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Introduction

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It is common to begin an article or a book on Plato's *Laws* with the lament that the *Laws* has generally been neglected.¹ Although it remains true that the dialogue has been vastly under-studied, much more has been written on it since the late 1990s or so. This volume is not intended to summarize that literature for the general reader. Instead it offers chapters that are on the cutting edge of current scholarship and that not only contribute to ongoing debates, but also start fresh lines of inquiry.

The *Laws* is the longest of Plato's dialogues and probably the last (given its length, its composition may have overlapped with that of other late dialogues). Aristotle reports (*Politics* 2.6) that it is later than the *Republic*, and there is internal and external evidence that it did not receive its final touches before Plato died. In the *Laws*, Plato returns to the project of describing the foundation of a just or good city and sketches in considerable detail its constitution, laws, offices, and other social institutions. The dialogue is set on Crete and consists of a conversation in twelve books among an Athenian Visitor (by far and away the main speaker) and his two interlocutors: Megillus, a Spartan, and Kleinias, a Cretan. Their introductory conversation in the first three books is on topics relevant to lawmaking: the proper aim (*telos*) of legislation, which is the happiness (*eudaimonia*) and virtue of the citizens; the nature of virtue; some issues in ethical psychology; and the history of constitutions. At the end of Book 3, Kleinias reveals that he is one of ten Cretans in charge of making laws for a new city, Magnesia, to be founded in an unpopulated part of Crete. The rest of the *Laws* consists of a description of this city.

I would like to thank my wife, Karen, and our furry children, Arby, Plato, and Sappho, for putting up with me as I engaged in this project.

¹ From the 1960s on, the late Trevor Saunders did more than anyone else to keep interest in the *Laws* alive. Everyone working on the *Laws* is indebted to him.

Famously, the constitution of Magnesia is said to be “second-best” to one in which women, children, and property are held in common (*Laws* 739a–740a). Gods or children of gods inhabit the city in which all is held in common; real human beings will inhabit Magnesia and thus it has private households and a form of private property. Plato here explicitly calls the *Republic* to our attention, although it is controversial whether the city to which Magnesia is said to be “second-best” is the one sketched in the *Republic*.²

Aristotle, rather unfairly, dismisses the *Laws* as “mostly a collection of laws” (*Pol.* 1265a1–2) that is presumably without much theoretical reflection. But although specific statutes occupy a considerable portion of the *Laws*’ text, there is much more of philosophical interest to be found there. Let me note just a few topics.

- 1 There is an account of the origins and nature of political community. Plato advances and defends a conception of the good political community as one that aims at the common good and, specifically, aims at fostering all the virtues in the citizenship as a whole.
- 2 Plato here gives what is essential to a eudaimonist theory, that is, an account of what is good for human beings. Only virtue is good for its possessor no matter what else she has or lacks. Other things commonly thought to be good, such as health and wealth, are good for virtuous people, but are not good and may indeed be bad for those lacking virtue. Similarly, things such as ill health or poverty are bad for the virtuous, but are good or at any rate not bad for the unvirtuous. This theory of the dependency of other goods on virtue is philosophically subtle. It is related to views expressed in the *Euthydemus* and the *Meno*, and how it is related to the theories of the good in the *Republic* and *Philebus* is an important question.
- 3 The *Laws* treats of many topics essential to Plato’s ethical psychology, such as pleasure and pain and their importance in choice, weakness of will or *akrasia*, the nature and content of non-rational motivations, and how to educate and train citizens to be as stably virtuous as possible.
- 4 There is an extremely detailed account of the political, legal, and social structures that are designed to foster virtue and fellow feeling in a city that is, nevertheless, based on private families and households. As part of this, there is a sustained and controversial discussion of the political and social roles of women.

² Traditional interpretations straightforwardly identify the city of the *Republic* with the “best city”; for other interpretations, see, e.g., Bobonich (2002: 10–12) and Laks (2001).

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- 5 Given the centrality of law and obedience to the law in Magnesia, Plato takes up a number of topics in legal theory. The nature of just law, Plato thinks, is that it is an expression of reason (*Laws* 713e–714a). We should ask here how this relates to the criticisms of law in the *Republic* and especially in the *Statesman* in which Plato faults the law's unavoidable generality. Further, in so far as law is an expression of reason and designed to lead people to genuine virtue, it is continuous with ethical education. Plato emphasizes this by attaching preludes to the laws and the law code in general that are explicitly seen as educating the citizens. But in so far as law has the form of a command and has an attached penalty, it is coercive. One of the central questions about law in the *Laws* is how to reconcile its educational and coercive aspects.
- 6 The *Laws* provides a general theory of punishment, and as part of doing so, Plato tries to show how to reconcile the old Socratic tenet that "No one does wrong willingly" with the distinction required by the law code between harms that are done deliberately or intentionally and those that are not.
- 7 Book 10 contains the official theology of Magnesia, which citizens are required to accept. Although acceptance is mandatory, Book 10 is intended to be read and studied by the citizens and contains arguments for the principles of the theology, including an argument for the existence of god that is based on a conception of the soul as a self-mover.

The chapters in this volume, to varying degrees and in different ways, try to bring the claims, arguments, and problems of the *Laws* into contact with those in other dialogues. There are those who think that each dialogue is its own universe and can only be properly interpreted by drawing on the resources it itself provides without turning to any other dialogues. These people will not approve of the methods used here. But it is especially important to realize that the strategy of bringing the *Laws* and its arguments into conversation with other dialogues does not require any particular view about the development or unity of Plato's philosophical views. Indeed, one can remain neutral on all issues of chronology. One might, for example, examine at one time the topic of obedience to the law in the *Crito*, *Laws*, *Republic*, and *Statesman* without any view about the chronology of these writings. Nevertheless, questions and puzzles from one dialogue may inform one's analysis of others.

Probably most of the authors in this collection make some chronological judgments about the dialogues and everyone, I think, puts the *Laws* very late. They differ among themselves as to whether Plato's views develop

and, if so, whether they do so by gradual addition and clarification or whether there are more significant shifts. Given the great variety of topics discussed in the *Laws*, there is much to be gained by bringing its views and arguments into the discussion of other dialogues. The process of doing so will encourage more careful philosophical analysis of what is found in each dialogue, and close attention to what the logical implications of each view are and from what other claims or arguments the views may follow. By attempting such readings, we shall only gain in our understanding of the claims that Plato makes and their implications. We shall thus better understand not only the *Laws* itself, but also the other dialogues with which it is in conversation.

Although there has been much more scholarship on the *Laws* since the beginning of the 1990s than in the preceding decades, we are still at the very early stages of reflecting philosophically on the *Laws* in connection with Plato's other dialogues. The chapters in this collection show some of the exciting results of doing so. We very much hope that their publication in one place will serve to stimulate work that will bring new illumination to standing debates and that will open up fresh avenues of inquiry that are not currently available.

The first two chapters concern themselves with how to read the *Laws* as a whole. As Malcolm Schofield notes, the *Laws* has often seemed to lack a coherent structure and Aristotle in the *Politics* is dismissive of the *Laws*' contribution to political philosophy. But Schofield argues that such attitudes are mistakes and finds in the *Laws* two distinct projects that are well integrated, in addition to finding that Aristotle's *Politics* is far more indebted to the *Laws* than it initially seems. The starting point for distinguishing the two projects is Aristotle's claim that Plato's original intent in the *Laws* was to sketch a "more common form" (i.e., more capable of adoption by existing cities) of political system, but that he deviated from it. Schofield argues that starting with Book 5's great introductory monologue to all the citizens we see Plato engaging in the project of describing a "second-best" city. Although such a city in some ways falls short of the city of the *Republic*, it is an idealizing project that attempts to construct a political system that brings out the very best that is possible in its citizens and gives them the best chance for attaining virtue and happiness.

The second project is to describe a system that takes human beings much as they are and does the best it can to construct a society in which freedom is properly constrained by wisdom. This latter project is primarily developed through the histories of Athens, Persia, and Sparta that Plato sketches in Book 3. The educational lesson of these histories is that all

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three regimes did best when they combined freedom for the citizens with wise authority and thus engendered friendship among the citizens. As the variety in these regimes suggests, such a scheme can be instantiated in many different ways and can actually be found in real cities. These two projects are, however, not in conflict and as Plato reflects on the ways in which the political and legal system is both coercive and educational, the two projects gain in depth. But in the end, Schofield thinks, the project of finding a more common form of constitution remains subsidiary to the idealizing project of describing a community of the virtuous.

Christopher Rowe in his contribution argues for a way of reading the *Laws* that is consistent with a wider methodology for reading Plato. The *Laws*, Rowe argues, operates simultaneously on three levels: that on which the non-philosophical interlocutors, Kleinias and Megillus, are, the level at which the colonists are to be, and finally the level of experienced and accomplished philosophers. The last group will expect to find adequate philosophical justification for the claims made. What makes Rowe's proposal distinctive is that he thinks that the text of the *Laws* tends to direct the philosophical reader to the arguments and conclusions of other dialogues for such justification. (Rowe thus tends to read the dialogues less as dialectical and more as statements of positions.) A major part of Rowe's evidence for this claim is found in the wealth of textual resonances in the *Laws* with other dialogues. Rowe, in fascinating detail, works through a number of such examples, especially in Book 4 of the *Laws*, and argues that they show that often the fundamental justification and, indeed, the real point of the *Laws*' text may be missed by the interlocutors, but will be found by the philosophical reader deeply familiar with the other dialogues.

The next three chapters turn to the topic of virtue in the *Laws*. Richard Kraut places his discussion of the *Laws* in a larger context, that is, Plato's exploration from the *Phaedo* to the *Republic* to the *Laws* of how a political community can be formed among those who have more understanding of the good and those with less understanding. Starting with the *Phaedo*, Kraut considers the kind of virtue that ordinary people, that is, those who are not philosophers, can have. Kraut argues that ordinary people cannot have real virtue because they lack wisdom, but that many of them have a kind of virtue that is of some genuine value and they have something sound in their grasp of what is good. Kraut suggests that these people, like many portrayed in the dialogues, have conflicting beliefs. On the surface, they might say that virtue is only instrumentally good, but they also have, usually without their own awareness, a belief that virtue is good in itself. Kraut argues that

Plato in the *Republic* thinks that the non-philosophical citizens will have an even higher sort of virtue since they realize – unlike the ordinarily virtuous in the *Phaedo* – that their own understanding of virtue is inferior to that of philosophers. Even the members of the producer class will typically believe that virtue is good in itself although they might believe other, possibly conflicting, things are also good in themselves. Nevertheless, Plato pays very little attention to the education and well-being of the producer class. The *Laws*, Kraut thinks, fills a major gap in Plato's political theory by focusing on the sort of ordinary virtue that a member of the *Republic's* producer class might have. But the members of the producer class are even better off than the vast majority of the citizens in Magnesia because they live under the direct supervision of philosophers. Nevertheless, on Kraut's reading, we can see how the *Phaedo*, the *Republic*, and the *Laws* are all consistent with each other on the topic of ordinary virtue.

Julia Annas notes that although in both the *Republic* and the *Laws* the city aims at the happiness of citizens, in Magnesia the citizens are to become virtuous and thus happy through obedience to law while in Kallipolis it is through obedience to the proper rulers. Indeed, in the *Laws* Plato emphasizes the idea of "slavery to the laws." But Plato also expects the citizens in Magnesia to be virtuous in a full-blooded way and not out of fear of the law or mere habituation to it. In the *Laws*, Plato thinks that preambles should persuade the citizens. Annas focuses on how the preambles help the citizens become genuinely virtuous. She considers and rejects three previous interpretations of the preambles as not wholly satisfactory. The first emphasizes the way in which the preambles serve to provide rational justification of the law; the second suggests the preambles work on the citizens in non-rational, rhetorical ways to get them to want to comply with the law; and the third suggests that the preambles represent an unattainable ideal in which the citizens do not need law at all. Annas' own solution suggests that we look to Philo, the first-century CE Jewish philosopher. Philo sees the Mosaic law as a system of law leading its followers to genuine virtue, and his work clearly shows the influence of the *Laws*. Philo's project is to give an account of the ethical aims of the law that shows the point of the law or practice and how one can develop a good character structured by it. Annas suggests that the preambles in the *Laws* work in a similar way, employing both rational and non-rational means. Annas ends by suggesting that the *Laws* can help us think about the ways in which reliable rule-following might be embodied in a life of genuine virtue. (One might compare Annas' and Kraut's view on the nature of the citizens' virtue in the *Laws*.)

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Terence Irwin takes up the novel and important question of whether the *Laws* treats morality as a form of internal natural law. For a characterization of natural law, Irwin draws on Cicero. The moral content of “true law” comes from its agreement with human nature. Natural law binds all people and can be discovered by anyone with reason. In the *Laws*, Plato thinks of true law as an ordering by intelligence, and positive law as rational in so far as it approaches true law. But people are generally ignorant that (1) the political craft should aim at the common good, and (2) one achieves one’s own good only by aiming at the common good. Our motivational deficiencies stem from our tendencies to pursue pleasure and avoid pain. One line of thought suggests that Plato does not endorse natural law. On this view, law is inherently defective in two ways according to Plato: it would not be needed by someone with knowledge and the right nature, and law because of its generality cannot discover what is best in every case. Since experts nevertheless have general principles that justify their particular decisions, law would have to be something other than such general principles.

There is evidence, however, that Plato is not committed to the idea that the law is second-best. The preambles or prefaces to the laws, Irwin thinks, aim at rational persuasion. (One might compare this view to Annas’s.) Appealing to Plato’s analogy of the soul as a puppet in *Laws* Book I, Irwin holds that Plato thinks of internal law, at least when correct, as moral principles based on facts about human nature and what is good for humans that provide the basis for criticism of positive law. Plato thus agrees with later natural law theorists. This internal law regulates our tendency to excessive self-love and is thus a prescription of practical reason that accepts the supremacy of one’s own happiness, but also accepts that attaining happiness requires aiming at the common good. The fact that Plato is not a deontologist does not exclude him from the natural law tradition if, as is plausible, we see this tradition as including the Stoics, Augustine, and Aquinas.

The next three chapters consider issues in Plato’s ethical psychology. Dorothea Frede examines the role of pleasure in the *Laws*. Beginning in the *Gorgias*, Frede argues, Plato sees pleasure as a kind of process rather than a stable state or an awareness of such a state. Even in the *Philebus*, in which some have seen Plato as advocating a “steady-state” account of pleasure, Frede suggests that Plato still sees pleasure as a process, that is, the restoration of a natural equilibrium. In the *Laws*, in Frede’s view, Plato is not trying to give a theory of pleasure, but accepts our ordinary understanding of it as sufficient for his purposes there. Frede examines the famous analogy

of the soul with a puppet in Book I, and finds that although it does not provide a full account of the *Laws*' psychology, it does stress how delicate the equilibrium is among the psychic forces in an individual. Unlike the *Republic*, in the *Laws*, appetites do not form a separate part of the soul and are not appeased or eradicated by reason. The consequence, Frede suggests, is that even the virtuous soul is not in a condition of permanent harmony. This need for continual educational correction explains Plato's establishment of frequent religious festivals whose songs and dances reinforce the proper emotional attitudes. Correctly taken pleasure is a sign of moving in the right direction and, more than he did earlier, Plato also thinks that the citizens' education must as well foster negative feelings such as hatred of the bad and fear of being shamed. Such stability as human, as opposed to divine, souls are capable of requires constant self-improvement and self-restoration.

Rachana Kamtekar begins with the question of why Plato prescribes the specific kinds of physical activity (e.g., dancing) that he does, but the chapter becomes a general discussion of the nature and role of non-rational motivations. Kamtekar argues that the *Timaeus* and the *Laws* see psychological attitudes as kinds of motion, and she shows how this is consistent with the tri-partitioning of the soul in the *Republic* and *Timaeus* (although she sees such partitioning as protreptic rather than as evincing ontological commitment). She also draws on the *Timaeus* to argue that non-rational soul-parts are motivationally self-sufficient and that this is part of our soul's design. In particular, she argues that there is a teleological explanation for the ability of non-rational soul-parts to motivate action all by themselves. The good purpose served is that in this way the rational part is enabled to think and to rule without being disturbed by the affections of the lower parts. The details of how the non-rational parts do this are not made clear by Plato, and Kamtekar explores various possibilities. She ultimately finds the best-supported option is the idea that the rational part, having first experienced non-rational affections, is freed from them in virtue of other parts taking them on. This prepares the answer to her initial question. The right physical activities give the rational part a pleasing example of order from which it may develop more sophisticated conceptions of order; they make the appetitive less passive with respect to pain; and they cancel out psychological affections that have become detached from the opinions associated with them.

In my chapter, I also consider the nature of non-rational motivations in the *Timaeus* and the *Laws*. I defend the view that at least some non-rational motivations have conceptual or propositional content (although

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they may also have imagistic content) against some recent interpretations that attribute to them only imagistic content. I consider the limitations of images: they are indeterminate or ambiguous; they are very limited in what they can represent; and it is hard to explain how they interact appropriately with information to produce action. I turn to examining passages from the *Timaeus* that seem to deny belief to the appetitive part of the soul. I argue that the appetitive part is not a genuine subject that is capable of being aware of and operating on its states and suggest a more nuanced understanding of what it is. I argue that a more philosophically sophisticated account is present in the *Timaeus* and that on it, at least some non-rational motivations have conceptual content (although they may have imagistic content as well). This allows us to recognize the complexity of non-rational motivations: some have content that goes beyond what is describable in purely sensible terms. Finally, I suggest that allowing conceptual resources to at least some non-rational motivations has two significant advantages over the imagistic interpretation with respect to Plato's ethics. First, it allows us to see how they can embody, albeit partially and imperfectly, some value content and thus be of more than instrumental worth. Second, it allows us to see how ethical learning can be a gradual process and how non-rational motivations can play an important role in such an education in virtue of their content.

The final three chapters concern specific topics in the *Laws*. Thanassis Samaras provides a learned and detailed account of the structure of the family and the role of women in Magnesia that is also very informative about Magnesia's economic and educational structures. The ideal of the *Laws*, Samaras thinks, is not of an aristocracy of philosophers, but the conservative ideal of the Greek soldier-farmer. There is, however, Samaras argues, a recurrent tension in Magnesia between the concessions that Plato now thinks must be made to the household (*oikos*) as the fundamental social unit and those institutions designed to foster virtue and friendship among the citizens. Magnesia is in the first place a city of households: in the *Laws*, Plato makes citizenship and belonging to a landowning household absolutely co-extensive. Plato draws upon both the tradition of the past "ancestral constitution" of Athens and, to a lesser extent, that of Crete and Sparta in forms that are inherently conservative. Two primary ways in which Plato strengthens the household are by making land inalienable, a practice not found in contemporary Greece, and by allowing inheritance only by a single son, which conflicts with the universal Greek practice of dividing land among all the sons. But Plato also insists on universal mandatory education and common meals (both Spartan practices). These

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institutions restrict the household's autonomy in order to foster virtue and friendship. But Plato never explains how to integrate these later institutions with the household, and this is a sign of the *Laws*' not fully resolved tension between the household and collectivist institutions.

With respect to women, Samaras argues, Plato gives them equality of opportunity even if he does not believe in essential gender equality. As part of equality of opportunity, Plato accepts that women can achieve virtue – which is a requirement of holding office – and makes them eligible for office (at certain periods of their lives), including the highest ones. But as part of accepting the household as a fundamental unit, Plato also excludes women from public life from about twenty to forty years of age in order that they may deal with childbearing and childrearing. Women, moreover, are denied the right to own property in their own person and have no control over whom they will marry. Plato does not reconcile the active political role he allows to women and their passive role as members of a traditional household.

Robert Mayhew writes on the *Laws*' theology, which he describes as “imprecise or incomplete” in important ways. But Mayhew also thinks that Plato is aware of this vagueness. Mayhew offers a wide-ranging discussion of the *Laws*' theology and does not focus exclusively on Book 10. In examining Books 4 and 7, Mayhew shows how Plato develops the idea that god is the measure of all things and, in particular, is the measure of the virtues by possessing them all in the best way. Becoming like god is portrayed as becoming virtuous and thereby becoming dear to god. Mayhew then turns to the more sophisticated theology of Books 10 and 12 and discusses Plato's refutation of the three impious views that (1) the gods do not exist, (2) the gods exist, but do not care for humans, and (3) the gods think about humans, but can be bribed by sacrifices. Raised as issues, but not resolved in *Laws* Book 10, are: (1) exactly how the soul manages the cosmos, (2) how many gods there are, and (3) what the ultimate cause of evil is. Why, then, does Plato leave the *Laws*' theology vague? Mayhew suggests that the two main reasons are, first, that philosophical theology is simply so intellectually difficult. Some unanswered questions may not be answerable by humans and it may not even be pious to investigate them. But it is also the case that to expose citizens to deep and obscure questions at the cutting edge of Plato's philosophy would risk leading them to doubt the three main, better-established tenets of Magnesia's theology.

In a rich chapter, André Laks elucidates Plato's claim that the constitution of Magnesia is the “truest tragedy” (*Laws* Book 7, 817ab). Laks' discussion is complex and subtle and the following remarks can only highlight