhibits order and discipline even in singing and dancing. It is not clear how we get from rational argument and justification to the virtuous citizen's unforced enjoyment of living virtuously. This suggestion, then, needs supplementation.

A second suggestion is that the preambles, far from offering rational argument, are rather supposed to work on the citizens in non-rational ways, making them docile and law-abiding by rhetorical means which manage and manipulate their susceptibility to praise and blame.<sup>34</sup> Some of the preludes do explicitly appeal to the force of non-rational myths – for example, that the soul of a murdered person will roam the earth seeking vengeance for the crime.<sup>35</sup> Moreover, in some cases Plato stresses the way that the message will have to be embedded in a variety of more and less rational forms, as with the message that some forms of sex are unnatural: 'we shall tell them from childhood, in stories and sayings and singing in music, putting them, as is likely, under a spell'.<sup>36</sup>

It is also a feature of the preambles that what they convey comes from experts to learners; the doctor is familiar from Plato's other works as the expert whose recommendations you should follow, and his being prepared to explain them to you doesn't take the edge off the fact that you still must do what he says. The Athenian gives an alternative: should we think of the written laws as being like loving and caring parents, or think of them as ordering and threatening, like a despotic tyrant, writing commands on the wall and then simply going away? <sup>37</sup> The first alternative is obviously more attractive than the second, but both involve authority being imposed. People are to be taught by those who know better, in ways adapted to their level of understanding, as children are taught by parents. This does not, of course, exclude rational argument where that is required, as with the

<sup>34</sup> This is the view of Stalley (1983: 42–4).     <sup>35</sup> See above, n. 33.

<sup>36</sup> 840b9–c3; the verb here is *kélein*. Compare the reference to *epaidein* (charm, enchant) in persuading people to obey the law, at 812b9–c7, 773d4–e4, 837e5–6, 903a10–b2.

<sup>37</sup> 859a1–6. The Greek of a4–6 is confusing; I follow England's construal, though it has the odd result that the laws are likened to a tyrant putting laws up on a wall.

young atheist in Book 10, but that will not be generally needed. On this view, the point of the preambles will simply be to make the citizen receive the law's command (*epitaxis*) more readily, and hence learn it better.<sup>38</sup>

The preambles, on this view, will dispose the citizens to have the kind of characters which are ready to obey the law because they have learned to do so from authoritative sources, ones which have presented it in ways which, relying on praise and blame, and prominently shame, have resulted in the law's being firmly internalised. These ways are appropriate to the citizens' ages and levels of intellectual achievement. And the sources are not merely authoritative, but also have independent claims on the citizens' attention because of the stability and benefits of the city life which are made possible by the laws and those administering them. This at any rate is one implication of the claim that the preambles present the laws as loving parents rather than arbitrary tyrants.

Does this help us to see how living under a system of laws which you regard as having unquestioned authority could render you a *virtuous* citizen? It is not yet clear how Plato could think that the aim of Magnesia's laws is the virtue, and so the happiness, of its citizens. The idea that the preambles are to render the citizens more docile and apt to accept the laws fits in with many aspects of the work – the importance of education, training and continuing vigilance in the way the citizens live, for example. But it falls short of what Plato requires for virtue, as we can see when we recall the passages where law, *nomos*, is connected with reason, *nous*. In obeying law, we have been told, we are obeying the immortal part of ourselves. If the citizens' attitude is simply one of obeying law unquestioningly because any impulses or tendencies to do or think otherwise have been neutralised by the spell-binding effect of our upbringing, they appear passive and unthinking. A city, says the Athenian, won't be able to preserve its laws unless they are grasped with understanding and not merely by habit.<sup>39</sup> And all citizens are to have an education, particularly in mathematics, which will enable them to grasp at least the rudiments of the workings of reason, in the cosmos and in the city. It would be strange if citizens had an education in the workings of reason, but grasped its workings in law only in the reduced sense of being rendered by their upbringing incapable of not deferring to it.

<sup>38</sup> 723a4–b2, referring specifically to the preambles. The learning comes through the docility of the acceptance, not the other way round.

<sup>39</sup> 951a7–b4; the context is the need to keep aware of what those outside the city, good and bad, are doing. Mere habituation will leave the citizens unprepared for new challenges.

Clearly, the preambles have the role of helping to make the citizens' relation to the laws a richer one than that of being disposed to obey them out of deference or fear of sanctions. They do this by 'persuading', and Plato explicates this by appeal both to rational explanation and to non-rational aspects of the citizens' upbringing which rely on praise and blame to mould their attitudes. We can see how in both kinds of case the citizens' disposition to obey the laws would be reinforced. Some kinds of upbringing, especially those using shame, make some kinds of action repulsive, or even unthinkable to people; and rational understanding makes people able to withstand intellectual assaults on their positions. But Plato insists that his is a 'double' approach; obedience to the law and fear of its penalties is never replaced, only reinforced. So far we have just found factors disposing people to obey the law readily and firmly, as well as out of deference to its authority. This suggestion also needs supplementation: we haven't yet found anything explaining how these law-abiding citizens are to be virtuous, to have good character.

Part of the answer here is, I think, to be found in a third suggestion, which stresses the way that Plato claims that those persuaded by the preambles would not need law at all. Magnesia is to be a state where all the citizens get a thorough ethical education, and in such a state the need for law with its penalties at all represents a kind of failure. It is, the Athenian says, in a way shameful to be legislating for a city which is to be well run and well equipped for virtue.<sup>40</sup> It has, then, been suggested<sup>41</sup> that the preambles give us an ideal, while the need for law represents a concession to the greed and competitiveness of our actual human nature. In the ideal state of affairs of the preambles, law would not be needed because the citizens would have proper understanding of what the preambles direct them towards; real life, however, requires laws and the less ideal motivation of those obeying them.

It is an objection to this suggestion that in the *Laws* the preambles are represented as an essential part of the same project as the laws – the 'double' project of making people be persuaded as well as obeying the law.<sup>42</sup>

<sup>40</sup> 853b3–c3.

<sup>41</sup> This position is defended by Laks (1990, 1991, 2000). I do not agree with Laks' claim that 857e3–5 shows that for Plato the lawgiver's task is to educate rather than to legislate; the passage is a vexed one, open to different interpretations (see above, n. 28). There are, however, many passages where Plato sees the need for law as an unfortunate fallback – for example, where citizens educated in Magnesia receive different penalties from those of foreigners and slaves who lacked the benefit of this education (e.g., 854d1–e6).

<sup>42</sup> 718b2–5, 720e2–5. Other objections to Laks' view can be found in Bobonich (2002: 109–11, 506–8). Here I am concerned simply with the point about virtue.

None the less, there is something right in the idea that the preambles put forward an ideal, while laws are there to correct actual defective behaviour. What we need is to find a role for the preambles that does justice to the point that they present an ideal, and shows how they can function to help people who obey the laws to become virtuous. If we cannot do this, we should note, we lack an adequate account of their role in the work, as well as an adequate account of how following laws will render the citizens virtuous. The account of such a role should also show why we cannot do justice to them by a focus on rational understanding alone or irrational habituation alone.

Here we can, I think, be pointed in the right direction by looking at another ancient author presenting a system of law as a context in which people learn to be virtuous and so happy. This is Philo of Alexandria, the Jewish philosopher and commentator on Scripture, who in a series of works on the Decalogue, the Special Laws and the Virtues presents the demands of Mosaic law in a way which shows how those who follow them with the right kind of understanding develop the virtues of piety, wisdom, temperance, courage and humanity.<sup>43</sup>

Philo is interpreting the Torah, which he takes to be the work of Moses as lawgiver. Moses, he says, differed from lawgivers who simply lay down what is and is not to be done, for he thought that to command (*prostattein*) without encouragement (*paramuthia*) is the way to treat slaves rather than free men. 'In his commands and prohibitions he suggests and advises for the most part rather than giving orders, trying to give guidance on the large number of necessary points by means of preambles (*prooimia*) and after-words, for the sake of exhorting (*protrepsasthai*) rather than forcing.'<sup>44</sup> Philo's own procedure can also reasonably be seen as aiming to show how the system of Mosaic law is not just a set of rules to obey but structures a way of life which can be positively and persuasively recommended.

The *Laws* is obviously, from the above passage, among Philo's influences,<sup>45</sup> and despite their obvious differences of aim Plato and Philo

share some important concerns.<sup>46</sup> They are both interpreting a system of laws which, being divine in origin, is not to be changed by any human political process (though it may need ongoing interpretation).<sup>47</sup> They both see these laws as aimed at making the community virtuous – in both cases, virtuous in a way in which piety, and the proper attitude to the divine, is dominant. Moreover, they both see living virtuously as being necessary for members of the community to live a happy, flourishing life.<sup>48</sup> I suggest, then, that paying attention to some general features of what Philo is doing may point us in the right direction as we try to answer the question of the role of the *Laws'* preambles in helping to make virtuous people out of Magnesians who think of themselves as slaves to the laws. I am not suggesting that we can argue from specific features of what Philo does to interpret Plato; for one thing, their tasks are quite different.<sup>49</sup> Philo is interpreting the Torah, and Plato is sketching an ideal state (a project of which Philo is quite critical).<sup>50</sup>

Two things are noteworthy about Philo's procedure. One is that it does not occur to him that laws and rules might be ethically self-standing, that what is ethically basic might be simply the peculiar force of rules. Living according to Mosaic law, he holds, produces a virtuous character, and he does not by this mean the mere disposition reliably to follow rules. The character he has in mind is described as one in which reasoning, feeling and decision are harmoniously integrated:

For each of the ten pronouncements individually and all together prepare and exhort us (*protrepousi*) to practical wisdom (*phronesis*) and justice and piety and the rest of the chorus of virtues. They make our words (*logoi*) healthy with good deliberations, and attach good actions to our words, so that the soul's instrument

<sup>43</sup> I am not a Philo scholar, and cannot address the issue of Philo's intended audience for these works. I have been much helped by the work of David Runia, Gregory Sterling, Hava Tirosh-Samuelson and especially Hindy Najman.

<sup>44</sup> See *Life of Moses* II 12–16. See Najman (2003) and Sterling (2003). Philo's views about divine law are influenced by the Stoics, and my claims about similarities between these specific projects of Philo and Plato do not rest on any larger claims about Philo's being a Platonist. I take him not to be committed to any of the pagan philosophical schools, but rather to use their work as material for his own interpretative task. See Mansfeld (1988).

<sup>45</sup> That Philo should be read in a eudaimonistic framework, and further that this is part of an ongoing Jewish tradition rather than an alien import from pagan philosophy, is argued in Tirosh-Samuelson (2003).

<sup>46</sup> From Aristobulus on (Fragment 3a Supplement in Holladay 1995), Jewish writers in the ancient world see Plato as influenced by Mosaic law, and thus see the *Laws* as an inferior, pagan version of a truth that the Jewish tradition has in a sounder form.

<sup>47</sup> *Life of Moses* II 49–52: it is more appropriate to set lawgiving in a cosmic framework than in that of an invented city. Philo seems to think that the latter compromises the lawgiver's task from the start. He ignores the *Laws'* own cosmic framework.

<sup>43</sup> *On the Decalogue, On the Special Laws, On the Virtues.* (I take no stand on the issue of whether the following sections, on repentance and on good birth, should be placed at this point or not.)

<sup>44</sup> *Life of Moses* II 51 (cf. all of 48–51).

<sup>45</sup> The influence of the *Laws* is quite widespread in Philo's writings. He borrows memorable phrases, though often using them with his own twist. For example, he uses the *Laws'* notorious image of humans as puppets (*Laws* 644d7–645c6, 804a4–b8), putting it into a Stoic context where it is the ruling part or *hegemonikon* which pulls the strings to move the other parts (*Op.* 117, *Abraham* 73, *Fug.* 46, *QG* III 48). The phrase about blind wealth at *Laws* 631c4–5 is used at *Special Laws* I 25 and elsewhere, adapted to the contexts. Other examples, gathered in the index to volume 10 of the Loeb edition of Philo, show similar changes and twists.

may throughout play in tune to produce concord of life and an unassailable harmony.<sup>11</sup>

Secondly, he does not treat the Ten Commandments as a list of isolated rules. Rather, he treats them as 'generic' rules which 'summarise' the specific ones, while the latter 'tend towards' the ten major ones.<sup>12</sup> The Sixth Commandment, 'You shall not commit adultery', for example, is not treated as an isolated prohibition of one kind of action. Rather, it is treated as the 'heading' round which are grouped a whole cluster of diverse positive and negative rules and practices unified by concern with the proper management of sexual desire. Thus we find prohibition not only of adultery but of incest, homosexuality, bestiality, rape and seduction, as well as rules regulating sex within marriage. Practices and rules covering different areas of life are unified by their reference to the aim of properly controlling and conducting sexual desire, which is taken to be universally strong and liable to transgress boundaries.<sup>13</sup>

In this way a variety of rules and the way these structure social practices are grouped in ways that relate them to an ethically salient aim. In keeping with the fact that Philo finds the control of *pathos*, passion or feeling, to be an important part of what many rules are for, we find that the Tenth Commandment, which Philo reads as 'You shall not desire',<sup>14</sup> is treated as the heading under which are brought rules to regulate desire. Nothing, Philo claims, is more troublesome than desire, the urge to get what we don't have; it leads us to think things good which are not, and so to disturb our values. Desire leads the irrational part of the soul to get the person to take various irrational and disastrous courses, and to mistaken evaluations of what in life is important. This happens in all areas of our life; desire for money, for example, turns people dishonest, desire for fame turns them unreliable and desire for power turns them unscrupulous. It is important, therefore, to discipline from the start the most basic form of desire, which will help to render its other forms more amenable. Hence the basic desires for food and drink are from the start to be regulated and

<sup>11</sup> *Special Laws* IV 134. Philo appeals to the idea of virtue as a disposition not merely to act in certain ways, but to do so for certain reasons, and to have one's feelings and emotions in harmony with this.

<sup>12</sup> *Special Laws* II 189: the Ten Commandments are *genikoi nomoi*, while the particular rules of Mosaic law are *ta en eidei*; III 7: *ta en merei* are said to *sunteinein* to the ten.

<sup>13</sup> *Special Laws* III 8–82.

<sup>14</sup> *Special Laws* IV 79–131. The discussion of desire is prominent in the treatment of the Tenth Commandment in *The Decalogue* 142–53. Philo is reading this commandment, in the Septuagint translation, as prohibiting *epithumein*, and takes it to concern desire as a fundamental and potentially disastrous aspect of human psychology.

trained by the dietary laws, which bring it about that even basic eating and drinking take place in a disciplined and discriminating framework. When hungry, members of the Jewish community will not just gratify desire, but will always think in terms of what foods are permitted and forbidden, and which ways food can and cannot be prepared. Thus desire for food will be trained to seek only orderly and discriminating gratification, and will come to take an orderly and discriminating form. This lays the foundation for a well-regulated character in a number of other areas where different kinds of desire are in question.<sup>15</sup> The overall aim of managing desire as the basis of well-regulated character thus leads to what might seem at first like the unobvious bringing of the Jewish dietary rules under the heading of the Tenth Commandment.

Similarly, Philo's treatment of the Fourth Commandment, to honour the Sabbath, treats the seventh day as only one of all the Jewish festivals, grouping them by the idea of right observance of a festival, something that requires the right frame of mind and not just the performance of ritual. He gives the different details of the festivals, all of which are to be scrupulously observed, focusing on the different ways in which these celebrations bring the members of the community to understand their relationship with God and with one another. If only we were not dominated by the vices, 'but the powers of the virtues had remained unconquered in any way, our time from birth to death would have been one continual festival, and families and cities, in peace and freedom from fear, would have been filled with good things in tranquility'.<sup>16</sup> For properly understood, keeping a festival is not having a good time but 'finding delight and festivity in the contemplation of the cosmos and what is in it, and in following nature and in harmony of words with actions and actions with words'.<sup>17</sup> (This idea, that the true meaning of a religious festival is to be found in the joys of virtuous living, is reminiscent of the passages in the *Laws* where the Athenian says that a citizen's life is properly to be thought of as one of ritual singing and dancing, these being proper forms of play (e.g., 803d2–c1 – a passage ending with a sharp reminder of humans' littleness in relation to God).)

Just from these three examples (more could be given) we can see that what is stressed is the ethical point of a given practice or following a given rule. This ethical aim is not obvious if we merely think of the rules in an isolated way, but a grasp of it can change the spirit in which the rules are

<sup>15</sup> The giving of first fruits is also important in this discipline (*Special Laws* IV 98–9.) Philo has many, mostly symbolic, explanations of why the dietary laws take the particular form that they do.

<sup>16</sup> *Special Laws* II 42. <sup>17</sup> *Special Laws* II 52.

followed. Obeying the Jewish dietary laws can be an exercise of temperance, not just rule-following, if done in relation to the aim of disciplining desire as the basis of good character. Avoiding adultery can be an exercise of virtue, not just obedience to rules, if done in relation to the aim of living in a manner in which sexual desire is from the start treated as more than mere gratification of desire, and is seen in a framework of marriage and its responsibilities.

The rules, then, are to be obeyed, but obedience to them is embedded in practices which structure what we can see to be a *good* way of life. Rules require obedience but also enable us to aspire to an ideal in the way we live, trying to improve our characters rather than merely conforming to what is demanded. Keeping the dietary laws, for example, can be seen as a way of developing, and living in accordance with, a disciplined set of appetites. Understanding this enables the following of the rules to become not merely a habit, but first a learning and then an exercise of temperance, and ultimately part of the development of a steady and self-disciplined character.

Philo, as I suggested, can point us in the right direction when we are thinking about the role of the preambles in the *Laws*. What his project suggests is the idea of presenting a system of laws supplemented neither by purely intellectual argument for their foundations, nor by merely rhetorical ways of inducing acceptance, but rather by a presentation of ethical aims – aims to be pursued not as an alternative to but rather in living in a way structured by these laws and rules. Such a presentation gets across the ideals of character to be achieved by the person who follows the rules, and such a person comes to see their education, and, when adult, their whole lives, as a constant exercise of self-improvement.

If we approach the preambles of the *Laws* with this in mind, we can see that they give us an ideal which is not an *alternative* to following laws. The laws, by commanding and prohibiting actions in various areas of life – birth, marriage, farming, political interaction – structure the citizens' activities and practices in those areas. The preambles set out for the citizens ideals of living that they are to achieve *in* following the laws. As they come to see obedience to laws in the light of ethical aims, they appreciate that following the laws is the way to become temperate, disciplined and thus better people.<sup>58</sup> The citizens thus come to aspire to an ideal in

<sup>58</sup> Temperance, self-discipline and lack of self-assertion are strongly emphasised in the *Laws*; the *Republic's* focus on justice is replaced by an emphasis on *sôphrosunê* as the citizen virtue (though even in the *Laws* itself it continues to be seen as a characteristically female rather than male virtue).

doing what they do, and see their actions as aimed at a good beyond that of merely following the rules.<sup>59</sup> They come to see that they have reasons for doing what they do, reasons referring to the good achieved for them and for society in their following these rules and engaging in the practices they structure. Further, if guided by the right kind of education, they come to internalise this understanding in a way that is harmonious with their feelings and emotions. They come to follow the laws in a way which expresses virtue.

Take, for example, the *Laws'* very first preamble, put forward as an example.<sup>60</sup> Men are to marry between the ages of thirty and thirty-five; otherwise they are to be penalised by fines and loss of status. They are also to be persuaded by a preamble, which briefly develops the idea that it is natural for a human being to look further than the span of his own<sup>61</sup> biological life, and to aim at a kind of immortality, as is shown by the desire for posthumous fame. It is not 'pious' (*hosion*), the preamble claims, to break the link of generation which keeps humans going on without end, for this shows lack of understanding of a crucial fact about humans: the way in which individual humans look beyond their own lives and see themselves as part of a continuous linked family.

This is not a piece of argument, or in any obvious way a rhetorical 'spell'. It is a discursive attempt to give individual humans a correct, rather than a misguided, understanding of what it is to be human, one to be understood, as the context stresses,<sup>62</sup> in tandem with the law and its penalties.

Without the understanding provided by the preamble, someone might get married as a possibly disagreeable obligation. With it, he is more likely to think of getting married in an unforced way, as something he does without prompting at a certain stage of life because it is part of what he understands as living well. He will find getting married attractive, and will see his life as improved by his change in status, because he is aware of it as part of what humans do in a good society where the generations are linked.<sup>63</sup>

<sup>59</sup> The latter will always be important, however, for the city's stability. <sup>60</sup> 721b6–d6.

<sup>61</sup> Despite the *Laws'* (somewhat unclear) commitment to including women in the citizen body, it is definitely men who are in mind here. The passage is bound to remind us of *Symposium* 207c–208e (though without the contrast with the higher-minded who seek immortality through non-physical means).

<sup>62</sup> The Athenian goes on to stress the benefits of using both methods, persuasion and force, not merely one (722e1–723b2).

<sup>63</sup> The importance of family, of respecting elders and of maintaining family continuity, is a very strong theme in the *Laws*.



He will see someone who fails to marry as not just a lawbreaker but as selfish, lacking appreciation for what makes a citizen's life a good one. He will develop the appropriate disposition, one which will be expressed in contexts other than marriage, and will concern family life as a whole. Given that this disposition does in fact lead to humans living the best life for them (something which Plato assumes without arguing for it in the *Laws*), this is one way in which he will develop the virtues. Following this law in the right way can be, for someone with the appropriate understanding, part of living virtuously and thus happily.

The great preamble in Book 5 to the laws as a whole is also neither rational argument nor rhetorical 'spell'. It has sometimes been characterised as a sermon, and this is (for us) not entirely inappropriate. It makes the claim that a human should, after honouring the gods, honour his soul before his body and possessions; this is the attitude that should direct treatment of family, friends, fellow-citizens and strangers. Honouring the soul is explicated in terms of making virtue one's overall aim, and this notion of virtue is then spelled out further in terms of combining what is good in spiritedness and gentleness, and avoiding selfishness and self-assertion. Moreover, the preamble ends, a life in which these are the priorities is in fact the most pleasant, and therefore the one that everybody really aims for.

A citizen of Magnesia who took this preamble to heart would thereby have learnt that in obeying the laws he was not just avoiding penalties, but rather coming to live a *good* life, one in which he was being educated to have the right aims and ideals. This cannot be adequately seen as simply being given rational justification, or simply being 'magicked' into obeying the laws. Rather, he has come to see himself as having an aim, in living according to the laws, which he accepts in his life as a whole, in both rational and non-rational aspects. And so he realises that in living according to the laws he is not just staying out of trouble, but is coming to have good values, and is becoming someone to whom living virtuously is unforcedly pleasant.

This is, in an obvious way, a more positive attitude to obeying Magnesian laws than he would have had without the preamble. A citizen seeing the preamble as giving him a positive ideal to work towards would see the laws, and obedience to them, not just as a way of keeping stable order in the state but as a positive help towards rendering himself and all the citizens virtuous. Magnesian citizens thus do not merely avoid breaking the law; they have a positive attitude to it and to its being obeyed, by themselves and by others. One aspect of this which Plato stresses is that part of

being a good citizen in Magnesia involves not just obeying the law oneself but intervening and informing on lawbreaking by others.<sup>64</sup>

This account of the role of the preambles makes it easy to see why Plato lays stress on the importance of contexts for praise and blame which don't fall under law proper, and why he puts great emphasis on informal regulation and social sanction. It is not practicable for laws to regulate every detail of family life, yet it is important for citizens' lives overall to reflect correct values if the laws are not to be destabilised. Plato relies on the thought that citizens educated in his state will appreciate the values that are fostered by obeying the laws, and thus will come to praise and blame behaviour in ways that will, as we say, informally 'police' it, before it gets to the stage of needing law and hence punishment to be imposed.<sup>65</sup>

This fits well with the idea that obeying the laws should properly be done in awareness not only of their demands but also of the ideals that obeying them will enable citizens to achieve. We obey the demands of divine reason not only by habitually conforming to the laws but by coming to understand them. Since we obey them in the everyday contexts of our social practices, we come to have proper understanding of them by coming to appreciate how following them is part of a good way of life. Coming to understand this will in turn enable citizens to draw the right distinctions, and praise and blame the right things, in daily life. The informal system of praise, blame and other informal sanctions thus produced supports the actual laws in two ways. It enables the citizens' law-abidingness to become a self-maintaining system, where education can ideally obviate the need for the threat of penalties. And it produces individuals who follow the laws and organise their lives in self-directed ways. It is not through fear of penalties that Magnesia's citizens leap from their beds every day before dawn and get moving before the servants do.<sup>66</sup>

Citizens, then, are obliged to obey the laws – not just those enforceable in court but the 'unwritten laws' and practices of Magnesia which are enforced

<sup>64</sup> While doing no wrong is honourable (*simios*), the person who does not let others get away with wrongdoing is twice as worthy, since in informing to the magistrates he 'counts as' many rather than just one. Still more commendable is the person who assists the state officials in punishing wrongdoing (730d2–7). Sometimes legislation includes penalties for those who fail to inform on wrongdoing (e.g., 808e7–809a3).

<sup>65</sup> 793a9–d5, 822d2–823a6. Philo makes a similar point: 'Habits (*ethē*) are unwritten laws, the resolutions (*dogmata*) of men of old, engraved not on monuments or on papyrus, which gets eaten up by moths, but on the souls of people who share in the same constitution' (*Special Laws* IV 149–50). People should inherit these from their parents, and not despise them because they are not written down. Cf. *On the Virtues* 65.

<sup>66</sup> 806d7–808c6. Sleeping and waking appropriately is, obviously, a habit that cannot be commanded by law but must spring from a self-directed ordering of one's life.

by community praise and blame. Educating themselves to follow these laws, however, eventually renders them virtuous, because the laws structure practices that enable and encourage ideals that citizens can follow in order to live the good, and so happy, life. Hence it is not the most 'complete' praise of a citizen for virtue to say that he best serves the laws and is most obedient to them; more complete praise is that he passes his life throughout obeying the lawgiver's words not only of law but also of praise and blame.<sup>67</sup>

This suggestion about the role of the preambles puts into context what is right about the previous suggestions. The preambles do present an ideal – but one which is to be achieved in following the laws, not as an alternative to them, though it is correct that for well-educated citizens the laws' sanctions should always be a back-up and not foremost in their minds. We can also see that preambles will use both rational argument and non-rational rhetorical devices, and which will be used, or will preponderate, will depend on the topic. Citizens who have once got the idea of atheism need to be met with argument, since a rational challenge to tradition has to be met on its own ground; and we need argument to sort out the place of voluntariness in the legal code. But sometimes, as when dealing with unruly forces like sexual desire or homicidal rage, irrational means are a more effective way of getting across the point of a regulation.

I have tried to show how the preambles in the *Laws* play an important role in showing how a society whose citizens' lives are organised by a system of laws can also be seen as a society whose aim is the virtue (and hence happiness) of the citizens, without any weakening of the notion of virtue. As Plato stresses, the lawgiver's task is always the double one of persuading as well as forbidding, since his aim is a society of virtuous people. Plato encourages us to see the preambles in this light, given his stress on them as well as on the formal and informal education of the citizens from the cradle to the grave. But how does this fit with the sharp insistence, which I earlier highlighted, on the citizens and their rulers as 'slaves of the laws'? Plato goes out of his way to make us notice his harsh metaphor characterising free citizens as slaves to the laws. How does this fit with his picture of obeying the law as leading to virtue if done in pursuit of the ideals given by understanding of the laws' aims?

For Plato in the *Laws*, as we have seen, actual slavery embodies the idea of deference to unquestioned authority. In seeing ourselves as slaves to the

<sup>67</sup> 822e4–823a1; here the preambles as well as the laws proper are referred to as the lawgiver's 'writing'. The lawgiver must write down what things seem to him fine and not fine 'interwoven' (*empeplegmena*) with the laws (823a2–5).

laws, we are to see ourselves as obeying their requirements without question. What is ethically basic is seen as a matter of *demand*. One of the most interesting aspects of the *Laws* is that Plato uses the highly charged metaphor of slavery to claim that this should be our relationship to laws. The laws, like masters, give us orders and commands (*epitaxis*) and we have to do what they say; that is just what the relationship is.

Plato does not of course think that we should have this relationship to any actual laws, any more than to any actual rulers; we should have it only to laws of an ideally planned and governed society. We should have it to laws which aim at our good, so that in following them we live virtuous and so happy lives. Thus the authority we defer to is expert understanding of our good, which we ourselves lack. In the *Republic* it was the Guardians who had this expert knowledge; in the *Laws* it is embodied in the laws. Plato does two things which are new. One is to sharpen our understanding of obedience by means of the metaphor of slavery to the laws. The other is to pair this with the idea that we can, through the persuasion of the preambles, grasp the ideals to be achieved in following the laws, so that we become virtuous in so doing. Virtue is thus unified with the notion of obligation in a way which is distinctive. It is a commonplace that ancient social and political thought focuses its reflective attention on the notions of *good* and *virtue* rather than the deontic notions of *rules* and *obligations*. In the *Laws* Plato synthesises these two kinds of notion to produce a result which is far more similar to Philo's interpretation of the Law than it is to the thought of Aristotle's *Politics*, and which finds no substantive echo in pagan ethical and social thought generally.

The plausibility of this relation between law and virtue rests, of course, on Plato's grounds for thinking that the laws he discusses will in fact be the basis for the good and happy life. Plato himself makes the claim that law is not just reason but divine reason; those who use their minds and think rationally will come to understand the way that the cosmos as a whole, and human society in particular, is rationally organised by the divine. The way law thus comes from God makes it reasonable to see Plato's Magnesia as a theocracy,<sup>68</sup> and we should thus not be surprised to find analogies with Philo, although they differ in ways corresponding to the ways that their theologies differ. For Plato theology is a matter of rational understanding, based on mathematics and astronomy; for Philo it centrally focuses on interpretation of a sacred text. Still, Plato says many things in this text that became congenial to the later Judaeo-Christian tradition: God, not man,

<sup>68</sup> The actual word *theokratia* first occurs much later (Josephus, *Against Apion* II 165).

is the measure of all things;<sup>69</sup> self-love is the root of most evils;<sup>70</sup> we should be humble before God, not self-assertive,<sup>71</sup> and think of human matters as utterly insignificant in relation to God.<sup>72</sup>

As I said earlier, Plato's ideas in the *Laws* are, despite the dogmatic tone, often suggestive in opening up the way we think, particularly about ancient ethical and political thought. I will end by suggesting two ways in which this seems to me to be the case.

Recent discussion of the *Laws* has emphasised ways in which it anticipates Aristotle in taking political society to be a community of free and equal individuals taking turns ruling and being ruled,<sup>73</sup> aiming at the common good. In such a society the individual is recognised as having a status missing in the hierarchical structure of the *Republic*. There are elements in the *Laws* which bring this out, but there are also the strong analogies I have stressed here to explicitly theocratic societies, where the ethical framework of the community is found in demands from a divine source, demands which have the force of obligations, and which, because their source is divine, can't be changed by mere human agreement (though they will need ongoing interpretation).<sup>74</sup> The *Laws* gives us an interesting combination of theocracy with the more familiar picture in ancient political thought of society's aim being the virtue and so happiness of the citizens.

The unfamiliarity of this combination indicates dangers in seeing Plato's political ideas in terms of our own. This is a tendency which has produced particularly toxic results for the *Republic* but which is problematic with any ancient text. Rather than trying to locate the *Laws* in any one tradition of political thought, I think it is probably more fruitful for us to study the ways in which it can combine ideas which for us belong in different traditions.

<sup>69</sup> 715e7–716d4, esp. 716c4–6.      <sup>70</sup> 731d6–732b5.

<sup>71</sup> 715e7–716a4: the person hoping to be happy should be humble (*tapeinos*) in following God; the self-assertive person is doomed to unhappiness. Elsewhere *tapeinos* is an unfavourable term, and even in the *Laws* it appears as an undesirable extreme of spiritlessness and grovelling (728d1–5, 791d5–9).

<sup>72</sup> The passage 803c2–804c1 is remarkable for its insistence that humans are altogether insignificant in relation to God; even Megillus is shocked by this idea.

<sup>73</sup> 643e3–6.

<sup>74</sup> The *Laws* contains both the view that a successfully created society should be self-sustaining and complete (960b5–c1), and the recognition of the need for an analogue of the painter who can continue to improve his creation and teach others to do so (769b6–771a4). (The fact that ten years is set as the limit for improving the regulations about sacrifices and dances at 772a4–d4 should not encourage us to think of total stasis for the whole law system.) Cf. 951a4–c4, where the city, to preserve its laws, has to grasp them with understanding and not just habit; this is a reason for seeking useful information from foreign travel. Some kind of ongoing adjustment seems to be the province of the Nocturnal Council.

The other way in which the *Laws* can perhaps open up or extend our philosophical discussions concerns virtue. It is a familiar fact that the last two decades have seen a huge revival of interest in virtue ethics, much of it focusing on naturalistic virtue ethics of an Aristotelian kind, in which the virtues are rooted in human nature. Much of the impetus for the revival of virtue ethics is rightly given to Elizabeth Anscombe's article 'Modern Moral Philosophy', in which she does indeed make some statements which have been influential in the modern revival of neo-Aristotelian virtue ethics. But it has been less noticed that Anscombe herself makes the following striking statement: 'To have a *law* conception of ethics is to hold that what is needed for conformity with the virtues failure in which is the mark of being bad *qua* man ... – that what is needed for *this*, is required by divine law.'<sup>75</sup>

The modern development of Anscombe's ideas has focused on neo-Aristotelian virtue ethics, which think of the virtues in the context of human nature and are congenial to modern naturalism and secularism. The idea of virtue as developed within a framework of divine law has not had similarly extensive contemporary examination. Perhaps some of this neglect has been due to the assumption that within such a framework all that virtue could amount to would be reliable rule-following, perhaps motivated by fear of sanctions. The *Laws* is one of the works that can enable us to see the limitations of this line of thought. For, despite the new kind of emphasis on law, one thing Plato does not do is to thin out his citizens' disposition to obey the laws, making it mindless, merely habitual or motivated by avoidance of sanctions. He is not satisfied to make it anything less than virtue. For we all want happiness; and only virtue can lead to happiness.

<sup>75</sup> Anscombe (1997: 31). She adds, 'Naturally it is not possible to have such a conception unless you believe in God as a lawgiver; like Jews, Stoics and Christians.' (I think it is reasonable to include the Plato of the *Laws* in this group.) See the articles by Roger Crisp, Sabina Lovibond and Onora O'Neill in O'Hear (2004).

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