

WRITING/READING A SACRED TEXT: A LITERARY INTERPRETATION OF PLATO'S *LAWS*

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DUBBED ILLEGITIMATE by many scholars in the nineteenth century,¹ Plato's *Laws* has fared little better in the twentieth. For, once the question of paternity was agreed on, interpreters were compelled to explain how Plato could have fathered a text so very unlike the rest of his dialogues. Unsympathetic scholars have suggested that Plato was declining or, perhaps, senile when he composed the *Laws*.² Some of its recent defenders have countered that the oddities of the dialogue are comprehensible if one views the *Republic* as representing an unattainable and "theoretical" ideal and the *Laws* as a "realistic practical programme."³ But, in spite of these advocates, relatively few scholars have been inclined to plunge into the "strange chaos" of the *Laws*.⁴ In particular, its status as a literary dialogue has rarely been explored.⁵ In this essay I will argue that, unlike a utopian tract or treatise, the *Laws* does not simply describe an ideal city and explain its guiding principles. For the *Laws* also exhibits a distinctive set of rhetorical strategies carefully designed to control the reader's reception of the material. I will analyze several of the most prominent rhetorical strategies employed in the text in an effort to grasp the ways in which the "literary" aspects of the *Laws* shape our response to its "philosophical" proposals. My focus, then, will be on discourse rather

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1. Including Zeller in his youth (he recanted in *Die Philosophie der Griechen in ihrer geschichtlichen Entwicklung*⁶, 2:1 [Hildesheim, 1960], p. 976). For a recent discussion of nineteenth (and some twentieth) century athetizers of the Platonic corpus, see E. N. Tigerstedt, *Interpreting Plato* (Uppsala, 1977), pp. 19–21 and *passim*.

2. The most extensive argument for this view is G. Müller, *Studien zu den platonischen "Nomoi"* (Munich, 1951), esp. pp. 184–90. Note also Gigon's suggestion that "la doctrine des Lois, telle que nous la lisons, fait trop souvent l'impression d'être un platonisme en état de décomposition" (in W. K. C. Guthrie, "Plato's View on the Nature of the Soul," *Fondation Hardt* 3 [Geneva, 1955], p. 20).

3. T. J. Saunders, *Plato, The "Laws"* (Hardmondsworth, 1970), p. 28. See also R. F. Stalley, *An Introduction to Plato's "Laws"* (Indianapolis, 1983), pp. 9–10.

4. As Wilamowitz (*Platon*, vol. 1 [Berlin, 1920], p. 655) dubbed the dialogue.

5. Exceptions are H. Görgemanns, *Beiträge zur Interpretation von Platons "Nomoi"* (Munich, 1960), and T. L. Pangle, *The "Laws" of Plato* (New York, 1980). I will discuss the former at greater length below. Pangle's reading is much less incisive, since it treats the text as if it were one of Plato's "Socratic" dialogues; the distinctiveness of the methodology used in the *Laws* is therefore almost completely obscured.

than doctrine—on the construction of the literary text rather than the philosophical and political principles contained therein.

Although a number of scholars have remarked upon the “popular” methodology of the *Laws*, the only extended study of this important facet of the text is Görgemanns’ *Beiträge zur Interpretation von Platons “Nomoi.”*⁶ In the first two chapters of this book, Görgemanns contends that Plato was not writing “philosophy” when he composed the *Laws* but rather “literature.” Görgemanns points in particular to the passage at 811C–E where the Athenian asserts that the lawcode they have been composing is the most suitable he can think of for the ears of the young and should therefore be used by the educators in Magnesia as the standard text for instruction in reading and writing. Görgemanns infers from this and other passages that the *Laws* is directed primarily at the young. The adoption of a literary rather than a philosophical mode, Görgemanns argues, reflects Plato’s reluctance to expose the young to philosophical discourse.⁷

In chapter 3, however, Görgemanns qualifies this initial stance. He now distinguishes two different audiences for the text: first, a “philosophical” readership at which the theoretical arguments that occupy the first third of the dialogue (624A–715E) are aimed; and, second, a young and “unphilosophical” audience that is addressed by the “preludes” and the laws proper.⁸ This new position, however, will also be qualified. For Görgemanns adds that the more “philosophical” first three books, which are after all directed to the “uneducated” Clinias and Megillus,⁹ have elements of “persuasion,” and the “persuasive” preludes have distinct “philosophical” shadings.¹⁰ This leads him to conclude that the early books are not, after all, designed for philosophical readers but rather for a public more interested in politics than philosophy.¹¹ Görgemanns’ final position, then, is that the *Laws* is “popular” and “literary” because it is written for a philosophically uneducated public whose primary interest is politics; the intellectual capacities of the audience dictate the use of “persuasion” rather than “philosophical” analysis.

I will offer a literary interpretation of the *Laws* very different from that of Görgemanns. For, quite apart from his confusing mode of explication, Görgemanns’ basic assumptions are questionable. In particular, Görgemanns believes that the identification of the audience for whom Plato wrote the *Laws* fully accounts for the dialogue’s peculiar style.¹² The

6. Scholars who have noted the “popular” or “unphilosophical” mode of argumentation used in the *Laws* are Wilamowitz, *Platon*, 1:658; P. Natorp, *Platons Ideenlehre* (Leipzig, 1921), p. 376; A. Diès, *Autour de Platon*, vol. 2 (Paris, 1927), p. 567; idem, *Platon: Les “Lois” vii–xii* (Paris, 1956), p. lxxxviii–ix; R. Hackforth, “Plato’s Theism,” *CQ* 30 (1936): 5; and Stalley, *Introduction*, pp. 9–10. Görgemanns, as we will see, offers the fullest analysis of this facet of the work (for a useful discussion of Görgemanns’ *Beiträge zur Interpretation*, see M. Ostwald’s review article in *Gnomon* 34 [1962]: 231–41).

7. Görgemanns, *Beiträge zur Interpretation*, p. 25.

8. *Ibid.*, pp. 73, 107–8.

9. *Ibid.*, p. 79.

10. *Ibid.*, pp. 72–110.

11. *Ibid.*, p. 108.

12. I do not mean to suggest that the question of the actual readership for the *Laws* is unimportant. But can one infer the actual audience from the fictional text? The actual audience can be best apprehended by a consideration of the historical and cultural context in which the text was written.

peculiarities are thus explained away rather than subjected to a full investigation. In short, Görgemanns stops well short of a systematic analysis of the rhetorical and narratological strategies employed in this dialogue. I believe that a literary interpretation of the *Laws* must begin with just such an analysis.

Let us begin, then, by reflecting on the genre of the text. The *Laws* is, of course, a philosophical dialogue. But it is no accident that it is always grouped with the *Republic*. For these two texts can be assigned to a distinct literary genre—that which we have come to call the utopia. Aristotle is the first to have explicitly identified this genre, though he doesn't use the word "utopia." In the second book of his *Politics*, Aristotle follows up his discussion of the *Republic* and the *Laws* with the remark that "there also exist other πολιτεῖαι, some composed by private individuals and some by philosophers and statesmen, but all of them are nearer than both of these [i.e., the *Republic* and the *Laws*] to those constitutions that have been established and by which cities are governed now" (1266a31–34). Here, Aristotle puts the *Republic* and the *Laws* under the heading of *politeiai*. What constituted a *politeia*?¹³ Aristotle indicates what he means by this term when he says that Hippodamas of Miletus was "the first of those men not engaged in politics who attempted to speak about the best constitution" (περὶ πολιτείας εἰπεῖν τῆς ἀρίστης, 1267b29–30). A *politeia*, then, is a composition dealing with "the best constitution."

But Aristotle clearly suggests that Plato's *Republic* and *Laws* form a special category of *politeia*. For they propose radical "innovations" such as the community of women and children and public meals for women. The other writers, Aristotle adds, "start rather with the necessities" (τῶν ἀναγκαίων, 1266a36). What Aristotle seems to be saying is that Plato's texts, unlike the other *politeiai*, are utopian: they are radical constructions that do not take the *status quo* as their starting point.¹⁴ To be sure, Aristotle shows some hesitation about grouping the *Laws* with the *Republic* when he notes that Plato attempted to create in the *Laws* a constitution "more suitable for adoption by actual cities." But he goes on to argue that, "little by little," Plato brought this city closer to the radicalism of its predecessor (1265a1–4).

Scholars may quibble with Aristotle's assessment of the practicability of the constitution delineated in the *Laws*. More important for my concerns,

13. For a discussion of the genre of the *politeia*, see F. Jacoby, *Atthis: The Local Chronicles of Ancient Athens* (Oxford, 1949), pp. 210–15. Jacoby divides the genre into three subgenres: (1) the political *politeia*, which comprises "pamphlets or speeches with an immediate political purpose" (p. 211); (2) the philosophical *politeia*, which "does not deal in principle with existing States . . . but tries to find the ἀρίστη πολιτεία" (p. 212); and (3) the scientific *politeia*, whose aim is "to state facts and to collect material by describing systematically and in detail the institutions of one or several states" (p. 212). According to Jacoby, the last subgenre was a latecomer whose founder was Aristotle. The *politeiai* that Aristotle discusses in the *Politics* make up the second of Jacoby's subgenres. He rightly suggests that not all of these *politeiai* are utopias (p. 212).

14. One could mention many aspects of Magnesia that would have seemed outlandish in fourth-century Athens: the public meals for women (which disturbed Aristotle); the drinking parties designed to test and mold the characters of the adult citizens by way of total inebriation; the manifold proposals for the manufacture and control of discourse in the city. Just because Plato suggests that Magnesia is a second-best city that will be modelled on a divinely inhabited first-best city (739B–E) does not mean that it is devoid of utopian material.

however, is Aristotle's insistence on reading this dialogue as a treatise rather than a dramatic dialogue. As we have seen, he differentiates the *Laws* from other treatises that offer a blueprint for a good constitution simply by virtue of the relative impracticability of its proposals; nowhere does he suggest that this text (or the *Republic*) differs from the other treatises by virtue of its form.¹⁵ In treating the *Laws* as a treatise, Aristotle initiates the interpretative approach that is adopted by most of its modern-day defenders. This approach, which proceeds by extracting a political and/or ethical "system" from the rough surroundings of the rest of the text, all but ignores the fact that the *Laws* contains a good deal more than arguments and proposals.

As Gary Morson observes in his study of literary utopias, one should not interpret "utopian literature" in the same way as one reads "utopian tracts."¹⁶ Morson objects to the exegete who proceeds "first to separate the sections of the work that deal with utopian institutions from those devoted to form and plot, and then, having set aside the latter as hermeneutically irrelevant packaging, to criticize and evaluate the former in the same way that he criticizes and evaluates tracts."¹⁷ If one reduces a literary utopia to a mere tract, one will miss what is most distinctive about this literary type, namely, the rhetorical and narrative strategies that influence our reading of the text. If we are to read the *Laws* as a literary utopia, we must investigate how its arguments and proposals are "packaged," and how this packaging influences the reader's reception of the lawcode.

I

The opening lines of the *Laws* run: "To whom do you ascribe the authorship of your legal arrangements, strangers? To a god or to some man?"¹⁸ At the very beginning, then, Plato confronts the problem of authority: how can his spanking new lawcode pretend to utter timeless truths? Plato, as I will show, very deliberately sets out to confer authority on his lawcode. Take, for example, the dramatic setting of the dialogue: three aged interlocutors embark upon a day-long journey from Cnossos to "the cave and sanctuary of Zeus."¹⁹ No definite occasion is adduced for so long and arduous a walk, but one can safely assume that this pilgrimage reenacts the one made by the ancient Cretan king Minos, who is said in the very

15. The closest Aristotle comes to discussing the generic form of the *Laws* is at *Pol.* 1265a10–13, where he says (with a hint of exasperation), "All of the discourses of Socrates (οἱ τοῦ Σωκράτους λόγοι) are extraordinary and clever and innovative and penetrating, but perhaps it is difficult to be right about everything." Here, Aristotle explicitly identifies the *Laws* as a Socratic dialogue, and he concedes that the dialogue is unusual. But he does not offer any analysis of *how* the text is different.

16. G. Morson, *The Boundaries of Genre: Dostoevsky's "Diary of a Writer" and the Traditions of Literary Utopia* (Austin, 1981), pp. 69–70. See P. Ruppert, *Reader in a Strange Land: The Activity of Reading Literary Utopias* (Athens, Ga., 1986), for a quite different approach to the interpretation of literary utopias.

17. Morson, *Boundaries of Genre*, p. 69.

18. Translation by J. B. Bury, in the Loeb edition of the *Laws*.

19. See G. R. Morrow, *Plato's Cretan City: A Historical Interpretation of the "Laws"* (Princeton, 1960), pp. 27–28 on the possible locations of this Cretan cave; he concludes it is the one on Mt. Ida.

first lines of the dialogue to have visited his father Zeus every ninth year in order to receive oracles concerning the legislation of Crete (624B). Indeed, a passage in the *Minos* that bears a striking resemblance to the opening of the *Laws* states explicitly that it was to "the cave of Zeus" that Minos repaired every nine years.²⁰ We infer, then, that the journey of the interlocutors to the cave of Zeus is symbolic—like Minos, they will seek the sanction of Zeus for their legislation. This is borne out by Clinias' claim at 968B10–11 that they "must journey where the god leads (πορευτέον ἥπερ καὶ ὁ θεὸς ἡμᾶς σχεδὸν ἄγει)."²¹ As the Athenian remarks a number of times, their discussion is both inspired and aided by the gods (e.g., 682E, 722C, 811C).

Both the Cretan Clinias and the Spartan Megillus, of course, trace their lawcodes back to the gods: the semi-mythical lawgivers Minos and Lycurgus received direct aid from Zeus and Apollo, respectively. The Athenian is quick to avail himself of this illustrious heritage by creating an ideal lawgiver whom he conflates with Minos and Lycurgus. This is accomplished as follows. First, the Athenian asks Clinias to explain the rationale behind certain of the Cretan institutions (625C). Clinias offers his interpretation of the principles of the Cretan constitution, suggesting that Minos laid down all his laws with an eye to war.²² The Athenian then undertakes to dispute this interpretation of Minos' enactments: "both the Zeus-taught legislator of Crete and every other legislator who is of any worth will always lay down laws with an eye to nothing other than the highest good" (630C). When Clinias queries whether the Athenian is criticizing Minos (630D), the Athenian answers: "no, it is ourselves [I am criticizing], if we think that Minos and Lycurgus laid down all the laws here and in Lacedaemon with a special eye to war" (630D).

By putting the blame on Clinias for misrepresenting his mythical ancestor's principles, the Athenian is able to coopt Minos and conflate him (as well as Lycurgus) with his own ideal legislator. This is hammered home when the Athenian proceeds to tell Clinias what he ought to have said about Minos' legislation. Pretending that he is Clinias, the Athenian delivers the "proper" speech about the "Cretan" institutions (631B–32D). And, after voicing what are in fact his own rather than Minos' principles, he glosses this ventriloquistic performance by saying (632D):

In this way, strangers, I could have wished (and still do wish) that you had fully explained how all these [principles] are inherent in the laws ascribed to Zeus and the

20. *Minos* 319E3. The parallel is significant whether or not one accepts the dialogue as Platonic. For a good account of the arguments for and against, see Morrow, *Cretan City*, pp. 35–39. He suggests that the dialogue is authentic and, given its unfinished state, perhaps even an attempted introduction to the *Laws* that Plato later came to reject.

21. The journey Clinias refers to here is one of discourse, for he is responding to the Athenian's hesitant move towards the subject of the education of the "Nocturnal Council." The course of discussion is thus conflated with the physical journey, and the travellers are being led on this twofold path by god.

22. Notice how careful Plato is to indicate that Clinias' explication of Minos' principles of legislation is merely his own interpretation: his speech is sprinkled with such phrases as "I think" (οἶμαι, 625C9), "as it seems to me" (ὥς γ' ἐμοὶ φαίνεται, E1), "in my opinion" (μοι δοκεῖ, E5).

Pythian Apollo, which Minos and Lycurgus instituted, and how they form a system and are thereby evident to a person who is experienced in law by art or by certain habits of life, although they are in no way obvious to the rest of us.

Here, the Athenian links his own legislative principles to those of Minos and Lycurgus at the same time as he disclaims his own expertise in law-giving. This conjuration of the semi-mythical lawgivers Minos and Lycurgus is soon abandoned,²³ but it allows the Athenian to introduce from the very beginning an “ancient” ideal lawgiver—an authoritative creator of the code that the Athenian will set forth. This ideal lawgiver will be a live presence throughout the entire text.

The Athenian, of course, must speak for the ideal lawgiver (who is, after all, only a fictional presence), but he tries to avoid identifying himself with this figure.²⁴ He behaves instead as though he were reporting what this wise lawgiver would propose. Since the good lawgiver must necessarily possess νοῦς (e.g., 742D) and proceed by way of τέχνη (e.g., 632D), his will be a systematic code that “is evident to a person who is experienced in law by art or certain habits of life” (632D). By the use of reason, an experienced person will hit upon the very lawcode that the wise lawgiver would institute. This lawcode, then, is not simply a human invention. As the Athenian asserts in Book 4, “those cities whose ruler is a mortal, not a god, will have no escape from evils and toils.” The best path for humans, he continues, is to “imitate” life in the time of Cronus—when human beings were ruled by gods—by “being obedient to that within us which is immortal . . . giving the name of law to the appointment of νοῦς” (713E–14A). Since νοῦς is the immortal element in human beings, its enactments are divine.²⁵

By deflecting the authorship of the laws away from the Athenian, Plato makes his lawcode appear objective, impersonal, and timeless. It is perhaps for the same reason that he decided to leave the Athenian nameless:²⁶ if a particular individual had unveiled this code, it would have been less impersonal. It should be emphasized that Plato actually believes that the lawcode contains timeless and objective truths; as the text repeatedly suggests, the code is constructed in strict accordance with the principles of reason. Plato can therefore justify his assertions of divine

23. Indeed, the Athenian’s critique of the Cretan and Spartan custom of avoiding pleasure (634C–38B) seems to reflect poorly on Minos and Lycurgus, though the latter are not invoked by name.

24. Note, for example, that the Athenian often pretends that the lawgiver is speaking to the three of them (such as at 719A–E, where the three of them address the lawgiver).

25. Cf. Arist. *Pol.* 1287a28–32: “he who urges that the law shall rule seems to recommend that God and reason alone shall rule, but he who urges that a man rule adds a wild animal also; for appetite is of this nature, and passion misleads even the best men when they are rulers; therefore the law is wisdom without desire.”

26. Cicero (*Leg.* 1.5.15) and the scholiast (in the Hypothesis) say that the Athenian is meant to represent Plato himself. The fact that Aristotle at *Politics* 1265a11 refers to the dialogue as one of οἱ τοῦ Σωκράτους λόγοι has led L. Strauss, *The Argument and Action of Plato’s “Laws”* (Chicago, 1975), pp. 1–2 and Pangle, “*Laws*,” p. 511, n. 2, to identify the Athenian with Socrates. But Aristotle was no doubt using this term to designate the genre of the dialogue rather than to make a veiled identification between the Athenian and Socrates. I prefer not to ask “who is the unnamed Athenian?” (an unanswerable question anyway), but rather “why is the Athenian left unnamed?”

approbation by virtue of the fact that the gods must, by definition, understand and endorse what is true and good. But it is one thing to believe that the gods endorse the truths that a person has discovered for himself by way of philosophical inquiry; it is quite another thing to encourage people who have not discovered these truths to accept them as divinely authorized rather than to seek out the truth for themselves. As we will see, Plato makes this latter move in the *Laws*.

II

Once the ideal lawgiver has been introduced, he becomes a prominent speaker in the dialogue. Not only is the lawcode proper represented as his utterance, but a good portion of the material in the *Laws* that falls outside the boundaries of legal enactments is put in his mouth. Again and again we are invited to overhear him talking to the citizens and magistrates of Magnesia. These fictional conversations must be separated from the "actual" conversation that goes on between the Athenian and his interlocutors. What is the purpose of this "play-within-a-play"? In particular, what does Plato tell us about the lawgiver's discourse and how do his utterances affect our reading of the text?

At 719C–D of the *Laws*, the Athenian observes that while poets can create characters who say different things on a given subject, "it is not possible for the lawgiver to say two things about one matter in his lawcode, but he must always publish one statement about one thing." The language of the lawgiver, this passage indicates, is monological rather than dialogical. The lawcode, we can infer, will differ not only from those of the dramatic poets but also from Plato's own dialogues, in which characters do indeed "say different things on different subjects." In another passage, the Athenian calls the language of law a "tyrannical prescription" (τυραννικὸν ἐπίταγμα, 722E7–8); it "orders and threatens like a tyrant or despot who writes his decrees on the wall and is done with it" (κατὰ τύραννον καὶ δεσπότην τάξαντα καὶ ἀπειλήσαντα γράψαντα ἐν τοίχοις ἀπηλλάχθαι, 859A4–6).²⁷ As these quotations reveal, Plato is not simply addressing himself to the subject of the rule of law; he is also concerned with the language or discourse of law.

Having attributed to the lawgiver a monological and tyrannical voice, Plato now suggests a way to soften this voice. He proposes what he calls

27. Cf. the *Politicus*, where the Stranger repeatedly associates the rule of law with writing and the rule of the true statesman with a τέχνη that eschews writing (though he indicates at 295A6 that *both written and unwritten laws* are inflexible and unable to respond to the particular exigencies of events and individuals; cf. 298E1–2, 299D1, 301A4). So, for example, at 296E4–97A2, the true statesman is compared to a helmsman who guards the welfare of his ship and crew "not by instituting written laws but by furnishing his τέχνη as a law." Again, at 300C10–D2, the Stranger asserts that the true statesman will "conduct many of his activities by τέχνη, paying no regard to written prescriptions." Written codes of behavior, he insists, are at odds with the art of statesmanship and, indeed, with the arts in general. When the Stranger asks at 299E3–4 what a city would be like if all its activities "were done in accordance with written prescriptions and not by τέχνη," his interlocutor responds: "it is clear that all the arts would be utterly destroyed" (299E5–6; other passages that explicitly develop this dichotomy between the written laws and the rule by a statesman unfettered by written laws are, e.g., 297D5–6, 299C4, 300A1–3, 300C1–2, 300C5–7).

a great innovation in lawmaking (722B): the addition of “preludes” to the laws.²⁸ The Athenian begins his discussion of the preludes at 719E by conjuring up two types of lawgivers: one who merely tells people “what to do and not to do, threatening them with punishments,” and one who adds to his code “exhortation and persuasion” (παραμυθίας δὲ καὶ πειθοῦς, 720A1). The procedures of these two lawgivers are illustrated by an analogy with two kinds of doctors. On the one hand, there are the “slave” doctors who administer to slaves by way of a skill acquired by observation and practice. On the other hand, there are “free-born” doctors who administer to free-born patients by way of scientific knowledge. The former behaves “like a tyrant” (καθάπερ τύραννος, 720C6). He neither “gives nor receives any account” of the ailments of his patients; he merely “issues his orders” and moves on (720C). The freeborn doctor takes the opposite tack. He “investigates” the ailments, “talks with the patient and his family,” “learns from the sick,” and “offers them instruction” (720D). Before issuing any orders, he “makes the sick person gentle by means of persuasion” (720D7–E1).

When the Athenian turns to apply this illustration to the lawgivers, he focuses on the dichotomy between the language of threats or commands and that of persuasion and exhortation (721E, 722B, 722E–23A). Like the free doctor, the good lawgiver will use the language of persuasion “to ensure that he for whom the lawgiver has made the law will accept the injunction . . . with good will and, because of this good will, with better understanding” (723A; cf. 718D). Though the Athenian initially describes the combination of prelude and command the “double law” (721B4–5), he revises this at 722E. The combination of prelude and law is not merely a longer version of the “simple law,” he observes; rather, it juxtaposes two quite different kinds of discourse. The language of the preludes, like that of the good doctor, can tame the “fiercer” (ἀγριώτερον, 720E4) language of brute command; it is the “gentlest” approach (τὸν πρῶτον . . . τρόπον, 720A5–6) to legislation (see also 885E). Note, moreover, that the gentle discourse of the preludes can actually stifle the threats of the laws. As the Athenian says at 854C, if the preludes succeed in persuading the citizens, the law will “remain silent” (cf. 871A). Ideally, then, the language of the preludes will preempt that of the laws.

Let us turn now to the language of the actual preludes that are enunciated in the *Laws*. The preludes come in two varieties.²⁹ First, and most

28. Recent discussions of the preludes include Morrow, *Cretan City*, pp. 552–60; Görgemanns, *Beiträge zur Interpretation*, pp. 30–49; Stalley, *Introduction*, pp. 42–44; B. Vickers, *In Defense of Rhetoric* (Oxford, 1988), pp. 143–47; for more positive readings of the preludes, see R. W. Hall, *Plato and the Individual* (The Hague, 1963), pp. 203–8; H. Yunis, “Rhetoric as Instruction: A Response to Vickers on Rhetoric in the *Laws*,” *Philosophy and Rhetoric* 23 (1990): 125–35; A. Laks, “Legislation and Demiurgy: On the Relationship Between Plato’s *Republic* and *Laws*,” *Classical Antiquity* (1990): 209–29; C. Bobonich, “Persuasion, Compulsion and Freedom in Plato’s *Laws*,” *CQ* 41 (1991): 365–88.

29. Morrow, *Cretan City*, p. 554, suggests that there is a third kind of prelude—one in which the persuasive is contained in the conversation between the three old men rather than presented as a “fictional” address uttered by the lawgiver (in the second or third person) to the citizens. He finds only two examples of this kind of prelude. First, at 857E–64D, where the Athenian enunciates the principles that underlie the laws for homicide by way of a long conversation with Clinias. But this material is not designated as a prelude.

common, are those in which the lawgiver addresses the citizens (or a specific group of the citizens) in the second person (715E–18A, 726A–34E, 741A–E, 772E–73E, 823D–24A, 854B–C, 888A–D, 899D–900C, 903B–E, 916D–17B, 923A–C). The general formula for this kind of prelude is: “Oh friends, we advise/warn you to behave as follows . . .” These addresses in the second person make it immediately clear that the lawgiver is uttering a prelude. In the second category are injunctions in the third person that are designated either prospectively or retrospectively as “preludes” (721B–D, 949E–50D, and 959A–D, prospectively; 870A–D, 930E–32A, and 942A–43A, retrospectively). The formula for this category of prelude is: “let everyone be advised/warned . . .” What is noteworthy about both kinds of prelude is that they are performed by the Athenian. Speaking in the voice of the lawgiver to the citizens of Magnesia, the Athenian delivers the preludes orally. The reader is thus invited to imagine that, like the good doctor, the legislator converses with his charges. It is in fact this depiction of the preludes as personalized conversations that gives them the appearance of contrasting starkly with the “tyranny” of the written laws.

But is the contrast between these two kinds of legislative language really so stark? Let us look again at the analogy of the doctors. The good doctor, as we have seen, will “give and receive an account” of the ailments of his patient; “talking with him and his family,” he both “learns” from the patient as well as “instructs” him (720D). The good doctor will administer to each individual personally, adapting himself to the different needs of the patients he treats. The good lawgiver, however, can do none of these things. So far from engaging in a give-and-take dialogue with a number of disparate individuals, the lawgiver “delivers” the preludes to the citizen body as a whole. These “deliveries” are one-way speeches whose content is in no way determined by the legislator’s “encounter” with the citizens. In fact, this “encounter” is itself a fiction conjured by the Athenian to create the illusion of a personalized conversation. There will never be such an encounter, for the legislator composes and finalizes the preludes before the city is founded and populated with citizens. In creating the rhetorically charged “analogy” between the doctor and the lawgiver, then, the Athenian asks us to accept a disanalogy. For the ideal legislator can never engage the citizens in a personalized conversation as the doctor does his patients.

This point is especially well illustrated by the one prelude in which the citizens are depicted as responding to the lawgiver. In the long prelude to the laws for impiety in Book 10, the Athenian conjures up a conversation between the lawgiver and a group of impious people who hold the wrong views about the gods. The scene begins at 885C–E, when this group

Indeed, the Athenian makes it explicit at 860E that he is addressing Clinias and Megillus *as legislators*; he is not addressing *the citizens* as he does in the preludes. The second example Morrow cites is the lengthy “prelude” to the laws for impiety in Book 10, where the Athenian directs his arguments towards his interlocutors (887A–907D). This unusual prelude will be examined below.

comes to the lawgiver and asks him to “persuade” them that they are wrong. The Athenian explicitly invites Clinias and Megillus to play the role of the impious people whom he is addressing (900C; cf. 891B–C). In this lengthy “fictional” scene, then, the Athenian is playing the lawgiver and his interlocutors are playing the wrongheaded citizens. In contrast to the other preludes that the lawgiver delivers to the citizens, the citizens in this scene are allowed to talk back. To be sure, the citizens played by Clinias and Megillus only participate in the conversation by either agreeing with the lawgiver or asking for explication. But the illusion of an actual two-way conversation is created and sustained.

Note, however, the following telling statements. First, the Athenian worries early on about the efficacy of arguments “spoken to the masses” (εἰς πλῆθη λεγόμενα, 890E); only in a discussion with a small group of people can one be sure of getting one’s point across. This comment reminds us that the preludes are in fact designed to be directed towards the citizen body as a whole, and are not the personalized conversation with a small group that is conjured by the analogy of the doctors. Even more pointed is Clinias’ rejoinder (890E–91A):

This [prelude] gives the greatest support to intelligent legislation, since injunctions that pertain to the laws, when put into writing (ἐν γράμμασι τεθέντα), remain permanently on record so as to offer a proof for all time to come. As a result, one need not worry if these things are difficult on a first hearing, since it will be possible for even the slow learner, going back to them often, to study them. . . .

Here, Clinias reveals that the preludes for the legislation will, like the laws themselves, be encoded in writing. The preludes, in short, are designed to reach the city and its people in the form of a written text. The fictional conversation between the lawgiver and the citizens is itself a written script that will address the citizens in language that is fixed and unanswerable.

At 823A, the Athenian states that “it is necessary for the lawgiver not only to write down the laws but, in addition to the laws, to write down all those things that he thinks are good and bad, mixing these together with the laws” (ὅσα καλὰ αὐτῷ δοκεῖ καὶ μὴ καλὰ εἶναι, νόμοις ἐμπελεγμένα γράφειν). In this passage, the Athenian claims that many rules for everyday life should not be enacted as laws with penalties attached but should be formulated and put in writing all the same (822D–E). The good citizen, he adds, is the person “who passes his life in perfect obedience to the written rules (γράμμασιν) of the legislator, as given in his legislation, his praise and his censure” (822E–23A). Note that, in this passage, the Athenian explicitly refers back to his discussion of “unwritten laws” (ἄγραφα νόμιμα) at 793A–D. There, he indicates that “unwritten laws” are “ancestral customs” (πατρίους νόμους) that function to hold the lawcode together and, indeed, form the very foundation for the constitution. None of this extra-legal material, the Athenian declares, should be left out of the text of the lawcode, even if it is not enacted as actual law.

In the Athenian’s lawcode, then, the unwritten laws are written down. These “laws” occupy a large portion of the dialogue, for they comprise

everything that the lawgiver endorses or repudiates by way of praise and censure rather than by legal enactments. Given the Athenian's suggestion at 807E that "there must be a program for all freeborn people, indicating how they shall pass all of their time, from one dawn to the following dawn and sunrise, always and continuously" (cf. 780A), it is not surprising that so much of the *Laws* is devoted to extra-legal material. What sort of text, then, does this produce?

At 858E, the Athenian compares the writings of Homer, Tyrtaeus, and "the rest of the poets" who have legislated about human pursuits with those of lawgivers such as Solon and Lycurgus: both of these genres of discourse issue directives, albeit in discrete styles.³⁰ Plato juxtaposes the two genres, of course, in order to insist on the superior status of his own legal text. As the Athenian puts it at 858E–59A, "is it not necessary that of all the writings circulating in cities those written on laws should be seen, when unfolded, to be the finest and best by far, and that all other writings must be either in conformance with them or, if they are dissonant, that they should be seen as ridiculous?" Here, the writing of the lawgiver is not only elevated above all other modes of writing, but it is accorded an almost scriptural status. As the Athenian puts it in Book 12 (957D), "of all other modes of discourse—those of praise or censure in poems, or those in prose, whether they are in writing or uttered from day to day at all the other gatherings . . . of all these, the writings of the lawgiver will be a clear touchstone (βάσανος . . . σαφής)."

The Athenian recurs to this theme at 811C–12A. Here, he suggests that there is no better text than their own lawcode to put in the hands of the minister of education "so that he can order the teachers to teach these things to the children, as well as things that are in accord with and similar to these." The lawcode, then, forms the παράδειγμα (811B) for all of the discourse used in education. The Athenian suggests, in fact, that if the minister of education should find "poems or writings in prose, or verbal and unwritten discourses" that are "akin" to the lawcode, then he must "get them written down." Only the text of the lawcode and language that harmonizes with this will be used in the educational curriculum.

Readers will hardly be surprised at Plato's endorsement of censorship in these passages. Truly startling, however, both in the context of Platonic philosophy and in the historical context of fourth-century Greece, is the suggestion that a written text form the basis for the control of discourse in the city. A comparison of the rejection of tragic drama in the *Republic* and the *Laws* will illustrate this point. In the *Republic*, tragedy is banned from the ideal city because it fosters the appetitive part of the soul; since its practitioners do not possess knowledge, their plays cannot discriminate between truth and falsehood. In the *Laws*, tragedy is taken to task for circulating discourse that does not chime with that of the

30. Note that Plato places written lawcodes under the rubric of "logography" in the *Phaedrus* 258B–C. For a discussion of the oral enunciation (i.e., the public "reading") of the written text of the laws in classical Athens, see J. Svenbro, *Phrasikleia: anthropologie de la lecture en grèce ancienne* (Paris, 1988), pp. 123–36.

lawcode (this includes, of course, the extra-legal material). As the Athenian puts it, “do not imagine . . . that we will allow [tragic actors] who speak more loudly than us to give harangues before the children and women and, indeed, the entire populace in which, speaking about the same issues as we do, they say things that are not the same as what we say but are, for the most part, entirely the opposite” (817C). The point is driven home when the Athenian addresses an imaginary group of tragedians and invites them to “display your songs to the rulers *side by side with ours* (ἐπιδείξαντες . . . τὰς ὑμετέρας παρὰ τὰς ἡμετέρας ᾠδὰς), and if the things that you say prove to be the same as ours or better, then we will grant you a chorus (817D).”

The lawcode, then, is conceived of as a written text whose language is sacrosanct.³¹ Its pronouncements on legal and extra-legal issues serve to control the citizens’ words as well as their deeds. Detienne has called our attention to the Athenian’s insistence on controlling φῆμη in the city of Magnesia—on regulating the spoken language of the citizens by promulgating an oral mythology that circulates through the city and is handed down over generations. But he has overlooked the fact that the spoken language in the city is ultimately tethered to the written lawcode. It is for this reason that he has suggested that the *Laws*’ emphasis on the creation of a mythology and its dissemination by way of the spoken word actually signals a rejection of “the Egyptian paradigm that assigns to written work the prerogative of producing an authentic mythology.”³² To be sure, the Athenian is emphatic that all members of the community should “utter one and the same thing, so far as is possible, at all times and throughout the entirety of their lives, in their songs, their stories, and their discourses” (664A). But this extraordinary unanimity could never be sustained by a mythology that travels along oral channels. As Megillus says at 838C–D, “public opinion (φῆμη) has an amazing power, when nobody ever attempts to breathe a word contrary to the lawcode.” It is the written lawcode that sets the standard for all other discourse. The waywardness of oral discourse will be kept in check by the written text.

31. Note that the lawcode is represented as not only capable of finalization, but as being very near to that goal already. For the Athenian insists at 772C–D that a mere ten years after the original founding of the city is needed for the magistrates to “perfect” the lawcode by adding statutes and introducing amendments suggested by experience; at this point, “they should declare them incapable of modification and thereafter enforce them with the rest of the laws originally established by the legislator.” Morrow, *Cretan City*, pp. 570–71, rightly observes that the Athenian shows at least some awareness that his lawcode will need to be filled out, supplemented, and in extreme cases amended. But he is quick to acknowledge that Plato “seems to have no idea of indefinite progress; one cannot improve upon perfection, and like Bentham he is apparently so confident of his science of legislation as to think that perfection is not far distant.” Confident that his lawcode will hold good at any or all times—that it transcends history—the Athenian is adamant that the laws be “unchangeable” (ἀκίνητα); as he puts it at 798A–B, “if by some divine good fortune the laws under which men are brought up remain unchanged for many long ages, so that no one either remembers or hears that they were once different than they are now, then the whole soul feels reverence and is afraid to change any of the things established of old” (see also 656D–E, 816C, 846C, 957B).

32. M. Detienne, *The Creation of Mythology*, trans. M. Cook (Chicago, 1986), p. 98. Cf. M. Vegetti, “Dans l’ombre de Thoth. Dynamiques de l’écriture chez Platon,” in *Les savoirs de l’écriture. En Grèce Ancienne*, ed. M. Detienne (Lille, 1988), esp. pp. 414–17, who observes that “la cité des *Lois* est envahie par l’écriture” (p. 416).

The preludes to the laws, of course, are only a small subset of the extra-legal material inscribed in the lawcode. But it is only when one comprehends the claims that Plato is making for the text of the lawcode as a whole that one can fully appreciate what is at stake in the inscription of the preludes. The Athenian, as we have seen, insists that the preludes utilize a discourse that differs in kind from that of the laws. But we have also seen that the preludes are not the personalized conversations they appear to be. Although they deploy persuasion based on exhortation and admonition rather than simple threats, their discourse is no less unilateral and impersonal than the laws proper. And, like the laws, they are inscribed—they are composed and finalized by the ideal legislator before the city is founded.³³ As I see it, the act of inscribing the unwritten laws actually brings what were originally two disparate modes of discourse much closer together. For both the preludes and the laws proper issue from a fixed and authoritative voice that can neither be questioned nor contradicted; it can only be obeyed or disobeyed.

It would be a mistake, however, to conclude that the language of the preludes merely reduplicates that of the laws. Speech-act theory will help to illustrate what I take to be the fundamental difference between these two modes of discourse.³⁴ As John Searle has suggested, “some illocutions have as part of their illocutionary point to get the words (more strictly—their propositional content) to match the world, others to get the world to match the words.”³⁵ In the category of illocutions that aim to get the world to conform to the words are what Searle calls “directives”—i.e., attempts by a speaker to get the hearer to do something. Ordering, commanding, requesting, praying, entreating, and advising are examples of directives. Both the laws proper and the preludes make use of directives: the laws are constituted by the illocutions of commanding and ordering, and the preludes utilize (among other things) the language of entreating (παραμυθεῖσθαι and its cognates, 773E, 854A, 880A, 885B, 899D), advising (παραινεῖν, 741A), and praying (εὐχή, 823D). As Searle observes, illocutionary acts such as commanding and ordering differ in force or strength from those of praying, entreating, and advising. Nonetheless, all of these illocutionary acts are directives because they are “attempts to get hearers to do something.”³⁶

We are not yet finished with the illocutionary acts contained in the preludes, but it is worth pausing to consider their perlocutionary intent—i.e.,

33. To be sure, the magistrates may add new preludes to the ones that Plato has created; even so, they would be adopting a mode of discourse that is already invested with an authority that cannot be questioned.

34. Both J. L. Austin (*How to Do Things With Words* [Cambridge, Mass., 1962], pp. 22, 104) and J. Searle (*Expression and Meaning: Studies in the Theory of Speech-Acts* [Cambridge, 1979], chap. 3) deny that speech-act theory can be extended to literary texts. For a cogent refutation of these claims, see S. Petrey, *Speech Acts and Literary Theory* (New York, 1990). See also B. Johnson, “Poetry and Performative Language: Mallarmé and Austin,” in *The Critical Difference* (Baltimore, 1980), chap. 4, and S. Fish, “How to Do Things with Austin and Searle: Speech-Act Theory and Literary Criticism,” in *Is There a Text in this Class?* (Cambridge, 1980), chap. 9.

35. J. R. Searle, “A Classification of Illocutionary Acts,” *Language in Society* 5 (1976): 3.

36. *Ibid.*

the action that the illocution aims to procure. In the case of the laws, of course, the perlocutionary intent is obedience to the specific command. In the case of the preludes, the perlocutionary intent is more complex. At 880A, for example, the Athenian suggests that “anyone who is persuaded by the preludes will be obedient to the rein” (εὐήνιος). In this passage, the preludes are designed to make people obey the commands of the law; this underlines the “directive” aspect of the preludes. But at 723A (cf. 718D), the Athenian says: “he for whom the lawgiver has made the law will accept the law’s injunction . . . with good will (εὐμενῶς) and, because of this good will, with greater understanding (εὐμαθέστερον).”³⁷ In this passage, the preludes are said to act upon the emotions and the beliefs of the audients. In addition to directing the citizens’ deeds, then, the preludes are designed to affect their thoughts and feelings.

The preludes, then, do more than order or entreat the listeners to perform a specific action—do more, in short, than simply issue directives. This should come as no surprise, since the preludes include a great many sentences that do not take the form of directives—sentences, in short, that describe, state, and explain. How do these kinds of sentences operate on an audient? One way to approach this question is to invoke the distinction drawn by John Austin between “constative” and “performative” utterances.³⁸ Constative utterances are, roughly speaking, descriptive sentences that set forth matters of fact; they are statements that can be true or false. Performatives, on the other hand, are utterances whereby we do something in the process of saying something; since they are not statements, they are not subject to evaluations of truth and falsehood. Hence the difference between a sentence such as “the cat is on the mat,” which is a statement, and one such as “shoot her,” whose enunciation performs the act of commanding.

All of the preludes contain constative as well as performative utterances. As Morrow correctly observes, the preambles function partly by direct appeals and partly by “rational statements of the good which the law serves.”³⁹ But what exactly is the nature of these “rational statements”? The Athenian claims that the preludes have as part of their mission to “educate the citizens” (παιδεύει τοὺς πολίτας, 857E). It is clearly the propositional or constative material in the preludes that serves this purpose. As Yunis has recently put it, “. . . the preambles combine some type of rhetoric . . . with a straightforward, unsophisticated appeal to reason, demonstrating to an ordinary, moderately schooled intellect that what the law enjoins is best.”⁴⁰ According to Yunis, it is the “straightforward” explanations and demonstrations contained in the preludes that make them

37. Yunis (“Rhetoric as Instruction,” pp. 125–28) takes Vickers (*Defense of Rhetoric*, pp. 145–46) to task for translating εὐμαθέστερον as “docile.” Even if Yunis comes closer to the original by rendering the word “better able to understand,” his suggestion that the preludes “instruct” and “educate” the citizens begs the crucial question: exactly what kind of instruction and education do they offer?

38. Austin, *How to Do Things with Words*, passim.

39. Morrow, *Cretan City*, p. 557.

40. Yunis, “Rhetoric as Instruction,” p. 123, n. 24.

an "educational tool" designed to elicit nothing less than "an internally motivated, enlightened, autonomous decision" from its auditors.⁴¹

Here is where Austin's investigation is especially helpful. For what he discovers in the course of *How to Do Things with Words* is that constative utterances—i.e., descriptions, explanations, and statements of fact—can and often do have a performative impact.⁴² As Austin puts it, "once we realize that what we have to study is *not* the sentence but the issuing of an utterance in a speech situation, there can hardly be any longer a possibility of not seeing that *stating is a performative act*" (my italics).⁴³ What I would like to suggest is that the constative language contained in the preludes has a high degree of performativity and is thus far from a neutral exposition of explanations and factual information. For consider the "speech situation" of these utterances. First of all, they issue from a lawgiver who is accorded almost divine status. In addition, they are inscribed monologues that cannot be questioned or challenged by the citizens. The Athenian explicitly endorses the practice whereby "none of the youth are permitted to inquire which parts of the laws are good and which bad, but with a single voice and from a single mouth all shall agree that all of the laws are rightly established and instituted by the gods" (634D). In Book 10, moreover, we are told of a "good" atheist who disagrees with the statements about the existence and goodness of the gods as put forth in the prelude to impiety. This atheist is jailed and, when he refuses to change his views, put to death. The context in which the preludes are operating, in short, is one that debars all criticism; the lawgiver's word is authoritative and final.

If this is on target, then the descriptive and explanatory material contained in the preludes is designed to have at least as much impact as the performative material that we put under the heading of directives. For the directives merely ask the citizens to do something, whereas the constatives tell them what to think and say. What appear to be instructive explanations are not designed to sharpen and test the intellectual capacities of their listeners or to spur open-minded inquiry. Rather, they provide information and ideas that every good citizen must and will believe. The preludes are "doing things" to the citizens, in short, even when their utterances take the form of descriptions and statements.

Having examined the language deployed in the preludes, let us briefly reconsider the passage in which the preludes are first introduced (719C–23A). One cannot overemphasize the importance of this passage, since it contains some of the most explicit statements of principle in the dialogue. The Athenian, as we have seen, justifies the use of preludes by suggesting that the language of persuasion is preferable to that of commands and threats. Note, however, that the Athenian's "argument" functions by way of an opposition between "tyrannical" and "gentle" language that is, in

41. *Ibid.*, p. 130.

42. Austin, *How to Do Things with Words*, esp. lecture 11.

43. *Ibid.*, p. 139.

turn, cashed out by an analogy with the “slave” and the “free” doctors. This is far from a neutral piece of logical analysis. Is a legal enactment really a tyrannical utterance? Is persuasion always gentle? What kinds of persuasion should the preludes include and exclude? At what point does persuasion become coercive? None of these questions are raised. Rather, the auditor is swayed by the specters of slavery and tyranny. The Athenian, in short, opts to persuade his listeners to endorse the language of persuasion. By addressing his companions (and, indeed, the reader) in persuasive rather than analytical language, then, the Athenian makes use of the same mode of discourse that the preludes use on the citizens. This parallelism, I believe, should not be ignored. For it invites us to analyze the Athenian’s statements and arguments in the same way as I have analyzed the language of the preludes. If we are to read this dialogue as a literary utopia rather than a treatise that simply describes a utopian city, we need to attend to the performative aspect of the language that the Athenian uses on his interlocutors and (what is more difficult) to the ways in which the text attempts to “do things” to its readers.⁴⁴

III

How, then, does the Athenian’s language act upon his companions? The irony and skillfulness that the Athenian displays in the opening books of the *Laws* (especially Books 1–3) has led some scholars to compare his method to that of Socrates in the early Platonic dialogues.⁴⁵ But is the discussion designed to reduce the interlocutors to perplexity and expose the inconsistencies in their souls in the “Socratic” manner? Certainly it does not have this effect on Megillus. When a dispute erupts between the Athenian and Megillus over the virtue of the Spartan customs concerning pleasure (637A), for example, Clinias takes over the still unfinished argument at 639E and thus relieves the Spartan from having to carry it to its unsavory conclusion. Megillus’ willingness to abdicate the argument here and elsewhere may simply reflect his laconic character, but even if this is true, his minimal participation in the discussion throughout the dialogue puts him out of contention for any real conversion of mind or soul: the Socratic elenchus requires full engagement on the part of the interlocutor. Clinias, however, is a different story.⁴⁶ He is more open-minded than Megillus, truly enthusiastic for discussion, and shows ready wit and good sense; in many ways, he is an ideal elenctic partner. It is not fair to

44. It is not my intention to denounce, with Popper, the persuasive strategies that Plato employs in the creation of a “closed city.” I am merely attempting to analyze the literary character of the dialogue; the ongoing debate about the political and philosophical principles endorsed by this text are beyond the scope of my argument.

45. Some notable examples are O. Gigon, “Das Einleitungsgespräch der Gesetze Platons,” *MH* 11 (1954): 204, and R. Weil, *L’“Archéologie” de Platon* (Paris, 1959), pp. 39–41; cf. Görgemanns, *Beiträge zur Interpretation*, p. 78. Pangle, “*Laws*,” goes the farthest, reading the entire text as if it were a Socratic dialogue: “in the *Laws* we learn what Socrates would have said and done if his quest for self-knowledge, and his friendships, had ever allowed him the leisure to engage in giving advice to political reformers—and if he had ever found himself in the appropriate circumstances” (p. 379).

46. For a discussion of the differences in the characters of the two interlocutors, see Pangle, “*Laws*,” pp. 430–31.

suggest, as some scholars do,⁴⁷ that Clinias cannot participate in a truly “philosophical” discussion because he is uneducated; education is often a positive disadvantage for Socrates’ interlocutors in the early dialogues and is certainly not a requisite for philosophical inquiry.

The argumentation in the *Laws* is, I believe, wholly unsocratic, but this is because the Athenian is made to expound his own beliefs rather than to elicit and examine those of his companions. When, for example, he has gained the Spartan’s assent on a point about sexual eros and he suddenly recalls the different *mores* of the Cretans on this subject, he says, “as for Clinias, I must do my best to charm and persuade him of our view on some later occasion; enough of the concessions you have granted me—let us return to our legislating” (837D). Here, he is clearly willing to proceed without Clinias’ agreement. At 631B–32D the Athenian tells his companions in a lengthy excursus exactly how they should have responded to his requests, thus providing the answers they had been invited to give. And in Book 10, the Athenian positively maroons his fellows for a good portion of the argument, claiming that the waters are simply too deep for the two to enter (892D–93A). Nothing could be further from Socrates’ approach in the early dialogues of Plato. As the Athenian puts it at 641E2–3, “it is your task to learn (μαθεῖν), and mine to elucidate the argument (δηλῶσαι . . . τὸν λόγον [see also 639A1, 642D1–43A2–4; 2 664B3]).

The Athenian’s dogmatic method does not perhaps need to be rehearsed.⁴⁸ What does need to be emphasized is that, throughout the text, the Athenian addresses his interlocutors with the same sort of language that the lawgiver/lawcode uses when addressing the citizens. We have already seen how the Athenian persuades his interlocutors to endorse the persuasive language of the preludes. Note also that the word that is used (interchangeably with προοίμια) to denote the preludes—παραμύθια (e.g., 880A7, 885B3, 773E5; cf. 666A)—is also used to depict the conversation that the Athenian is conducting with his interlocutors. When the Athenian proposes the discussion of legal institutions at the very beginning of the dialogue, for example, he suggests that they make the journey λόγοις τε ἀλλήλους παραμυθουμένους (625B; cf. 632E).

The parallel between the Athenian’s treatment of the interlocutors and the lawgiver’s handling of the citizens of Magnesia is nowhere drawn more clearly than at 662–64. In this passage, the Athenian discusses the use of beneficial “fictions” (ψεύδεσθαι, 663D8, ψεῦδος, D9; ἐψεύσατο, E1) that will impel the youth to embrace just behavior willingly and without compulsion. Clinias registers his approval of such measures: “the truth

47. See, for example, Diès, “*Lois*,” pp. lxxviii–ix, xc, and Görgemanns, *Beiträge zur Interpretation*, p. 100. Görgemanns’ comparison of the two old men to Cephalus in the *Republic* does not do justice to the curiosity and staying power of both Megillus and Clinias; just because Cephalus is, like the Athenian’s interlocutors, old, traditional, and uneducated (in higher learning) does not necessarily mean that his personality and mind are similar to theirs.

48. Of the dogmatic nature of the argumentation in the *Laws*, Saunders, “*Laws*,” p. 39 says: “much of the *Laws* resembles a formal lecture by the Athenian rather than dialogue”; see also E. Barker, *Greek Political Theory. Plato and his Predecessors* (London, 1918), p. 339; Görgemanns, *Beiträge zur Interpretation*, pp. 78–81; and G. Morrow, “Plato’s Concept of Persuasion,” *PhR* 62 (1953): 240.

is a noble and enduring thing, but it seems no easy matter to persuade men of it" (663E3–4). Invoking a tale from mythology that made its way into traditional belief (the story of the men who sprouted from the sowing of the dragon's teeth), the Athenian claims that this provides evidence that "the youthful mind will be persuaded of anything, if one only takes the trouble to persuade it" (E8–10). He now proceeds to formulate a beneficial fiction to suit the train of the argument: "if we say that *the gods account* the pleasantest and the best life one and the same, our statement will at once be perfectly true and more convincing to those whom we have to convince than if we spoke in any other tones" (664B7–C1, my italics). In this case, the "fiction" contains the true proposition (in Plato's eyes) that the just life is the pleasantest; by trundling in the gods, however, the Athenian enters into the discourse that he himself calls "fiction." The "fictional" approach, then, consists in the recourse to the authority of god rather than to logical argumentation. The word *ψεῦδος* is thus used here to denote a fiction or a story rather than a lie, since it can be used as a vehicle for truth.

A look at the argument that immediately precedes this passage reveals a wonderful irony. This argument opens with the Athenian asserting the Socratic paradox that the unjust life is not only dishonorable but also bad, unpleasant, and inexpedient. Though Clinias will admit that such a life is dishonorable, he rejects the idea that it is also unpleasant and unprofitable; such a proposal, he asserts, is ludicrous and objectionable (662A8). The Athenian then proclaims that only the intervention of a god will bring them into agreement (B1–2), and he proceeds to put the question to the gods. And after insisting—with all due modesty—that the gods cannot but aver that the unjust life will be unhappy, he puts the same question to an imaginary father who, not surprisingly, also confirms the Athenian's view. These rhetorical pleas to the gods and the fathers are of course identical to the "fictional" recourse to divine authority that the Athenian recommends for use on the Magnesians youths! The Athenian, then, uses precisely the same kind of rhetoric on his interlocutors as his lawgiver uses on the people of Magnesia. To be sure, the conversation between the three old men has a much greater scope and contains far more argumentation than the "conversations" between the lawgiver and the citizens. But the Athenian presents his arguments as finished products that are invested with divine authority; he never invites either his companions or the readers to put the issues to the test for themselves. In short, he never issues the injunction that is found (either explicitly or implicitly) in so many Platonic dialogues: develop your own authority by engaging in philosophical inquiry.

IV

How, then, does this peculiar text address itself to the reader? I cannot offer a detailed response to this question in the brief space of this essay. The following is designed as a beginning.

As the Athenian says at 770A, given that they are old men and near death, they should not merely "create a legislation" but also "create lawgivers." The same idea is voiced at 835B, where the Athenian distinguishes the "primary lawgiver" from the "secondary lawgivers" (τῷ πρώτῳ νομοθέτῃ . . . τοὺς δευτέρους). The secondary lawgivers are the people who will take the lawcode devised by the ideal or "primary" lawgiver (i.e., the Athenian) and found the new city. The secondary legislators are thus members of the new city who are themselves bound by the lawcode; once the city is founded they will function as magistrates or "guardians of the laws."

Let us look, then, at the enunciations of the primary to the secondary lawgivers. At 770B–C, the Athenian invites Clinias and Megillus to join him in addressing the secondary lawgivers:

Let us say to them, "friends, you who are the preservers of the laws, we will leave out many things that relate to the laws we have laid down, for this is necessary; but we will do everything possible to sketch out all but the most minor details as well as the system as a whole. You must fill in what has been outlined. But it is necessary for you to hear what your aim will be in doing this. Megillus, Clinias, and I have often said these things to one another, and we agree that they have been stated properly. We want you to share our judgements and become our pupils, aiming at those things which we have agreed that the lawgiver and the law-preserver must aim."

Here, the primary lawgivers claim to give the secondary legislators both the constitutional system they have completed so far as is possible, and the principles that they must use to finish the details of the legislation. The system and principles are, of course, already decided upon by the primary lawgivers, and thus the conversation is entirely one way: the secondary lawgivers must simply take the system and the principles and apply them as strictly as possible.

The same sort of one-way conversation with the secondary lawgivers can be found throughout the text. Let me cite but a few examples. Speaking about the legislation for choral compositions and performances, the Athenian says at 835A–B, "of what sort each of these things should be with respect to words, melodies, and the blend of rhythm and dance has been stated frequently by the primary lawgiver, and it is necessary for the secondary lawgivers to follow his lead in their legislation." This passage makes it clear that the secondary lawgivers are the magistrates who will institute and preserve the Athenian's lawcode in their city: "the master of sports and the minister of education and the guardians of the laws . . . becoming themselves legislators" (γενομένων νομοθετῶν αὐτῶν, 835A3–5) will put into place the primary lawgiver's rules and injunctions.

Perhaps the most important member of the secondary lawgivers is the minister of education, and the Athenian is careful to offer explicit instruction to this individual in the voice of the primary lawgiver. Querying at 809A how "the law" can "educate this [magistrate] sufficiently," he proclaims: "it is necessary to leave nothing out in dealing with him, but

we must offer a full interpretation of every utterance, so that this man may be the expositor to others, as well as their nurturer” (δεῖ δὲ εἰς δύν-αμιν μηδὲν παραλείπειν αὐτῷ, πάντα δὲ λόγον ἀφερμηνεύειν, ἵνα οὗτος τοῖς ἄλλοις μηνυτῆς τε ἅμα καὶ τροφεὺς γίγνηται, 809B1–3). The law-giver now turns to address the minister of education directly. You have been told already about the military exercises the children must perform, he says, but you have not yet been instructed about the handling of prose literature (809B–C). “Now attend carefully to what will be said next,” he says to the minister. The lawgiver proceeds to spell out for this magistrate the rules that pertain to education in reading and writing and then turns to the knotty problem of bad books. Once again, he addresses the magistrate directly: “Oh best of all law-guardians, how will you deal with these? How would the legislator rightly command you to handle these things?” (810C). And, once again, the Athenian supplies explicit and detailed answers. The primary legislator, in short, tells the secondary ones exactly how to proceed.

It is clear that when the primary legislator says that he will “make legislators,” what he intends to create are secondary rather than primary legislators.⁴⁹ He does of course explain to the secondary legislators the principles of his legislation, but these are simply handed over to them ready-made. The primary legislator makes no attempt to turn his charges into philosophers or to educate them in the strong sense. Indeed, he is emphatic that the magistrates of his city must possess a distinctly homely brand of wisdom. At 689A–D, for example, the Athenian defines the greatest folly (ἡ μεγίστη ἀμαθία, A1) as “that of a man who hates, not loves, what his judgment pronounces noble or good, while he loves and enjoys what he judges vile and wicked. . . .” After castigating individuals “who have fair discourse (καλοὶ . . . λόγοι, B5–6) in their souls that produces no effect,” the Athenian insists that no office in the government will be entrusted to men who are foolish in this sense. Though these men may be “the most expert of calculators” (πάνυ λογιστικοί, C9), and “laboriously trained in all lofty studies and everything that makes for nimbleness of mind,” they will be “reproached as unwise” (ὥς ἀμαθέσιν ὀνειδιστέον, C8); those of the contrary sort, on the other hand, “will be called wise (σοφούς), even though, as the proverb puts it, they can ‘neither read nor swim.’” It is to these latter, “as men of sense” (ὥς ἔμφοροσιν, D4), that the magistracies will be given.⁵⁰

49. It is true, of course, that the nocturnal council will be philosophically educated and perhaps achieve the wisdom of the primary legislator (though, unlike the guardian kings in the *Republic*, they are subject to the laws that have been created by the primary lawgiver). But the Athenian is not addressing or attempting to educate the members of this council in the space of the *Laws*. He has a very different education in mind for them, as he reveals in Book 12. The very fact that he refuses to lay down rules for their education (he says it can be “described” but not “prescribed,” 968E), shows his unwillingness to address them in the didactic mode he uses on the interlocutors and secondary legislators in the rest of the dialogue.

50. Plato emphasizes in this dialogue that reason and rational inquiry do not necessarily lead to right action and it is for this reason that they are neither a requisite for positions of power and honor nor the focus of the educational system. For a discussion of the abandonment in the *Laws* of the Socratic notion that knowledge is sufficient for virtue, see T. J. Saunders, “The Socratic Paradoxes in Plato’s *Laws*,” *Hermes* 96 (1968): 421–34, esp. 433–34 (see also J. Gould, *The Development of Plato’s Ethics* [Cambridge, 1955],

The Athenian makes a similar point at 715C–D, where he describes the proper relation between the magistrates and the laws:

If I have just styled the so-called authorities “ministers” (ὕπηρετας) of the law, it is not for the sake of a novel phrase, but because I am persuaded that the preservation or ruin of a society depends on this more than anything else. Where the law is overruled (ἀρχόμενος) or without force (ἄκυρος), I see destruction hanging over the community; where it is sovereign over the authorities (δεσπότης τῶν ἀρχόντων) and they its slaves (οἱ δὲ ἄρχοντες δοῦλοι τοῦ νόμου), I discern the presence of salvation and every blessing that the gods send on a city.

The Athenian could not be more emphatic. It is, paradoxically, the degree of a citizen's enslavement to the laws that renders him or her⁵¹ suitable for offices of power: offices and magistracies will not be conferred on anyone “for his wealth or his possession of some similar advantage such as physical strength, stature, or family; it is the man who is most perfect in obedience (εὐπειθέστατος) to established law, the man whose victory over his fellow citizens takes that form, to whom we should give the function of ministry to the gods, the highest post to him who stands first . . .” (715B–C).⁵² The utterances of the legislator, then, are designed both to create and sustain total obedience in the secondary lawgivers.

I have examined several levels of discourse in the *Laws*: the lawgiver's address to the citizens in the form of preludes; the Athenian's conversation with his interlocutors; and the direct addresses to the secondary legislators. On all of these levels, the utterances of the Athenian-as-lawgiver are invested with an authority that is divine. Throughout the text, the lawgiver occupies a privileged center of speech that preempts all criticism. How, then, does the dialogue address its readers? Given the conspicuous

pp. 90–91). Note that, in the *Laws*, it is the harmony of all the elements in the soul—rather than the philosophical prowess of the rational part—that is dubbed “wisdom”: ἡ καλλίστη καὶ μεγίστη τῶν συμφωνιῶν μεγίστη δικαιοτάτη ἂν λέγοιτο σοφία (689D6–7). As Gould points out (p. 90), this conception of ignorance as psychic disharmony is quite different from the Socratic one, for in the *Laws* “*amathia* . . . occurs in the popular element of the soul.” It is of course the identification of ἀμαθία with psychic disharmony and, correlatively, of φρόνησις with psychic harmony (rather than with the wisdom of the highest faculty) that leads G. Müller (*Studien*, pp. 18–19) to complain that φρόνησις is confused in the *Laws* with σωφροσύνη. As I hope has become clear, we are not dealing with a case of confusion on Plato's part but rather with a deliberate rhetorical strategy designed to elicit a certain kind of response from its listeners/readers; since the *Laws* is not meant to encourage its readers to become philosophers, psychic harmony replaces philosophic wisdom as the highest virtue to be achieved.

51. For a cogent argument that women are not only electable as magistrates but in fact play a full political role in the city of Magnesia, see D. Cohen, “The Legal Status and Political Role of Women in Plato's *Laws*,” *RIDA* 34 (1987): 27–40.

52. In his elegant analysis of Plato's notion of slavery in both the political and the metaphysical sphere (“Slavery in Plato's Political Theory,” repr. in G. Vlastos, *Platonic Studies*² [Princeton, 1981], pp. 147–63), G. Vlastos claims (p. 148): “. . . Plato thinks of the slave's condition as a deficiency of reason. He has *doxa*, but no *logos*. He can have true belief, but cannot know why his belief is true. He can learn by experience and external prescription. But he can neither give nor follow a rational account. He is therefore susceptible to persuasion.” Only νοῦς is impervious to persuasion (see, e.g., *Ti.* 51E4) and, correlatively, human beings without νοῦς are impervious (so to speak) to philosophical argumentation. The great majority of the citizens in Magnesia will fall into the latter category: they must therefore be imprinted with the true opinion enunciated by the primary legislator. As the Athenian puts it at 955D1–2, “seeing the truth and, once having seen it, to persevere in it, is not easy; it is safest to listen to the pronouncements of the law and be persuaded.”

absence of discursive strategies that would destabilize or undermine the Athenian's discourse—strategies that a writer as playful and ironic as Plato could easily have included—it seems reasonable to conclude that the text asks the readers to defer to the authority of the lawgiver. As I have suggested, this text does not invite its readers to practice philosophy; on the contrary, it consistently indicates that the investigation of the issues at hand has already been completed. To be sure, the reader is treated to a number of explanatory arguments. But these arguments are designed to end, rather than begin, the conversation. Like the citizens, the secondary lawgivers, and the interlocutors, the reader is urged to treat the lawcode as a scripture that only the impious will dare to challenge.

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