

**DEMOCRATIC AND UNDEMOCRATIC PERSPECTIVES**

**IN THE *LAWS* OF PLATO**

BY

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## **Abstract**

This thesis studies the viewpoint according to which many proposals made by the Athenian concerning the background of laws and Magnesia could be characterized as democratic or undemocratic. For this reason in the analysis of such aspects there is a comparison of Magnesia with democratic Athens and other states having existed in this era. After that, there will be an attempt to give, inasmuch as it is possible the political color of Magnesia in the *Laws*.

## **Keywords**

Aristocracy, Athenian Stranger, Democracy, Magnesia, Nocturnal Council, Law

## 1.Introduction

This master thesis attempts to detect as much as possible democratic and undemocratic features in the *Laws* of Plato. But spontaneously reasonable questions emerge, such as “What is democratic or undemocratic? How these aspects do function in the context of the *Laws*?”. Before defining these aspects and answering these questions, it is of crucial importance to underscore that this thesis does not seek to interpret these terms in their modern meaning and adjust them in the frame of the *Laws*. Such an attempt would be an unfruitful anachronism. On the contrary it gives priority to the examination of the background of such elements as exposed in the *Laws*. To be more accurate the research question of this thesis is “In what perspective each suggestion concerning the establishment of Magnesia could be regarded as democratic or undemocratic?”. The criteria according to which such elements will be termed as democratic or undemocratic will be based on passages from scholars of this era such as Aristotle, Thucydides, Euripides who tried to approach these issues.

The method used for the examination of this question is the following of the main thread of the dialogue that takes place in the *Laws*. By tracing the line of interlocutors’ argumentation and reasoning, we will be able to understand and illustrate, inasmuch as it is possible, how, when and under which circumstances each discussant makes a case. In addition, even if interlocutors’ proposals change during the dialogue it will be feasible to grasp the cause of this shift as the sequence of their thought will have already been examined. Consequently, by adopting this method the viewpoint of participants’ suggestions that has to do with the establishment and organization of Magnesia will become clear and their analysis can be more fruitful.

After paraphrasing and analyzing the base of these proposals follows the conclusion about the perspective of democratic and undemocratic aspects. Despite the fact that there is much debate on this issue and an exhaustive analysis of this topic may seem unattainable, it would be beneficial for the conclusion to elaborate on Karl’s Popper work “The Open Society and its Enemies”<sup>1</sup>. As we will later see in this book of Popper there is a detailed reference to the *Laws* of Plato and especially to the political background that Magnesia would have had. It does also examine and explain all these elements from a different point of view. Therefore a critical reference to Popper’s work can shed light on the interpretation of democratic and undemocratic perspectives of the *Laws*. Except for Popper, there will be a concise comparison of Magnesia with Callipolis so as to have a thorough command of Plato’s politics and see the differences between these two colonies. This comparison will be useful to the final step of this thesis, namely the attempt to approach the political color of Magnesia.

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<sup>1</sup> Popper (1945)

However before starting to perform these steps it is important to clarify that all translations of the *Laws* adduced in the thesis are taken from Bury<sup>2</sup>. In case of adducing my own translation or following another translator I will explicitly mention it. Apart from the *Laws*, the translations of the other Greek texts are also taken from the Loeb Classical Library and in each passage I refer to the translator. If I try to change the translation I will again give a detailed analysis of my proposal. As far as commentaries on the *Laws* are concerned I use England's work<sup>3</sup> and for the tenth book I also use Mayhew's work<sup>4</sup>.

### 1.1. Democracy in the classical period

As far as democracy of classical period is concerned it is very difficult to precisely define its meaning. Concerning this difficulty, it is characteristic that even the famous passage from Thucydides 'καὶ ὄνομα μὲν διὰ τὸ μὴ ἐς ὀλίγους ἀλλ' ἐς πλείονας οἰκεῖν δημοκρατία κέκληται'<sup>5</sup> which also exists in the present preamble to the draft of European Constitutional Treaty<sup>6</sup> is under debate. The core of the matter is the interpretation of ἐς πλείονας οἰκεῖν. According to Gomme, ἐς πλείονας οἰκεῖν means "the *distribution*, as it were, not so much of power, as of political activity;"<sup>7</sup>. Nevertheless, if we take into account Ostwald's interpretation we will see that he offers a different explanation from this of Gomme. He translates ἐς πλείονας οἰκεῖν as "run with a view to the interest of the many"<sup>8</sup>. Therefore the dividing line between Ostwald and Gomme is that the first proposes that a democratic state acts in favor of the interest of the many, whilst the second does not claim so but elaborates on the active political participation of citizens in the proceedings of Athens. But is it possible to find a common basis so as to define democracy in classical period?

There are two basic characteristics of the Athenian democracy that can hardly be disputed. The first is that in a democratic state, such as this of Athens, many citizens, and of course not all of them, did participate in the Assembly<sup>9</sup>. The second is that citizens could in principle possess an authority, for

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<sup>2</sup> Bury (1926)

<sup>3</sup> England (1921)

<sup>4</sup> Mayhew (2008)

<sup>5</sup> Thucydides 2.37.1: Χρῶμεθα γὰρ πολιτεία οὐ ζηλοῦση τοὺς τῶν πέλας νόμους, παράδειγμα δὲ μᾶλλον αὐτοὶ ὄντες τισὶν ἢ μιμούμενοι ἐτέρους. καὶ ὄνομα μὲν διὰ τὸ μὴ ἐς ὀλίγους ἀλλ' ἐς πλείονας οἰκεῖν δημοκρατία κέκληται (We have a form of government not fetched by imitation from the laws of our neighboring states nay, we are rather a pattern to others, than they to us which, because in the administration it hath respect not to a few but to the multitude, is called a democracy). Transl. Smith (1920)

<sup>6</sup> Council of the European Union (2003) , 66-67

<[https://muse.jhu.edu/journals/journal\\_of\\_democracy/v014/14.4treaty.html](https://muse.jhu.edu/journals/journal_of_democracy/v014/14.4treaty.html)>

<sup>7</sup> Gomme (1956) 108-109 : "ἐς πλείονας οἰκεῖν means the *distribution*, as it were, not so much of power, as of political activity: hence the emphasis on *μέτεστι*, the share of each citizen. For the use of *οἰκεῖν* in the sense, not of 'living in a place', simply (as in ii. 17. 3.) , but 'of being a citizen' , cf. iii. 48. I, and 44. 2n. Elsewhere it is something between the two, with a qualifying adjective or adverb, ii. 71. 2, vi. 18. 7, 92. 5.) .

<sup>8</sup> Ostwald (1986) 183, For a detailed analysis of Thucydidean definition of democracy see also Hornblower, (1991) 298-299

<sup>9</sup> Ober (1989) 54: "The primary decision-making bodies were the citizen Assembly, the legislative body of Law-makers (*nomothetai*), and the popular courts. All of these bodies met openly; the Assembly and courts met

instance they could become judges. Nevertheless the exclusion of certain categories of people from the assembly was more fact than fiction. A telling example is that women were not entitled to take part in the Assembly, but in any case these two fundamental characteristics could constitute a raw material for the understanding and definition of democracy in classical period. However, for a more illustrative description of the Athenian democracy it would be helpful to adduce other distinguishing features of it.

Firstly, the Athenian democracy was not a representative one as most of the modern western democracies<sup>10</sup>. The Athenians were actively participating in the assembly and they had a voice in the social and political proceedings. The assembly was sovereign as it had the final decision on the most significant issues as these of war and peace, legislation, finance and treaties. Another fundamental principle of the Athenian democracy was 'isēgoria' (ἰσηγορία). It was the right of citizens to speak as equals in the assembly on matters of state importance<sup>11</sup>. It was also the distinguishing feature of democratic Athens, as in the assembly the herald was asking "who wishes to address the assembly?" (τίς ἀγορεύειν βούλεται;). No one was entitled to muzzle people who wanted to speak in the assembly. Demosthenes in his speech 'On the Crown' (Ἐπὲρ Κτησιφώντος περὶ τοῦ Στεφάνου) was complaining against Aeschines because he prevented him from addressing the audience. Demosthenes was claiming that such a debarment was not just and that it was also against the political etiquette : 'οὐ γὰρ ἀφαιρεῖσθαι δεῖ τὸ προσελθεῖν τῷ δήμῳ καὶ λόγου τυχεῖν, οὐδ' ἐν ἐπιτηρείᾳ τάξει καὶ φθόνου τοῦτο ποιεῖν' οὔτε μὰ τοὺς θεοὺς ὀρθῶς ἔχον οὔτε πολιτικὸν οὔτε δίκαιόν ἐστιν, ὃ ἄνδρες Ἀθηναῖοι.'<sup>12</sup>

However, the fact that citizens of Athens could not muzzle the speakers in the assembly does not entail that they could not interrupt them or that they were obliged to listen to them. On the contrary, as Wallace stresses the Athenians "felt no obligation to sit quietly and listen to talk they objected to"<sup>13</sup>. The noun *thorubos* was used to describe the "the confused noise of a crowded assembly"<sup>14</sup>. It is worth adducing how Thucydides describes such an uproarious assembly where the atmosphere was electric so as to illustrate the extent to which the Athenians were able to interrupt the public speakers. According to Thucydides when the Athenians had to take a serious decision in 425 BC they started to react in this way described at (4.28)

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frequently. Assembly meetings were open to all citizens; boards of Law-makers and juries were selected randomly and by lot from the citizen body".

<sup>10</sup> Finley (1973) 18

<sup>11</sup> Ober (1989) 78-79

<sup>12</sup> Demosthenes 18.13: (It is not right to debar a man from access to the Assembly and a fair hearing, still less to do so by way of spite and jealousy. No, by heavens, men of Athens, it is neither just, nor constitutional, nor honest!). Trans. C.A. Vince. J.H. Vince (1926)

<sup>13</sup> Wallace (2004) 223-224

<sup>14</sup> LS J (1961) 803-804, For θόρυβος see also Plato, M., & Croiset, A. (1946) 255: "θόρυβος, ὁ «trouble» θόρυβον παρέχει καὶ παραχίν Pd. 66 d 5. App. Et ass.: παραχή."

<p>ὁ δὲ Νικίας τῶν τε Ἀθηναίων τι ὑποθορυβησάντων ἐς τὸν Κλέωνα, ὅτι οὐ καὶ νῦν πλεῖ... οἱ δέ, οἷον ὄχλος<sup>15</sup> φιλεῖ ποιεῖν, ὅσῳ μᾶλλον ὁ Κλέων ὑπέφευγε τὸν πλοῦν καὶ ἐξανεχώρει τὰ εἰρημένα, τόσῳ ἐπεκελεύοντο τῷ Νικίᾳ παραδιδόναι τὴν ἀρχὴν καὶ ἐκείνῳ ἐπεβόων πλεῖν... τοῖς δὲ Ἀθηναίοις ἐνέπεσε μὲν τι καὶ γέλωτος τῇ κουφολογίᾳ αὐτοῦ.</p>	<p>(The Athenians thereupon began to clamour against Cleon, asking him why he did not sail even now.... And the more Cleon tried to evade the expedition and to back out of his own proposal, the more insistently the Athenians, as is the way with a crowd, urged Nicias to give up the command and shouted to Cleon to sail... At this vain talk of his there was a burst of laughter on the part of the Athenians). Transl. Smith (1920)</p>
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In this passage there are three words that illustrate the interventions of the audience during Nicias' speech. The first one is the participle ὑποθορυβησάντων<sup>16</sup> which is very close to the meaning of *thorubos* already mentioned. The second is the verb ἐπεβόων which means that the audience was shouting against Nicias when he was speaking. The third word of this passage is the noun 'γέλως' (laughter)<sup>17</sup> that characteristically shows the reaction of the audience when the proposal of Nicias seemed to be senseless. Therefore, the fact that sometimes the audience could intervene in the way described can hardly be questioned.

Apart from ἰσηγορία another democratic element that is also in use in the *Laws*, is παρρησία. The first part of this word is πᾶς and the second ῥῆσις and it is translated as 'frankness' or 'freedom of speech'<sup>18</sup>. In other words, unlike slaves, women and metics, the male citizens of Athens were free to express their opinion without any fear of censorship<sup>19</sup>. In order to show the extent to which someone could freely say whatever they like I adduce the words of the Theban Herald (κῆρυξ) in Euripides's "*Suppliants*" where democracy is criticized (ll. 399-428).

<p>Κῆρυξ: τίς γῆς τύραννος ; πρὸς τίν' ἀγγελίαι με χρὴ λόγους Κρέοντος, ὃς κρατεῖ Κάδμου χθονὸς Ἐτεοκλέους θανόντος ἀμφ' ἑπταστόμους πύλας ἀδελφῆ χειρὶ Πολυνεϊκοῦ ὕπο;</p>	<p>(Theban Herald: Who is the despot of this land? To whom must I announce the message of Creon who rules over the land of Cadmus, since Eteocles was slain by the hand of his brother Polyneices, at the sevenfold gates of Thebes?)</p>
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<sup>15</sup> According to Gomme (1956) 469: "ὄχλος is 'the multitude' 'a crowd', not the 'mob'. But Thucydides has no great belief in the dignity of popular assemblies."

<sup>16</sup> Hornblower (1996) 187: "ὑποθορυβησάντων ἐς τὸν Κλέωνα : 'were in a state of near uproar against Kleon'. The word *thorubos* is the regular word for disturbance in the lawcourts, see V. Bers, 'Dikastic *Thorubos*', *CRUX*, I ff., at 4, calling the present passage 'a sort of duel between the speaker and the crowd', i.e. an extension of law-court manners to the Assembly. (The prefix *υπο-* weakens the verb, hence my word 'near'.)"

<sup>17</sup> Hornblower (1996) 188: "For laughter in Th. (rare and always unpleasant)"

<sup>18</sup> LSJ (1961) 1344: "*outspokenness, frankness, freedom of speech*, claimed by the Athenians as their privilege".

<sup>19</sup> Balot (2004) 233: "In the political world of democratic Athens, freedom of speech was a privilege that derived from a citizen's status *qua* citizen. Unlike slaves, foreigners, metics and Athenian women, Athenian citizen males were both permitted and encouraged to engage in frank and open discussion about matters of public concern."



<p>Θησεύς: πρῶτον μὲν ἤρξω τοῦ λόγου ψευδῶς, ξένε, ζητῶν τύραννον ἐνθάδ'· οὐ γὰρ ἄρχεται ἐνὸς πρὸς ἀνδρὸς ἀλλ' ἐλευθέρα πόλις. Δῆμος δ' ἀνάσσει διαδοχαῖσιν ἐν μέρει ἐνιαυσίαισιν, οὐχὶ τῷ πλούτῳ διδοῦς τὸ πλεῖστον ἀλλὰ χῶ πένης ἔχων ἴσον.</p>	<p>Theseus: You have made a false beginning to your speech, stranger, in seeking a despot here. For this city is not ruled by one man, but is free. The people rule in succession year by year, allowing no preference to wealth, but the poor man shares equally with the rich.</p>
<p>Κῆρυξ: ἐν μὲν τόδ' ἡμῖν ὥσπερ ἐν πεσσοῖς δίδωσ κρεῖσσον· πόλις γὰρ ἦς ἐγὼ πάρεμι' ἄπο ἐνὸς πρὸς ἀνδρὸς, οὐκ ὄχλω κρατύνεται οὐδ' ἔστιν αὐτὴν ὅστις ἐκχαυνῶν λόγοις πρὸς κέρδος ἴδιον ἄλλοτ' ἄλλοσε στρέφει, τὸ δ' αὐτίχ' ἠδὺς καὶ διδοῦς πολλὴν χάριν, ἐσαῦθις ἔβλαψ', εἶτα διαβολαῖς νέαις κλέψας τὰ πρόσθε σφάλματ' ἐξέδου δίκης. ἄλλως τε πῶς ἂν μὴ διορθεῦον λόγους ὀρθῶς δύναται ἂν δῆμος εὐθύνειν πόλιν; ὁ γὰρ χρόνος μάθησιν ἀντὶ τοῦ τάχους κρεῖσσω δίδωσι. Γαπόνος δ' ἀνὴρ πένης, εἰ καὶ γένοιτο μὴ ἀμαθής, ἔργων ὑπο οὐκ ἂν δύναίτο πρὸς τὰ κοῖν' ἀποβλέπειν. ἦ δὴ νοσῶδες τοῦτο τοῖς ἀμείνοσιν, ὅταν πονηρὸς ἀξίωμ' ἀνὴρ ἔχη γλώσση κατασχὼν δῆμον, οὐδὲν ὦν τὸ πρῖν</p>	<p>Theban Herald: You give me here an advantage, as in a game of checkers; for the city from which I come is ruled by one man only, not by the mob; no one there puffs up the citizens with specious words, and for his own advantage twists them this way or that, one moment dear to them and lavish of his favors, the next harmful to all; and yet by fresh calumnies of others he hides his former failures and escapes punishment. Besides, how would the people, if it cannot form true judgments, be able rightly to direct the state? No, it is time, not haste, that affords a better understanding. A poor farmer, even if he were not unschooled, would still be unable from his toil to give his mind to politics. Truly the better sort count it no healthy sign when the worthless man obtains a reputation by beguiling with words the populace, though before he was nothing</p>
<p>Θησεύς: κομψός γ' ὁ κῆρυξ καὶ παρεργάτης λόγων. ἐπεὶ δ' ἀγῶνα καὶ σὺ τόνδ' ἠγωνίσω, ἄκου'· ἄμιλλαν γὰρ σὺ προύθηκας λόγων.</p>	<p>Theseus: This herald is a clever fellow, a dabbler in the art of talk. But since you have thus entered the contest with me, listen awhile, for it was you that challenged a discussion). Transl. Coleridge (1938)</p>

What this passage illustrates is that a herald could dispute with frankness not only what the king was supporting but also the sovereignty of democracy per se. It is also notable that the severe accusations<sup>20</sup> against democratic Athens made by the Theban Herald are treated in a kind way by Theseus. Even if this passage does not totally reflect the historical truth about democratic Athens, it does have a kernel of truth; and this is the existence of frankness of the speech in classical Athens.

<sup>20</sup> Morwood (2007) 176: “ 409-25: The Theban herald responds with impudently dismissive arrogance to Theseus’ proud assertion of democratic values”.

However, this fact does not entail that in democratic Athens there were no restrictions and citizens could act with impunity or that the Athenians could “live as they wished”<sup>21</sup>.

Furthermore, despite the fact that elections are the hallmark of modern democracy this was not valid in the case of ancient Athenian democracy. According to Aristotle elections were regarded as a means totally opposed to equality<sup>22</sup>. The point was that elections introduced the element of selection of the best people, of the ‘ἄριστοι’ which resulted in the abolition of equality among people. Instead of elections, the Athenian democracy established the acquisition of offices ‘by lot’ (ἐκ κληρώσεως). This practice was perceived as just because all citizens could in principle obtain an office. Therefore the way citizens were acquiring offices in classical Athens was the selection by lot and not the elections. What about Magnesia? In which way citizens would have occupied public offices?

Last but not least, the establishment of ‘equality of the law’ (ἰσονομία) was another foundation principle of the Athenian democracy<sup>23</sup>. In particular, no citizen was exempted by the law and all people were equal before the law<sup>24</sup>. Vlastos defined ἰσονομία as “political equality maintained through the law and promoted by the law”<sup>25</sup>. Ἰσονομία could be used as a synonym of democracy<sup>26</sup>. In order to highlight the meaning of ἰσονομία it would be useful to adduce a passage from the “Funeral Oration” of Pericles that was addressed in 430 BC in honor of the deceased of the first year of Peloponnesian War. Thucydides in (2.37.1) puts in the mouth of Pericles these words:

<p>μέτεστι δὲ κατὰ μὲν τοὺς νόμους πρὸς τὰ ἴδια διάφορα πᾶσι τὸ ἴσον, κατὰ δὲ τὴν ἀξίωσιν, ὡς ἕκαστος ἔν τῳ εὐδοκίμῳ, οὐκ ἀπὸ μέρους τὸ πλεόν ἐς τὰ κοινὰ ἢ ἀπ’ ἀρετῆς προτιμᾶται, οὐδ’ αὖ κατὰ πενίαν, ἔχων γέ τι ἀγαθὸν δρᾶσαι τὴν πόλιν, ἀξιώματος ἀφανεία κεκώλυται.</p>	<p>(If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the obscurity of his condition). Transl. Smith (1926)</p>
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<sup>21</sup> Wallace (1996) 107

<sup>22</sup> Aristotle *Politics* 1300a41-b5: τὸ δὲ τὰς μὲν ἐκ πάντων τὰς δ’ ἐκ τινῶν πολιτικὸν ἀριστοκρατικῶς, ἢ τὰς μὲν αἰρέσει τὰς δὲ κληρῶ, τὸ δὲ τινὰς ἐκ τινῶν αἰρέσει ὀλιγαρχικὸν καὶ τὸ τινὰς ἐκ τινῶν κλήρῳ (μὴ γινομένου δ’, ὁμοίως), καὶ τὸ τινὰς ἐκ τινῶν ἀμφοῖν. τὸ δὲ τινὰς ἐξ ἀπάντων τὸ τε ἐκ τινῶν αἰρέσει πάντας ἀριστοκρατικόν. (But to appoint some offices from all and the others from a certain class is constitutional with an aristocratic bias; or to appoint some by vote and others by lot. And for a certain class to appoint from a certain class < by vote > is oligarchical, and so it is for a certain class to appoint from a certain class by lot (although not working out in the same way), and for a certain class to appoint from a certain class by both methods. And for a certain class to make a preliminary selection from the whole body and then for all to appoint from among certain persons (thus selected) is aristocratic). Transl. H. Rackham (1932)

<sup>23</sup> LSJ (1961) 838 : “equality of political rights, the equality of a Greek democracy”

<sup>24</sup> For a detailed analysis of isonomia and its relation with democracy see Lombardini (2013), 393-420

<sup>25</sup> Vlastos (1953) 337-366

<sup>26</sup> Raaflaub (1996) 143: “By then the term, although not confined to democracy and denoting any form of equality that was opposed to tyranny or narrow oligarchy, could almost be used as a synonym of dēmokratia.”

Through this passage is shown that in democratic Athens all citizens are considered to be equal. Class divisions were not an obstacle to their advancement. If they were skilful and able to contribute to the state then they would not have been excluded irrespective of wealth or birth. However, this fact does not imply that the rich and poor were totally equal. As Ober maintains most of the Athenian had to work for a living and only five to ten percent of the population did not need to do so<sup>27</sup>. It is also characteristic that many of the distinguished orators in the assembly and politicians were members of this leisure class. Consequently, in fact the rich citizens did have an advantage over the poor concerning the opportunities for advancement in certain fields.

## 1.2. Undemocratic elements

The term undemocratic is a very broad one as it can denote many different types of governances. It can mean either aristocracy or monarchy-tyranny or oligarchy or elitism. The common characteristic of those terms is that the authority is distributed to a few people or even to one man. In other words, the majority of people are excluded from the acquisition of power. This is exactly the dividing line between democratic and undemocratic states. To elucidate the background of the undemocratic terms it would be useful to deal with each of them separately. For the illustration of these terms, it would be helpful to make short, well-timed and apt correlations with governances existing in the ancient world.

‘Aristocracy’ (ἀριστοκρατία) is when the ‘best’ (ἄριστοι), those who are highly-equipped become sovereign in a society. But what are the criteria according to which certain people are supposed to be ἄριστοι? Aristotle<sup>28</sup> mentions that ἄριστοι are those who do excel in ‘virtue’ (ἀρετή). The pivotal role that virtue plays in the *Laws* will be delineated in the second chapter of the thesis. Furthermore, Aristotle in the same passage of his work *Politics* mentions that Carthage is a telling example of aristocracy<sup>29</sup>, as it combines ‘virtue and wealth’ (ἀριστινὴν καὶ πλουτινὴν).

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<sup>27</sup> Ober (1989) 192: “The Athenian leisure class consisted of only some 5 to 10 percent of the total citizen population, but the great majority, perhaps all, of the public speakers represented in the corpus of Attic orators, both private litigants and expert politicians, were members of this leisure class.”

<sup>28</sup> Aristotle *Politics* 1293b2-7: τὴν γὰρ ἐκ τῶν ἀρίστων ἀπλῶς κατ’ ἀρετὴν πολιτείαν καὶ μὴ πρὸς ὑπόθεσιν τινα ἀγαθῶν ἀνδρῶν μόνην δίκαιον προσαγορεύειν ἀριστοκρατίαν: ἐν μόνῃ γὰρ ἀπλῶς ὁ αὐτὸς ἀνὴρ καὶ πολίτης ἀγαθὸς ἐστίν, οἱ δ’ ἐν ταῖς ἄλλαις ἀγαθοὶ πρὸς τὴν πολιτείαν εἰσὶ τῶν αὐτῶν (for it is right to apply the name ‘aristocracy’—‘government of the best’—only to the constitution of which the citizens are best in virtue absolutely and not merely good men in relation to some arbitrary standard, for under it alone the same person is a good man and a good citizen absolutely, whereas those who are good under the other constitutions are good relatively to their own form of constitution). Transl. Rackham (1932)

<sup>29</sup> Aristotle *Politics* 1293b14-19: ὅπου οὖν ἡ πολιτεία βλέπει εἰς τε πλοῦτον καὶ ἀρετὴν καὶ δῆμον, οἷον ἐν Καρχηδόνι, αὕτη ἀριστοκρατική ἐστίν, καὶ ἐν αἷς εἰς τὰ δύο μόνον, οἷον ἡ Λακεδαιμονίων, εἰς τε ἀρετὴν καὶ δῆμον, καὶ ἔστι μίξις τῶν δύο τούτων, δημοκρατίας τε καὶ ἀρετῆς. (Where then the constitution takes in view wealth and virtue as well as the common people, as for instance at Carthage, this is of the nature of an aristocracy; and so also are the states, in which the constitution, like that of Sparta, takes in view two of these things only, virtue and the common people, and there is a mingling of these two factors, democracy and virtue). Transl. Rackham (1932)

As far as tyranny or monarchy is concerned, it is when only one person possesses the authority. At this moment it would be helpful to give an example so as to shed light on this fact. Aristotle again<sup>30</sup> gives an illustrative example about the five ephors in Sparta<sup>31</sup>. Despite the fact that they were annually elected by the assembly of Sparta, the Apella, and they were not allowed to be reelected their power was so strong that they are called ‘ἰσοτύραννοι’ (equal to tyrant). Of course the most important point in the *Laws* is if the monarch-tyrant or any other regime acts in favor of the common interest or not. At last, ‘oligarchy’ (ὀλιγαρχία) is obviously the governance according to which a few people ‘οἱ ὀλίγοι’ do possess the authority.

Consequently the main criterion used for defining an element in the *Laws* as democratic or not is if it tends to include or exclude people from it. In other words, if a proposal made by the Athenian and the other interlocutors addresses only to a few people and excludes the vast majority of Magnesia’s citizens from it then it would be characterized as undemocratic. On the contrary, if a suggestion in the *Laws* targets many people and opens the door to them so as to participate to the political proceedings then it would be termed as democratic. Another criterion is whether the proposal in question oppresses fiercely people to abide by the law or not. However, in order to adequately analyze these aspects it would be helpful to adduce some more special characteristics of the *Laws*.

### **1.3. The natural law and the aim of the law in the *Laws***

As far the illustration of Magnesia’s legislative background is concerned, it would be proper not to elaborate on each legislative procedure, but on the spirit of the laws in the *Laws* as an initiation to the atmosphere of this work of Plato. The natural law and the preambles (προοίμια) of the laws are two distinctive characteristics of the *Laws* and a concise reference to them will elucidate the background of the laws in the *Laws*.

First of all the word νόμος was covering a broad semantic field, as it could be referred to what we today call etiquette, morality, convention or custom. Of course this wide meaning of the word νόμος is incorporated in the *Laws*. In other words, νόμος assumes many different functions throughout the *Laws* as we will see later in the main corpus of the thesis. However, the principal aim of the law in the *Laws* is to shape behavior and to make the citizens of Magnesia virtuous, as the Athenian Stranger certifies. But what kind of personalities do they want to create? In general terms, the citizens of Magnesia would be embedded with ‘αἰδώς’ (modesty) and ‘ἀνδρεία’ (courage) under the rule of

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<sup>30</sup> The reason why I choose to adduce passages from Aristotle is that he offers exhaustive and informative instances that are helpful for a thorough understanding of the political situation of the fifth and fourth century BC.

<sup>31</sup> Aristotle *Politics* 1270b14-17: καὶ διὰ τὸ τὴν ἀρχὴν εἶναι λίαν μεγάλην καὶ ἰσοτύραννον δημαγωγεῖν αὐτοὺς ἠναγκάζοντο καὶ οἱ βασιλεῖς, ὥστε καὶ ταύτῃ συνεπιβλάπτεσθαι τὴν πολιτείαν: δημοκρατία γὰρ ἐξ ἀριστοκρατίας συνέβαιεν. (And because the office was too powerful, and equal to a tyranny, the kings also were compelled to cultivate popular favor, so that in this way too the constitution was jointly injured, for out of an aristocracy came to be evolved a democracy). Transl. Rackham (1932)

‘λογισμός’ (reasoning). In this way they will possess ‘wisdom’ (φρόνησις) and ‘temperance’ (σωφροσύνη) and they will be happy. This is the main aim of the *Laws*. There are many educational means called up, such as the ‘preambles’ (προοίμια) and the drinking parties (συμπόσια) for the fulfillment of this target. If this ultimate goal be achieved then happiness and justice will be established in the colony of Magnesia.

But why do the *Laws* put special emphasis on one aim? At this point emerges the existence of natural law in the *Laws* of Plato. The principal doctrine of this theory is that law by its nature is designed for the accomplishment of a specific goal<sup>32</sup>. For instance, in the case of the *Laws* is to mold virtuous citizens under the rule of reason. Furthermore each measure which is not conducive to this aim cannot be regarded as a law in the full sense. In order to shed more light on what natural law advocates it would very helpful to adduce a quote from Aquinas who was an adherent of this theory. In his work *Summa Theologica* he wrote that: “Law is nothing other than a certain ordinance of reason, for the common good, promulgated by the person who has the care of the community”<sup>33</sup>.

But let us expose some more points of natural law and see their utility in the *Laws*. Firstly according to natural law, in the same way as certain things in nature do have a particular end so law has a specific aim. Secondly the goal of the law should be the establishment of public benefit and not the satisfaction of the ruler’s interest. In the third place, the law should also be a carrier of reason in people’s soul. As far as the context of the *Laws* is concerned these three requirements are put into effect. Particularly, in the *Laws* there is an ultimate goal of the law which is the shaping of virtuous citizens endowed with reason. Moreover in many cases the Athenian Stranger says explicitly that they legislate about the common interest that coincides with the interest of the state. The importance of reason becomes evident in the tenth book of the *Laws* in which the Athenian Stranger claims that the order of the universe is governed by reason.

#### **1.4 Preambles: The first step to a persuasive law**

As we will later see in the fourth book the Athenian claims that his aim is to make people as obedient as possible (ὡς εὐπειθεστάτους) in the realm of virtue<sup>34</sup>. A means that contributes to the achievement

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<sup>32</sup> Lewis (2009) 68: “What is according to nature is a priority of the goods of the soul over those of the body and external goods in the political community first, and secondarily, for individuals. The best life is available to the citizens of the best city, which is a city ordered by laws that themselves are according to nature. Since the chief good of the soul is reason or intelligence, what is according to nature for human beings is what is according to reason.”

<sup>33</sup> Aquinas *Summa Theologica* 1ae 2ae 95 T

<sup>34</sup> Plato *Laws* 718c12-13: Αθηναῖος :βουλοίμην ἂν αὐτοὺς ὡς εὐπειθεστάτους πρὸς ἀρετὴν εἶναι, καὶ δῆλον ὅτι περάσεται τοῦτο ὁ νομοθέτης ἐν ἀπάσῃ ποιεῖν τῇ νομοθεσίᾳ (I should desire the people to be as docile as possible in the matter of virtue; and this evidently is what the legislator will endeavor to effect in all his legislation). Transl. Bury (1926) modified: Instead of the word docile that Bury proposes, I use the word obedient after checking LSJ (1961) 726

of this goal is the use of preambles (προοίμια)<sup>35</sup>. The preambles illustrate the quintessence of the spirit of the *Laws*, as they aim at convincing citizens to consciously abide by the laws and to make them feel calm and willing to listen to the laws. The Athenian mentions characteristically that a law free of preamble is ‘fiercer’ (ἀγριώτερον)<sup>36</sup>. Undoubtedly fierce laws not only make people feel intimidated but also aim at oppressing them. Otherwise stated, if the intention of the lawgiver was to create fearful law-abiding citizens then existence of the preambles would be useless. On the contrary, the intention of the lawgiver in the *Laws* is the distribution of ‘νοῦς’ to the citizens<sup>37</sup>. Therefore the existence of the preambles is in line with the main aim of the law, which is the shape of characters imbued with ‘wisdom’ (φρόνησις) and ‘temperance’ (σωφροσύνη). However, what happens if the preambles fail to achieve this goal? In this case the “violence of the law”<sup>38</sup> will be called up; and if this violence fails, then the final means marshaled is the capital punishment.

### 1.5 Component parts of Magnesia

Before paraphrasing and analyzing the background of the interlocutors’ proposals it would be very useful to adduce the main structure of Magnesia in a schematic way based on Stalley’s work<sup>39</sup>. Specifically, to illustrate the parts that will constitute this ἐν λόγῳ society and of course to show the way that they would function. Such a piece of information would be very useful for a concise recapitulation of Magnesia’s social and political structure.

**Class division:** There would be four property classes in Magnesia. The first two would receive more benefits than the other two. However, the first two classes would have more responsibilities than the others, for the obligatory participation in the council and in the assembly.

**Assembly:**

- 1) Open to all adult male citizens<sup>40</sup>. Women will also participate in it<sup>41</sup>
- 2) Attendance: Mandatory for the best two proper classes
- 3) Main function: The election of members of the council

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<sup>35</sup> For an overview of preambles see Bartels (2014) 190-195

<sup>36</sup> Plato *Laws* 720e4

<sup>37</sup> Plato *Laws* 714a1-2 : τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον (giving to reason's ordering the name of “law.”). Bury (1926)

<sup>38</sup> Plato *Laws* 942e4

<sup>39</sup> Stalley (1983) 186-189

<sup>40</sup> Plato *Laws* 753b: Ἀθηναῖος: πάντες μὲν κοινωνούντων τῆς τῶν ἀρχόντων αἰρέσεως ὅποσοιπερ ἂν ὄπλα ἱππικὰ ἢ πεζικὰ τιθῶνται καὶ πολέμου κεκοινωνήκωσιν ἐν ταῖς σφετέραις αὐτῶν τῆς ἡλικίας δυνάμεσιν (In the selection of officials all men shall take part who carry arms, as horse-soldiers or foot-soldiers, or who have served in war so far as their age and ability allowed). Transl. Bury (1926)

<sup>41</sup> Plato *Laws* 805c7-d: Ἀθηναῖος: τὸ δ’ ἡμέτερον διακέλευμα ἐν τούτοις οὐκ ἀποσβήσεται τὸ μὴ οὐ λέγειν ὡς δεῖ παιδείας τε καὶ τῶν ἄλλων ὅτι μάλιστα κοινωνεῖν τὸ θῆλυ γένος ἡμῖν τῷ τῶν ἀρρένων γένει (nor shall we be hereby precluded from asserting in our doctrine that the female sex must share with the male, to the greatest extent possible, both in education and in all else). Transl. Bury (1926)

- Council:**
- 1) Ninety (90) members from each property class<sup>42</sup>
  - 2) Mandatory nomination for the best two property classes<sup>43</sup>.
  - 3) It summons the assembly and guards the city<sup>44</sup>
- Guardians of the Laws:**
- 1) Thirty seven (37) citizens<sup>45</sup>, at least fifty years old. They can be guardians for no more than twenty years<sup>46</sup>.
  - 2) The way they are elected is this: Each citizen writes down the name of the person he regards as the most suitable for this position. The names of these nominees are exhibited for thirty days through which objections are allowed. Initially there are 300 applicants and after a selection they are reduced to 100. In the end through elections they remain 37<sup>47</sup>.
  - 3) It would be the most powerful organ of the state as it guards the laws, keeps the property registers.

**Nocturnal Council**<sup>48</sup> 1) It would consist of the elite of Magnesia<sup>49</sup>, and it would investigate and guard the laws. It would reeducate the atheists.

## 2. Paraphrasing and analyzing democratic and undemocratic elements in the *Laws*

At this chapter there is an attempt to detect as much as possible proposals of the interlocutors about the creation of Magnesia, the colony that the speakers theoretically, in speech try to create. After detecting such proposals there will a paraphrasis and analysis of the viewpoint according to which each suggestion could be characterized as democratic and undemocratic. The point of paraphrasing book by book is not to lose the thread of the dialogue that is very difficult to follow as the topic at issue change constantly during the dialogue. In addition, as it has already been mentioned in the introduction in this way, we can examine, as much as as possible, the specific circumstances according to which each speaker argues. What is more, this book by book analysis can illustrate the differences in the opinions of the interlocutors as the dialogue unfolds. In other words, one of the speakers may change opinion during the dialogue.

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<sup>42</sup> Plato *Laws* 756b8-c3

<sup>43</sup> Plato *Laws* 756c10-d3

<sup>44</sup> Plato *Laws* 758a-d

<sup>45</sup> Plato *Laws* 752e8-9

<sup>46</sup> Plato *Laws* 755a4-6

<sup>47</sup> Plato *Laws* 753c-d

<sup>48</sup> There are two different accounts for the nocturnal council. The first is 951c-952d and the second 961a-968e.

<sup>49</sup> The ten oldest guardians of the laws, all those who have received honors, those citizens that have been sent abroad in order to see how other societies work

## 2.1. BOOK I OF THE LAWS OF PLATO

### 2.1.1 Friendly mood and *παρρησία* from the beginning of the dialogue

The very first questions posed by the interlocutors, such as “θεὸς ἢ τις ἀνθρώπων ὑμῖν, ὃ ξένοι, εἴληφε τὴν αἰτίαν τῆς τῶν νόμων διαθέσεως;”<sup>50</sup> pave the way for the fundamental subject of the Laws which is not other than the research of the government structure and laws of Magnesia<sup>51</sup>. At first, Cleinias, Megillus and the Athenian Stranger during their walk from Cnossus to the grotto of Zeus in mountain Ida start to exchange opinions about the origin of their laws and the enactment of them. The atmosphere is very friendly and conducive to dialectical conversation. All the interlocutors do actively participate in the discussion with the Athenian Stranger having a leading role. Cleinias answers directly to Athenian about the origin of the laws, as his first word “θεός”<sup>52</sup> is the answer to the question of Athenian. Megillus also answers to Cleinias with straightness and again the first word that he utters “Ναί” is a clear answer to Cleinias’ query. As a result all these unclouded and direct answers amount to *παρρησία* that has been analyzed in the introduction. In this case, it is illustrated that the interlocutors do not avoid or afraid of straightforwardly answering to the question. Their speech is frank without any intention to confuse the questioner.

Except for that, it is clear from the very beginning of the first book that the dominant role of the Athenian in the dialogue does not obstruct the other two interlocutors from stating their opinions. They do not accept unquestioningly whatever the Athenian Stranger proposes. On the contrary, many times in the *Laws* they raise serious objections to his argumentation<sup>53</sup>. To be more accurate, both Cleinias and Megillus do not afraid of being muzzled so they can freely express their viewpoint on the topics mooted. In addition to this, the pleasant mood of the dialogue is certified firstly by all the interlocutors. At first, Cleinias declares that he is very eager to listen to the Athenian and discuss ‘in a friendly spirit’ (εὐνοίᾳ δεχομένῳ)<sup>54</sup>. In response to Cleinias, the Athenian states that he does not aim at censuring the laws of Crete but only ‘at expressing his doubts’ (μᾶλλον δὲ ἀπορῶν)<sup>55</sup>. These mutual friendly feelings are also certified by Megillus who shows his ‘affection’ (εὐνοία)<sup>56</sup> to the

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<sup>50</sup> Plato *Laws* 624a1-2: ( Athenian: To whom do you ascribe the authorship of your legal arrangements, Strangers? To a god or to some man?). Transl. Bury (1926)

<sup>51</sup> Plato *Laws* 625a 4-6 : Ἀθηναῖος: προσδοκῶ οὐκ ἂν ἀηδῶς περὶ τε πολιτείας τὰ νῦν καὶ νόμων τὴν διατριβὴν, λέγοντάς τε καὶ ἀκούοντας ἅμα κατὰ τὴν πορείαν, ποιήσασθαι. ( I imagine, have no aversion to our occupying ourselves as we go along in discussion on the subject of government and laws). Transl. Bury (1926)

<sup>52</sup> Plato *Laws* 624a3

<sup>53</sup> Plato *Laws* 660 b

<sup>54</sup> Plato *Laws* 635b1

<sup>55</sup> Plato *Laws* 635b2-4: Ἀθηναῖος: - καλῶς: οὐ μὴν ἐπιτιμῶν γε ἐρῶ τοῖς νόμοις πω, πρὶν βεβαίως εἰς δύναμιν διασκέψασθαι, μᾶλλον δὲ ἀπορῶν (Good! But until I have investigated your laws as carefully as I can I shall not censure them but rather express the doubts I feel). Transl. Bury (1926)

<sup>56</sup> Plato *Laws* 642b7



Athenian by stating that Sparta is a ‘proxenus’ (πρόξενος)<sup>57</sup> of Athens and that he conceives Athens as ‘a second motherland’ (δευτέρα οὔσα πατρίς). Therefore the ground for a friendly and fruitful conversation instilled with παρρησία has already been prepared.

### 2.1.2 The militarist *modus vivendi* of Crete and Sparta versus ζύμπασα ἀρετή

As the dialogue unfolds, the interlocutors discuss about the laws of Crete and Sparta. Both of them are structured in order to prevail in the war against other states. Every aspect of Spartans’ and Cretans’ life, both in ‘public and private life’ (δημοσία καὶ ἰδίᾳ)<sup>58</sup>, is interwoven with this prevalence over the other people. To achieve this goal, they have as priority the establishment of ἀνδρεία in the soul of the citizens. It is exactly this one sided aim that finds Athenian opposed to it as it will be analyzed below. Besides, such a model of life was restricting citizens from developing whichever aspect of their personality they wanted apart from the military one. This *modus vivendi* could hardly be applied to a democratic state where people have the option to be occupied with several things. For instance in the democratic Athens, citizens were able to participate in the public Assembly and exchange opinions with other citizens, to attend tragedies, comedies in the annual feast of Μεγάλα Διονύσια or to exercise and learn how to wrestle in the παλαίστραι<sup>59</sup>. On the contrary, those restrictions already described appeal to totalitarian regimes that do not leave room to citizens for having all these options.

At this point it is useful to approach the proposal of the Athenian. In opposition to this warlike way of living of Crete, that gives prominence to ἀνδρεία, the Athenian Stranger claims that people should aim at goodness as a whole (πρὸς πᾶσαν ἀρετήν)<sup>60</sup> which in turn results in the ‘complete righteousness’ (τελέα δικαιοσύνη)<sup>61</sup>. Such a goodness would consist of wisdom, rational temperance of soul, justice and courage (ἀνδρεία) that has already been described<sup>62</sup>. The Athenian intends to mold fully-developed citizens who will be embedded with these elements and they will not care only for

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<sup>57</sup> Plato *Laws* 642b5

<sup>58</sup> Plato *Laws* 626 a 7-8

<sup>59</sup> Webster (1969) 49: “The paidotribes probably took his pupils in either a palaistra (wrestling school), or a gymnasium (training ground)... Both palaistra and gymnasium catered primarily for athletics and had tracks for running, sometimes covered, sometimes in the open (the Academy had a grove of sacred olive trees)”.

<sup>60</sup> Plato *Laws* 628c10-12: Ἀθηναῖος: τό γε μὴν ἄριστον οὔτε ὁ πόλεμος οὔτε ἡ στάσις, ἀπευκτὸν δὲ τὸ δεηθῆναι τούτων, εἰρήνη δὲ πρὸς ἀλλήλους ἅμα καὶ φιλοφροσύνη (The highest good, however, is neither war nor civil strife—which things we should pray rather to be saved from—but peace one with another and friendly feeling. Moreover, it would seem that the victory). Transl. Bury (1926)

<sup>61</sup> Plato *Laws* 630b10-630c5: Ἀθηναῖος: δῆλον ὅτι τόδε, ὡς παντὸς μᾶλλον καὶ ὁ τῆδε παρὰ Διὸς νομοθέτης, πᾶς τε οὗ καὶ συμκρὸν ὄφελος, οὐκ ἄλλο ἢ πρὸς τὴν μεγίστην ἀρετὴν μάλιστα βλέπων ἀεὶ θήσει τοὺς νόμους: ἔστι δὲ, ὡς φησὶν Θεόγνις, αὕτη πιστότης ἐν τοῖς δεινοῖς, ἣν τις δικαιοσύνην ἂν τελέαν ὀνομάσειεν. (Plainly it is this: both the Heaven-taught legislator of Crete and every legislator who is worth his salt will most assuredly legislate always with a single eye to the highest goodness and to that alone; and this (to quote Theognis) consists in “loyalty in danger,” and one might term it “complete righteousness”). Transl. Bury (1926)

<sup>62</sup> Plato *Laws* 631c5-9: Ἀθηναῖος: ὁ δὲ πρῶτον αὐτῶν θεῶν ἡγεμονοῦν ἐστὶν ἀγαθὸν, ἡ φρόνησις, δεύτερον δὲ μετὰ νοῦ σόφρων ψυχῆς ἕξις, ἐκ δὲ τούτων μετ’ ἀνδρείας κραθέντων τρίτον ἂν εἴη δικαιοσύνη, τέταρτον δὲ ἀνδρεία (And wisdom, in turn, has first place among the goods that are divine, and rational temperance of soul comes second; from these two, when united with courage, there issues justice, as the third; and the fourth is courage). Transl. Bury (1926)

ἀνδρεία. In this way the establishment of peace among people<sup>63</sup> will be feasible. What is more, Athenian's ultimate purpose is not war, but peace and friendly feeling of people (εἰρήνη δὲ πρὸς ἀλλήλους καὶ φιλοφροσύνη). It is characteristic that the most highly acclaimed type of judge and legislator are those who achieve to reconcile people and not those who just punish them<sup>64</sup>. This intention of the Athenian to create fully fledged citizens with these qualities is totally opposed to the one sided aim of Crete's and Sparta's concerning the molding of their citizens. Therefore, Athenian's proposal does not aim at harshly suppressing people and thus it could be hardly characterized as authoritarian. On the contrary, he aims at broadening the horizons of Magnesia's citizens by inculcating them with goodness as a whole (πρὸς πᾶσαν ἀρετήν). Such a proposal is more close to a democratic state, for instance this of classical Athens, where there is not adhesion to only one aim, as in Sparta and Crete. However, which are the means that will help people to acquire goodness as a whole?

### 2.1.3. Education and drinking party

Education (παιδεία) is the mechanism<sup>65</sup> that is able to impart ἀρετή to people and transform a man into 'perfect' (τέλειον) citizen who 'will understand how to rule and be ruled righteously' (ἄρχειν τε καὶ ἄρχεσθαι ἐπιστάμενον μετὰ δίκης)<sup>66</sup>. The Athenian compares an individual human being with a divine puppet which consists of three forces: θάρρος, φόβος, λογισμός. He proposes that only if λογισμός has a leading role and harnesses the other two elements, that is to say θάρρος and φόβος, will a man be able to make the right choices and approach ἀρετή. What is more, all people are supposed to possess λογισμόν as the Athenian does not mention that there are people deprived of it<sup>67</sup>. In a way, λογισμός is an inherent characteristic of people. Therefore, if this is true, then potentially all people can become virtuous when λογισμός become sovereign in their soul. This proposal is embedded with a democratic conviction as no one is excluded from ἀρετή. *A contrario*, it would be elitistic to claim that only some people do have λογισμόν and by expansion only some people can

<sup>63</sup> Plato *Laws* 628c 10- 13: (Athenian: The highest good, however, is neither war nor civil strife- which things we should pray rather to be saved from- but peace one with another and friendly feeling). Transl. Bury (1926)

<sup>64</sup> Plato *Laws* 628a 1- 6: Ἀθηναῖος: τρίτον δὲ που δικαστὴν πρὸς ἀρετὴν εἶπωμεν, εἴ τις εἴη τοιοῦτος ὅστις παραλαβὼν συγγένειαν μίαν διαφερομένην, μήτε ἀπολέσειεν μηδένα, διαλλάξας δὲ εἰς τὸν ἐπίλοιπον χρόνον, νόμους αὐτοῖς θεῖς, πρὸς ἀλλήλους παραφυλάττειν δύναίτο ὥστε εἶναι φίλους ...μακρῶ ἀμείνων γίγνοιτ' ἂν ὁ τοιοῦτος δικαστής τε καὶ νομοθέτης. (And there is a third judge we must mention (third and best in point of merit), - if indeed such a judge can be found,- who in dealing with a single divided family will destroy none of them but reconcile them... A judge and lawgiver of that kind would be by far the best). Transl. Bury (1926)

<sup>65</sup> Bartels (2014) 99: "From the outset, παιδεία is interpreted as *practicing* or *training* consistent with the Spartan idea that ἀνδρεία must be trained, which was the point of departure in the discussion. Παιδεία is a teleological process. The virtuous (ἀγαθοί) are those able to control themselves, which, in turn, is consistent with the earlier definition of virtue as being κρείττων ἑαυτοῦ".

<sup>66</sup> Plato *Laws* 643e8-9

<sup>67</sup> Bartels (2014) 105: "The puppet- analogy reflects an essentially optimistic attitude towards the human capacity for excellence: λογισμός is innate in every person by nature; it is implied that *paideia* in principle enables every person to become ἀγαθός."

become virtuous. Apart from the sovereignty of λογισμός in the soul of a man this dominance should also be put in effect in the city. In the case of the city the reign of λογισμός is the law<sup>68</sup>.

At this point it is useful to see what would happen in a συμπόσιον according to the Athenian. Would wine destroy the prevalence of λογισμός? The Athenian answers no, as according to him a significant means conducive to test people's soul and help to the acquisition of ζύμπασα ἀρετή in the *Laws* is the drinking party (συμπόσιον)<sup>69</sup>. So λογισμός could not be ruptured in a συμπόσιον, but on the contrary it plays a leading role. By the way, the friendly atmosphere that exists in the drinking party is compatible with the pleasant mood already established in the *Laws*. Such a warm atmosphere established under the influence of wine urges the θάρρος of the participants in the drinking party and as a result they can freely express their opinions with παρρησία<sup>70</sup>. But at the same time they should be instilled with fear in order not to do something wrong. This kind of fear is identified with 'modesty' (αἰδώς). Therefore the benefit accruing to the participants from the drinking party is that they will learn how to maintain the delicate equilibrium between θάρρος and φόβος-αἰδώς through the predominance of λογισμός. Eventually they will approach ἀρετή and they will be able to make rational choices in their lives.

Given all these facts, which could be the relation of συμπόσιον with democratic or undemocratic aspects? Despite the fact that this question may sound awkward, the answer to this is that the function of the drinking party does have an egalitarian background<sup>71</sup>. Accurately, there is no hint that some people are more susceptible to an exaggerating θάρρος or φόβος or that certain people are more prone than others to a rational use of θάρρος and φόβος. Of course this fact does not entail that all people are regarded as having the same skills. As a result, the point is that people are not excluded from approaching ἀρετή, but all of them potentially are able to become virtuous. However, in which way would συμπόσιον function?

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<sup>68</sup> Plato *Laws* 645a1-3: Αθηναῖος: δ' εἶναι τὴν τοῦ λογισμοῦ ἀγωγὴν χρυσοῦν καὶ ἱεράν, τῆς πόλεως κοινὸν νόμον ἐπικαλουμένην (it is the leading-string, golden and holy, of "calculation," entitled the public law of the State). Transl. Bury (1926)

<sup>69</sup> Raalte Van (2004) 306 : " As a test for the soul, wine (ἡ ἐν οἴνῳ βίαστος) is absolutely unrivaled for cheapness, safety and speed...the consumption of wine is a test for the quality of the soul itself"

<sup>70</sup> Plato *Laws* 649b3: Αθηναῖος: καὶ τελευτῶν δὴ πάσης ὁ τοιοῦτος παρρησίας ὡς σοφὸς ὢν μεστοῦται καὶ ἐλευθερίας, πάσης δὲ ἀφοβίας, ὥστε εἰπεῖν τε ἀόκνως ὅτιοῦν ὡσαύτως δὲ καὶ πράξει; (he abounds in every kind of licence of speech and action and every kind of audacity, without a scruple as to what he says or what he does) Transl. Bury (1926)

<sup>71</sup> Bartels (2014) 114: "There is no suggestion that some people are more prone to act on the basis of pleasures, or that some people are better capable of being κρείττωνέαντοῦ than others- contrast *Republic*, where different people of different classes have different *kinds* of ἀρετή, and virtue depends on one's social *function*. The *symposion* tests people's moral quality, but this test presupposes individual differences rather than differences between *kinds* of people (as Callipolis does). Correspondingly, the kind of social order that incorporates this uniform notion of ἀρετή is relatively egalitarian."

#### 2.1.4. The necessity of a commander in the drinking party and in society

The need for a commander (ἄρχων) who will be wise (σοφός) and sober (νήφων)<sup>72</sup> is essential for the true function of συμπόσιον. In other words, the unencumbered operation of the συμπόσιον depends to a great extent on the wisdom and soberness of the commander. It is obvious that a commander who is intoxicated could not have but an erosive influence both on the participants of the drinking party and on its function. Apart from συμπόσιον, the need for a ‘commander’ (ἄρχων) is required in every public association<sup>73</sup>. For instance, a sea captain should have certain qualities, one of them being ‘soberness’ (νηφαλιότης). A drunken sea captain (μεθύων κυβερνήτης)<sup>74</sup> or a drunken commander can be the cause of the catastrophe both of the ship and the army. Ostensibly this allegation could be characterized as elitist because the success or failure depends on the qualities of the leader.

However, this point is not an in depth one as it does not take into consideration the overall context of the *Laws*. The core of the matter is the emphasis of the Athenian on certain qualities, either wisdom or courage or fear. In other words, the Athenian aims at establishing these qualities in the soul of the people that will be under the influence of λογισμός. As a result it is not the leader per se who governs but these qualities integrated in the each leader. Besides, we should not abolish the fact that the Athenian does not claim that there are people unable to be taught or acquire these elements, in opposition to what is stated in the *Republic*. His aim is to implant these qualities in the soul of the people and in the core of the city and not to muzzle people and suppress their individual rights<sup>75</sup>.

Consequently, commanders do not try to manipulate people in favor of their vested interest but they aim at making people accept these qualities consciously. As a result these features will be established in people’s soul under the rule of λογισμός. Besides, later in the fourth book law is presented as ‘distribution of reason’ (ἡ τοῦ νοῦ διανομή), which is very close to the analysis already adduced<sup>76</sup>. To be more precise, if citizens instill these elements in their soul then they will reach perfection, as they will be able to ‘understand how both to rule and be ruled righteously’ (ἄρχειν τε καὶ ἄρχεσθαι ἐπιστάμενον μετὰ δίκης)<sup>77</sup>. The commanders possess this kind of education and they are trying to impart this to citizens. As a result the Athenian’s proposal is that people should become educated and that this educational process will result in the sovereignty of κρείττονος ἑαυτοῦ in citizen’s soul. In this way they will be able both to govern and to be governed, as Solon’s saying goes ‘after having

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<sup>72</sup> Plato *Laws* 640d5: Ἀθηναῖος : Then the commander we set over drunken men should be sober and wise, rather than the opposite? (οὐκοῦν νήφοντά τε καὶ σοφὸν ἄρχοντα μεθύοντων δεῖ καθιστάναι, καὶ μὴ τὸναντίον;). Transl. Bury (1926)

<sup>73</sup> Plato *Laws* 640a5-7

<sup>74</sup> Plato *Laws* 641a1

<sup>75</sup> Popper (1945) 169-170

<sup>76</sup> Plato *Laws* 714a2: Ἀθηναῖος: τὴν τοῦ νοῦ διανομὴν ἐπονομάζοντας νόμον (giving to reason's ordering the name of “law”). Transl. Bury (1926)

<sup>77</sup> Plato *Laws* 643 e 5-8 : (Athenian : The education we speak of is training from childhood in goodness, which makes a man eagerly desirous of becoming a perfect citizen, understanding how both to rule and to be ruled righteously). Transl. Bury (1926)

learnt how to be ruled you will learn how to govern’ (ἀρχεσθαι μαθὼν ἀρχεῖν ἐπιστήσει). Therefore, the point is that many aspects that the Athenian proposes may seem authoritarian, for instance the need for a commander in the συμπόσιον, but a penetrating analysis shows that this is not the case. This fact is confirmed in the end of this first book by the Athenian himself who mentions that his aim is to examine the ‘natures’ (φύσεις) and the ‘conditions’ (ἔξεις) of people’s soul and to cure them through the art of politics<sup>78</sup>.

## BOOK II

### **2.2 Χορεία: An educational means**

In this book<sup>79</sup> the issue on debate is the benefits accruing to the participants in wine-parties from these manifestations. In particular, if symposia are beneficial to the acquisition of παιδεία or not. However this question remains unanswered until the end of this book. Initially, there is a conversation about the practice of choral singing and dancing, both of them called χορεία. This discussion is of crucial importance<sup>80</sup>, as many proposals exposed in it herald the basic structure of symposia which is later analyzed. As far as χορεία is concerned, it constitutes the first phase on the road to the obtainment of παιδεία and in general it is perceived as a primordial part of education<sup>81</sup>. The fact that the Athenian attributes to χορεία such a glowing honor reflects the common belief of the Athenians concerning this issue<sup>82</sup>. But in which way χορεία could be perfectly taught?

By posing a rhetorical question the Athenian maintains that the poets should not be allowed to teach whatever they favor concerning ‘χορεία’<sup>83</sup>. At this point it would not be an apt observation to claim that Athenian’s suggestion constitutes a strict suppression to the freedom of poets. On the contrary,

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<sup>78</sup> Plato *Laws* 650b6-9

<sup>79</sup> As I have already stressed at the the beginning of chapter 2 the point of paraphrasing book by book is to trace, as much as it is possible, the thread of the dialogue in order to be able to understand when and under which circumstances each proposal is made. In addition in this way it will be feasible to examine if the opinions of the interlocutors remain stagnant throughout the dialogue or change.

<sup>80</sup> It is useful to make a key note about the role of ‘shame’ (αἰσχύνη) in the *Laws*. According to the Athenian, the way that people used to dance and sing was supposed to reflect many aspects of their behavior, of their character (see *Laws* 655d5-9). In agreement with the end of the first book the Athenian examines the ‘natures’ (φύσεις) and the ‘habits’ (ξυνήθειαι), a word very close to ‘ἔξεις’, of people who participate in choric performances (χορεῖται). He claims that when people dance according to their nature (κατὰ φύσιν) they feel delighted, whilst when they dance or sing contrary to their nature (παρὰ φύσιν) they do not. Such people are ashamed (αἰσχύνονται) to act in front of wise and educated people and. As we will see later this feeling of shame (αἰσχύνη) will play a significant role in molding virtuous characters in the ἐνλόγω colony. Therefore we must keep in mind that αἰσχύνη is an element that influences people’s acts throughout the *Laws*.

<sup>81</sup> Plato *Laws* 654 b 1-3: (Athenian :Shall we assume that the uneducated man is without choir-training, and the educated man fully choir-trained? Cleinias: Certainly) Transl. Bury (1926)

<sup>82</sup> Morrow (1960) 302: “In giving choreia this position of honor, Plato is not expressing merely a personal preference, but is reflecting the common opinion of his fellow countrymen. Greek music and dancing have left no enduring monuments comparable to”

<sup>83</sup> Plato *Laws* 656 c 1- 9: (Now where laws are, or will be in the future, rightly laid down regarding musical education and recreation, do we imagine that poets will be granted such license that they may teach whatever form of rhythm or tune or words they best like themselves to the children of law-abiding citizens and the young men in the choirs, no matter what the result may be in the way of virtue or depravity?). Transl. Bury (1926)

the Athenian maintains that the aim of teaching should not be other than the impartment of virtue to the students. So *χορεία* should aim at virtue. However, a crucial question is: “how virtue is stated and interpreted by the interlocutors?”. Despite the fact that the whole work of *Laws* is instilled with this question, at this book there is a tentative answer. In particular, ‘virtue’ (ἀρετή) is explicated as a ‘concordance’ (συμφωνία) between the two elements of ἡδοναί and λύπαι<sup>84</sup>. This definition deals with children and the first phase of education. Therefore, the Athenian Stranger focuses on the right guidance of the poets from the lawgivers.

However, the core of the matter is the criteria that are required for the most perfect judge. In other words, who is the most suitable person in order to judge which music or tune is conducive to virtue? In which way should he judge drama or arts? According to the Athenian Stranger a true judge should firstly be governed by the principles of wisdom and courage<sup>85</sup>. Another trait of each judge is that he should not be influenced by the people or yield to the audience. If someone takes into account the background of modern judges of choric performances or arts in general then they will understand that they do have a cognitive background pertained to the object that they judge. Therefore following this way of thinking these qualifications proposed by the Athenian could hardly be characterized as undemocratic as a judge would not be a judge had he acted as a mouthpiece of people. But what was in effect in the period in question? Were judges so distinguished as the modern?

In Plato’s time, these requirements to become a judge were not valid. For instance in ancient Athenian performances, such as dramas played in the theatres which incidentally were also an educational means, the judges were not connoisseurs. On the contrary, they were elected by lot<sup>86</sup>. So potentially many citizens could become judges. Apart from this, they did also pay heed to the reactions of audience. In opposition to this fact, the Athenian suggests that the verdicts of the audience should not be taken into account<sup>87</sup>. A true judge (ὁ ἀληθὴς κριτής) should not be influenced by the ‘uproar’ (θόρυβον)<sup>88</sup> of the crowd and should meet the requirements already exposed. By the way, the word θόρυβος denotes noise and confusion<sup>89</sup>. Such an uproar can have an erosive influence on a judge, as it could result in the loss of λογισμός, which should be sovereign in the case of a right judgement. Consequently, if these prerequisites are examined in the light of what was in effect in the time that the *Laws* were written, then these requirements could be characterized as aristocratic or elitist. In other

<sup>84</sup> Bartels (2014) 117-118

<sup>85</sup> Plato *Laws* 659a 3-5: (And we say that the judges of these matters need virtue for the reason that they need to possess not only wisdom in general, but especially courage). Transl. Bury (1926)

<sup>86</sup> *The production of the tragic contests* (2008) Available from <<http://www.greektheatre.gr/cont.html>> “At the end of the presentation ten judges were being elected, one out of every urn, five of which, chosen by lottery, were deciding for the winner, after taking under consideration and the opinion of the audience (based on their reactions)”.

<sup>87</sup> Plato *Laws* 659 a 6-9 : For the true judge should not take his verdicts from the dictation of the audience , nor yield weakly to the uproar of the crowd or his own lack of education;

<sup>88</sup> Plato *Laws* 659a7-8: Ἀθηναῖος: καὶ ἐκπληττόμενον ὑπὸ θορύβου τῶν πολλῶν καὶ τῆς αὐτοῦ ἀπαιδευσίας”- “nor yield weakly to the uproar of the crowd or his own lack of education. Transl. Bury (1926)

<sup>89</sup> LSJ (1981) 803: “noise, the confused noise of a crowded assembly, uproar, clamour”

words, from an ancient democratic Athenian point of view, the belief that only educated and best people “τούς βελτίστους καὶ ἰκανῶς πεπαιδευμένους” could become judges would be regarded as undemocratic or elitist<sup>90</sup>. So this proposal of the Athenian could be characterized as elitistic.

### 2.2.1. The corrosive influence of χειροτονία

In addition to this elitism, another undemocratic trait is stated through a reference to the Sicilian law about theatrical awards. In particular, Sicilian spectators “award the prize by show of hands”<sup>91</sup>. The Athenian Stranger is totally opposed to χειροτονία, as he contends that people who are lacking in cognitive background judge a work according to their own low standards. As a result, ‘χειροτονία’ has an erosive influence not only on the poets, as they degrade their level to this of the audience, but also to the spectators themselves, due to the fact that they either remain static or they deteriorate<sup>92</sup>. Had spectators followed an example superior to them they would have progressed. Consequently, the Athenian Stranger emphasizes especially on people who are knowledgeable about the domain of χροαία and not on the beliefs of the biggest part multitude.

At this point emerges again the main difference between the *Laws* and what was in effect in the theaters of democratic Athens where judges were elected by lot<sup>93</sup>. In particular, the Athenian is totally opposed to the assumption of duties from people who do not possess a thorough command of their role. People who are uneducated should not be entitled to judge, as they do not meet the standards to do so. Therefore, in the case of judging in the theatrical competitions, judges should be those who have the knowledgeable background to judge and not elected by lot or take into consideration what common people and πλῆθος believe. This conviction of the Athenian is posed by another rhetorical question “Ὁ δὲ τὸ ὀρθῶς μὴ γινώσκων ἄρ’ ἂν ποτε τό γε εἶ καὶ τὸ κακῶς δυνατὸς εἶη διαγνῶναι;- And would a man who does not know what constitutes correctness be able to decide as to the goodness or badness of a poem?”<sup>94</sup>

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<sup>90</sup> Plato *Laws* 668a 1-3 : ( Athenian : I should regard that music which pleases the best men and the highly educated as about the best, and as quite the best if it pleases the one man who excels all others in virtue and education). Transl. Bury (1926)

<sup>91</sup> Plato *Laws* 659 b 9-10: Ἀθηναῖος: τῷ πλῆθει τῶν θεατῶν ἐπιτρέπων καὶ τὸν νικῶντα διακρίνων χειροτονίας (By entrusting the decision to the spectators, who award the prize by show of hands). Transl. Bury (1926)

<sup>92</sup> Plato *Laws* 659 b7- 659 c7 Transl. Bury (1926)

<sup>93</sup> Kuritz (1987) 21: “Ten lists of judges from among the ten Athenian tribes were deposit in the ten urns, one of each tribe. Sealed and deposited under guard in the Acropolis, the urns were protected by a sentence of death to anyone who tampered with them. On the first day of the festival, the urns were placed in the theatre of Dionysus, the site of the performances, before all whose names were in the urns. The archon drew one name each urn ; each of these ten judges took a solemn oath to render an impartial verdict.”

<sup>94</sup> Plato *Laws* 668 d 1-3

On the contrary, according to Aristotle<sup>95</sup>, Greek people used to regard lot as a primary element of democracy. In particular, their democratic method was to choose officials by lot while elections were, if anything, an oligarchic procedure. But why did they believe so? Because if all men are regarded as equal, then all were equally deserving of office and they did not give careful thought to whom they chose. In particular, according to their beliefs, through the elections people try to find the most suitable person to hold office and this fact implies that some are better qualified than others. Although, the Athenian does not espouse this conviction and he shares the view of elections as a method of choosing the candidates best equipped for office. Later in the fifth Book this topic will be explained more thoroughly.

Nevertheless, would it be feasible to transfer this pleasure of the experts to the common citizens<sup>96</sup>? The unnamed Athenian assumes that only if people train the feelings of pleasure and pain, will they be able to obtain them<sup>97</sup>. As a result the acquisition of those feelings relies to a great extent on the competent guidance of experts and of course on people themselves. The poets are the intermediary link as they will inculcate spectators with those feelings. And what happens if some poets are unteachable or unwilling to learn them? In this case the true legislator should compel them ἀναγκάσει<sup>98</sup> to learn those feelings. Therefore, according to the three interlocutors, the good legislator is he who will guarantee that the poets are infused by the right feelings of pleasure and pain. Then those poets will impart these true feelings to the people.

### 2.2.2. From χορεία to συμπόσια

As I have already mentioned in the beginning of this second book, all these references to the judges and poets lay the foundations for the true structure of *symposia* which constitute a means of education. The educational aim of the drinking party is stated through a metaphor. Particularly, the Athenian mentions that in a similar way to the iron which melts when it is heated so the souls of the people become ‘ductile’ (εὐάγωγοι) in a banquet through wine. After that, a man who has the ‘ability’ (δυνάμενος) and ‘knowledge’ (ἐπιστάμενος) is he who will ‘train’ (παιδεύειν) and ‘mold’ (πλάττειν) the souls of the banqueters<sup>99</sup>. Besides the way that the drinking party functions has many common

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<sup>95</sup> Aristotle *Politics* 1294b8-13: λέγω δ' οἷον δοκεῖ δημοκρατικὸν μὲν εἶναι τὸ κληρωτὰς εἶναι τὰς ἀρχάς, τὸ δ' αἰρετὰς ὀλιγαρχικόν, καὶ δημοκρατικὸν μὲν τὸ μὴ ἀπὸ τιμήματος, ὀλιγαρχικὸν δὲ τὸ ἀπὸ τιμήματος· ἀριστοκρατικὸν τοίνυν καὶ πολιτικὸν τὸ ἐξ ἑκατέρας ἑκάτερον λαβεῖν, ἐκ μὲν τῆς ὀλιγαρχίας τὸ αἰρετὰς ποιεῖν τὰς ἀρχάς, ἐκ δὲ τῆς δημοκρατίας τὸ μὴ ἀπὸ τιμήματος. (I mean, for example, that it is thought to be democratic for the offices to be assigned by lot, for them to be elected oligarchic, and democratic for them not to have a property-qualification, oligarchic to have one; therefore it is aristocratic and constitutional to take one feature from one form and the other from the other, from oligarchy that offices are to be elected, and from democracy that this is not to be on a property-qualification). Transl. Rackham (1932)

<sup>96</sup> Morrow (1960) 309-310

<sup>97</sup> Plato *Laws* 653b, 656b.

<sup>98</sup> Plato *Laws* 660 a 6-9

<sup>99</sup> Plato *Laws* 671b8-c3: Ἀθηναῖος: οὐκοῦν ἔφαμεν, ὅταν γίγνηται ταῦτα, καθάπερ τινὰ σίδηρον τὰς ψυχὰς τῶν πινόντων διαπύρους γιγνομένας μαλθακωτέρας γίνεσθαι καὶ νεωτέρας, ὥστε εὐαγώγους συμβαίνειν τῷ



characteristics with the function of Magnesia as we will later find out. But can the banquet per se be associated with democratic or undemocratic aspects?

The way that the drinking party works could hardly be characterized as totally democratic or undemocratic, even if it may include some elements of these categories. For instance, all these requirements for the commanders already exposed in conjunction with the predominance of ‘sober’ (ἀθόρυβοι)<sup>100</sup> and ‘sedate commanders’ (νήφοντες στρατηγοί) in the symposia could be characterized as undemocratic from an ancient Athenian point of view<sup>101</sup>. Particularly, the idea that there were some people supposed to be more skillful than others was regarded as undemocratic. What is more, certain people, such as the bondsmen, are *a priori* excluded from the drinking party. Of course the exclusion of magistrates, or judges, or pilots during their office could not be characterized as undemocratic, as it has a more practical background, not to drink them when they have tasks.

However, the existence of these elements does not entail that the drinking party is mainly undemocratic. On the contrary, the aim of the drinking party transcends the strict bounds of democracy or oligarchy or aristocracy. In particular, it aims at molding virtuous citizens instilled with ‘modesty’ (αἰδώς) who will act in favor of the state and will do ‘most good’ (μέγιστον ἀγαθόν)<sup>102</sup> to the city. Consequently, I suggest that the drinking party itself cannot be related with any way of governing, even if its structure and function do have some elements that could be characterized as democratic or undemocratic.

### **BOOK III**

#### **2.3 Human society before the flood of Deucalion**

The beginning of this book looks like a completely new start. The three interlocutors strive to find out the ‘origin’ (ἀρχή)<sup>103</sup> of the government. Apart from this, they commonly attempt to discover the reasons for the recurrent changes or destructions of the constitutions emerged in a long period of time.

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δυναμένω τε καὶ ἐπισταμένω παιδεύειν τε καὶ πλάττειν, καθάπερ ὅτ’ ἦσαν νέαι (And did we not say that when this takes place, the souls of the drinkers turn softer, like iron, through being heated, and younger too; whence they become ductile, just as when they were young, in the hands of the man who has the skill and the ability to train and mould them. And now, even as then, the man who is to mould them is the good legislator;). Transl. Bury (1926)

<sup>100</sup> Incidentally, the word ‘ἀθόρυβοι’ calls into the mind of the reader the erosive influence of ‘θόρυβος’ already analyzed in the introduction.

<sup>101</sup> Plato *Laws* 671 d5-14: (And as law-wardens of these laws and cooperators therewith, there must be sober and sedate men to act as commanders over the un-sober; for to fight drunkenness without these would be a more formidable task than to fight enemies without sedate leaders. Any man who refuses willingly to obey these men and the officers of Dionysus ( who are over sixty years of age) shall incur as much disgrace as the man who disobeys the officers of Ares, and even more). Transl. Bury (1926)

<sup>102</sup> Plato *Laws* 664a3-4: Ἀθηναῖος: ὅστε οὐδὲν ἄλλο αὐτὸν δεῖ σκοποῦντα ἀνευρίσκειν ἢ τί πείσας μέγιστον ἀγαθὸν ἐργάσαιο ἂν πόλιν (so that the only question he has to consider in his inventing is what would do most good to the State). Transl. Bury (1926)

<sup>103</sup> Plato *Laws* 676a 1-2: (Athenian: Now, what are we to say about the origin of government?).

This topic seems initially irrelevant with the main themes of the *Laws* already discussed. So why did they start to investigate this issue? For if this research becomes fruitful, they will be able both to perceive what happened in the past and in turn to be more conscious and cognizant of what they try to discover. They will be able to approach, inasmuch as possible, the principles according to which their new Cretan city could be governed<sup>104</sup>.

The starting point for this research is the flood of Deucalion<sup>105</sup>. Before this deluge, people used to coexist harmoniously as they were prospering; they were neither rich nor poor. This ‘mediocrity’ (μεσότης) resulted in the formation of the most ‘noble characters’ (γενναιότατα ἦθη) in the society<sup>106</sup>. As detailed below the role of this *mediocritas* is a crucial one in the *Laws*<sup>107</sup>. At this point, the Athenian states more explicitly the aim of his investigation, which is not other than the role of law and lawgiver in the establishment of the state before the flood. Particularly, do those people needed laws and lawgivers<sup>108</sup>?

In the answers of those questions lie the first undemocratic elements of this third book. The Athenian claims that in this period people were following ‘the laws of their father’ (πατρίους νόμους). Specifically, the Athenian portrays the regime of the state before Deucalion’s deluge as ‘headship’ (δυναστεία) which undoubtedly has an undemocratic connotation. Aristotle in his *Politics* defines this kind of ‘headship’ as the hereditary authority of the father of a group<sup>109</sup>. This nepotism is described through a reference to *Odyssey*<sup>110</sup> of Homer where it is stated that during these early years there were no councils and each clan enacted its own laws. Namely, when people started to create the first kind of society they were as a small flock of birds that were ruled by patriarchal law<sup>111</sup>. Therefore, up to this point there is no hint to a democratic structure of the early societies.

<sup>104</sup> Stalley (1983) 71

<sup>105</sup> Plato *Laws* 677 a 10

<sup>106</sup> Plato *Laws* 679e 1-2: (Athenian: And that they were also more simple and brave and temperate, and in all ways more righteous?). Transl. Bury (1926)

<sup>107</sup> Morrow (1960) 521 : “The concept that serves as guide to the Athenian legislator in the designing of his constitution is the mean—the μέτριον, or μετριότης- and it is upon this that the theory of the mixed constitution depends”.

<sup>108</sup> Plato *Laws* Trans. R.G. Bury. 680 a 1-2: That we may understand what possible need of laws the men of that time had, and who their lawgiver was.

<sup>109</sup> Aristotle *Politics* 1252b17

<sup>110</sup> Plato *Laws* 680 b 6-9: Αθηναῖος (he quotes Homer Od. 9.112)

τοῖσιν δ' οὐτ' ἀγοραὶ βουλευφόροι οὔτε θέμιστες,	( No halls of council and no laws are theirs,
ἀλλ' οἳ γ' ὑψηλῶν ὀρέων ναῖουσι κάρηνα	But within hollow caves on mountain heights
ἐν σπέσσι γλαφυροῖσι, θεμιστεύει δὲ ἕκαστος	Aloft they dwell, each making his own law
παίδων ἠδ' ἀλόχων, οὐδ' ἀλλήλων ἀλέγουσιν.	For wife and child ; of others reck they naught).
	Transl. Bury (1926)

<sup>111</sup> Plato *Laws* 680 e 1-2

### 2.3.1. The constitution of Sparta: Ideal description?

As the dialogue unfolds, the Athenian refers to real historical events and not to mythology<sup>112</sup>. Namely, he analyzes the constitution of Sparta, according to which Argos and Messene were ruled. It is explicitly stated that the regime was monarchical with each city having its own king. Another accusation against democratic regimes is the way they used to distribute the property. Particularly, in a non-tyrannical status quo citizens are free to raise objections to rulers concerning the equality of property<sup>113</sup>. Many times these objections are supposed to be serious objections to the application of the laws. On the contrary, tyrannical regimes do not procrastinate to implement the laws, as decisions are immediately taken and applied by the tyrants. If this indictment against democratic regimes is true, then could someone claim that the Athenian is favorably disposed towards the constitution of Sparta?

I propose that it would be very difficult to give a verified and totally clear answer to this question. However, another indication of Athenian's disposition to Sparta, and of course not proof, is that he attributes the long existence of Sparta to the consistent and stable application of its laws. In other words, had Messene's and Argos' constitution been so well-organized as Sparta's they would not have been collapsed<sup>114</sup>. In addition, the Athenian also praises the army of Sparta claiming that it was instilled with more virtue than the army which went to Troy<sup>115</sup>. Nevertheless, even if we suppose that all this is true, then again it would not be right to claim that the Athenian espouses entirely the sociopolitical structure of Sparta. However, what we deserve to say is that certain elements of the Spartan constitution may seem to be beneficial to the attempt of the interlocutors to construct the in speech colony. But what eventually do the interlocutors propose? What was the fruit of this looking in the past?

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<sup>112</sup> Plato *Laws* 684 a 1

<sup>113</sup> Plato *Laws* 684d10-e4: Ἀθηναῖος: ὡς ἐπιχειροῦντι δὴ νομοθέτῃ κινεῖν τῶν τοιούτων τι πᾶς ἀπαντᾷ λέγων μὴ κινεῖν τὰ ἀκίνητα, καὶ ἐπαρᾶται γῆς τε ἀναδασμοὺς εἰσηγούμενον καὶ χρεῶν ἀποκοπᾶς, ὅστ' εἰς ἀπορίαν καθίστασθαι πάντ' ἄνδρα (In such cases, if the lawgiver attempts to disturb any of these things, everyone confronts him with the cry, "Hands off," and they curse him for introducing redistributions of land and remissions of debts, with the result that every man is rendered powerless). Transl. Bury (1926)

<sup>114</sup> Plato *Laws* 685a2-5: Ἀθηναῖος: ὅτι τριῶν γενομένων τῶν οἰκήσεων τὰ δύο αὐτῶν μέρη ταχὺ τήν τε πολιτείαν καὶ τοὺς νόμους διέφθειρεν, τὸ δὲ ἓν μόνον ἔμεινε, τὸ τῆς ὑμετέρας πόλεως. (This, that whereas there were three States settled, two of the three speedily wrecked their constitution and their laws, and one only remained stable—and that was your State, Megillus). Transl. Bury (1926)

<sup>115</sup> Plato *Laws* 685e1-2: Ἀθηναῖος: τοῦ ἐπὶ Τροίαν ἀφικομένου διαφέρειν πρὸς ἀρετὴν ( that this army was superior in valor to the army which went to Troy). Transl. Bury (1926)

### 2.3.2. Wisdom and media via between two extremes: liberty and tyranny

What the Athenian tried to show through this historical discussion is the need for the implantation of ‘wisdom’ (νοῦς) in people’s souls<sup>116</sup>. Νοῦς and φρόνησις eradicate the ‘ignorance’ (ἀμαθία) which is supposed to be the cause of many ruins<sup>117</sup>. This need is evident through the comparison of people’s souls with a state. In particular the ruling element of the soul is νοῦς. Only if people obtain reason will they be able to establish a well-structured state and possess ‘prosperity’ (εὐπραγία). They will abide by the laws not because they will be obliged to do so, but because they will have perceived the meaning of true obedience to the laws. By the way, the acquisition of νοῦς heralds the role of law in the society, namely ‘ἡ τοῦ νοῦ διανομή’ (the distribution of reason)<sup>118</sup>, as it is stated in the fourth book. But how ‘νοῦς’ can be related with democratic or undemocratic aspects?

Of course νοῦς per se is irrelevant with such aspects. However, the fact that citizens lacking in νοῦς will not be entitled to occupy an office in Magnesia is pertinent to such aspects. Those people are supposed to be ‘home wreckers’ (οἰκοφθόροι)<sup>119</sup>. Such a barrier to unreasonable citizens is totally undemocratic, especially from a classical Athenian point of view<sup>120</sup>. In other words, in democratic Athens all citizens potentially were able to possess an axiom and climb in the rank. Apart from this, the acquisition of νοῦς, of φρόνησις results in making the right choices. As far as the constitutions are concerned, the right road is supposed to be the middle one between the two extremes, the embodiments of which are Persia and Athens. Specifically, the *via media*, between the extreme monarchy, as enforced in Persia, and utmost direct democracy, as established in Athens, is a modest combination among elements of those two governances<sup>121</sup>. The Athenian claims that Persia was flourishing when slavery was combined with freedom. The mixture of those two opposite kinds of governing resulted in the stability of the state. The downfall of Persia started when Cyrus who was lacking in right education and upbringing, took the authority.

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<sup>116</sup> Plato *Laws* 687e11-13: Μέγιστος: τοῦτο δὲ καὶ πόλιν καὶ ἕνα ἡμῶν ἕκαστον καὶ εὐχεσθαι δεῖν καὶ σπεύδειν, ὅπως νοῦν ἔξει. (but it is the winning of wisdom that everyone of us, States and individuals alike, ought to pray for and strive after). Transl. Bury (1926)

<sup>117</sup> Plato *Laws* 688c: Ἀθηναῖος: πάνυ γὰρ οὖν προσδοκῶ νῦν ὑμᾶς εὐρήσειν, τῷ λόγῳ ἐπομένους ὃν ὀλίγον ἔμπροσθε προυθέμεθα, τῆς τῶν βασιλέων τε φθορᾶς καὶ ὅλου τοῦ διανοήματος οὐ δειλίαν οὐσαν τὴν αἰτίαν, οὐδ’ ὅτι τὰ περὶ τὸν πόλεμον οὐκ ἠπίσταντο ἄρχοντες τε καὶ οὐς προσῆκεν ἄρχεσθαι, τῇ λοιπῇ δὲ πάσῃ κακίᾳ διεφθαρμένα, καὶ μάλιστα τῇ περὶ τὰ μέγιστα τῶν ἀνθρωπίνων πραγμάτων ἀμαθία (For I certainly expect that, as you follow the argument recently propounded, you will now discover that the cause of the ruin of those kingdoms, and of their whole design, was not cowardice or ignorance of warfare on the part either of the rulers or of those who should have been their subjects; but that what ruined them was badness of all other kinds, and especially ignorance concerning the greatest of human interests). Transl. Bury (1926)

<sup>118</sup> Plato *Laws* 714a2

<sup>119</sup> Plato *Laws* 689e1-3: Ἀθηναῖος: ὁ δὲ ἀπολειπόμενος οἰκοφθόρος καὶ περὶ πόλιν οὐδαμῇ σωτὴρ ἀλλὰ πᾶν τοῦναντίον ἀμαθαίνων εἰς ταῦτα ἑκάστοτε φανεῖται (whereas he who is devoid thereof will always prove to be a home-wrecker and anything rather than a saviour of the State). Transl. Bury (1926)

<sup>120</sup> Finley (1973) 25: “People had the right to decide on all matters of public policy and the right to judge, sitting as a court, on all important cases, civil and criminal, public and private”.

<sup>121</sup> Plato *Laws* 693 d 9-10

The other extreme was the ‘excessive liberty’ (πᾶσα ἐλευθερία)<sup>122</sup>, the embodiment of which was democratic classical Athens. To elucidate his argument, the Athenian adduces a telling example which deals with the judgment of music. Specifically he claims that in Athens, the criterion according to which each kind of music was regarded as qualitative or not was not the evaluation of knowledgeable musicians but the pleasure of the unknowledgeable ‘crowd’ (πλήθους). As a result aristocracy<sup>123</sup>, namely experts’ assessment of music, was displaced by ‘theatrocracy’ (θεατροκρατία)<sup>124</sup>, namely the rule of the crowd. This teatrocracy in music was a springboard to ἡ πάντων εἰς πάντα σοφίας δόξα καὶ παρανομία<sup>125</sup>. There was no whiff of αἰδοῦς, of αἰσχύνης. But could this critique of Athenian to his city be regarded as a mordant attack to democracy in general?

Such an approach may not be valid. Even if in Plato’s era such a conviction could be regarded as undemocratic this fact does not entail that it was indeed so. The Athenian does not condemn democracy per se but the fact that each person is able to decide about things that he or she ignores. In other words, the fact that he is in favor of connoisseurs does not imply that he rejects democracy. Nevertheless, the core of the matter is the domains that someone calls upon the intervention of a leading expert and to which extent. For instance, as far as the Athenian is concerned he regards music as an educational means of highest importance and due to this fact he asks for the help of expert musicians. In particular, only such adepts are supposed to be able to educate people by teaching them the right (καλόν) kind of music.

However, someone could sensibly say “And what if I want music only for amusement?” or “Does indeed exist a right kind of music?”. Such questions are indeed reasonable and by the way, music is not the only domain in which such an intervention occurs in the *Laws*, but one the many. As a result, if someone could elicit an undemocratic element from this dominance of the connoisseurs in the *Laws*, this would be that people are forced to obey a leading authority or those better of them and deprived of taking initiatives to find something new<sup>126</sup>. In a way as Popper puts it in his critique of Plato “There must be a censorship of all intellectual activities of the ruling class, and a continual propaganda

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<sup>122</sup> Plato *Laws* 699 e 3-6 : Ἀθηναῖος: ὁρᾶτε γάρ: ἐπειδὴ τινα τρόπον ταῦτόν ἡμῖν συμβεβήκει πάθος ὅπερ Πέρσαις, ἐκείνοις μὲν ἐπὶ πᾶσαν δουλείαν ἄγουσιν τὸν δῆμον, ἡμῖν δ’ αὖ τούναντίον ἐπὶ πᾶσαν ἐλευθερίαν προτρέπουσι τὰ πλήθη (Seeing that we Athenians suffered practically the same fate as the Persians- they through reducing their people to the extreme of slavery, we on the contrary, by urging on our populace to the extreme of liberty). Transl. Bury (1926)

<sup>123</sup> Finley (1973) 12 : “Aristocracy, rule by the *aristoi*, the best people, the elite”

<sup>124</sup> Plato *Laws* 701 a 2-3

<sup>125</sup> Plato *Laws* 701 a 7 ( Athenian: the universal conceit of universal wisdom and the contempt for law).

<sup>126</sup> Plato *Laws* 690b9-11: Ἀθηναῖος: τὸ δὲ μέγιστον, ὡς ἔοικεν, ἀξίωμα ἕκτον ἂν γίγνοιτο, ἔπεσθαι μὲν τὸν ἀνεπιστήμονα κελεῦον, τὸν δὲ φρονοῦντα ἡγεῖσθαι τε καὶ ἄρχειν. (The most important right is, it would seem, the sixth, which ordains that the man without understanding should follow, and the wise man lead and rule). Transl. Bury (1926)

aiming at molding and unifying their minds. All innovation in education, legislation, and religion must be prevented or suppressed”<sup>127</sup>.

Eventually, the three interlocutors did find the reason of constitutions’ declines, which is ignorance leading to the lack of ‘middle way’ (μετριότητος). Therefore the road that the interlocutors will follow in their attempt to create Magnesia is the middle one between ‘despotism’ (τοῦ δεσπόζειν) and ‘freedom’ (ἐλευθερία). As far as democratic and undemocratic aspects are concerned, the discussants seem to espouse some elements of them but always in conjunction with ‘modesty’ (μετριότης), as analyzed before. These proposals pave the way for the discussion of the fundamental question of the *Laws* expressed by the Athenian πῶς ποτ’ ἂν πόλις ἄριστα οἰκοίη, καὶ ἰδίᾳ πῶς ἂν τις βέλτιστα τὸν αὐτοῦ βίον διαγάγοι <sup>128</sup>. Now the interlocutors are ready to pragmatically discuss about the establishment of the Magnesia.

## BOOK IV

### 2.4. Which would a fulfilling regime?

The Athenian introduces a fictional lawgiver in their company and asks him what kind of governance he does prefer in order to manage the state satisfactorily. The fictitious answer given by the lawgiver, namely the Athenian, is that he could manage the state well enough provided that firstly it would be ‘under monarchy’ (τυραννουμένην μοι δότε τὴν πόλιν)<sup>129</sup> and secondly that the monarch would be imbued with certain qualities. Such a monarch should be νέος καὶ μνήμων καὶ εὐμαθὴς καὶ ἀνδρεῖος καὶ μεγαλοπρεπὴς φύσει καὶ εὐτυχής <sup>130</sup>. It is needless to say that the first prerequisite, this of monarchy, is undoubtedly undemocratic. In the second requirement lies the quintessence of elitism, as the Athenian seeks for a top monarch with exceptional abilities. In a way such a monarch could be the embodiment of all the values that the Athenian wants to establish in his in speech colony as such a leader can ‘be wise’ (φρονεῖν) and ‘be prudent’ (σωφρονεῖν)<sup>131</sup>.

Apart from this highly equipped monarch, the Athenian himself, not by mouth of the hypothetical lawgiver, offers the second and third best solution. The former is the governance of two rulers and the latter the authority under three rulers<sup>132</sup>. Of course the background of those rulers should be equal to this of the first solution. Apparently, those proposals could be characterized as aristocratic.

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<sup>127</sup> Popper (1945) 86

<sup>128</sup> Plato *Laws* 702b1-2 ( Athenian: how best a State might be managed, and how best the individual citizen might pass his life). Transl. Bury (1926)

<sup>129</sup> Plato *Laws* 709 e 4: (young and possessed by nature of a good memory, quick intelligence, courage and nobility of manner and fortunate). Transl. Bury (1926)

<sup>130</sup> Plato *Laws* 709 e 4-6

<sup>131</sup> Plato *Laws* 712a1

<sup>132</sup> Plato *Laws* 710d 4-6 : Ἀθηναῖος: δεύτερον δέ, ἐάν ποτέ τινες δύο ἄρχοντες γίγνωνται τοιοῦτοι, τρίτον δ’ αὖ καὶ κατὰ λόγον ὡσαύτως χαλεπώτερον ὄσφ πλείους, ὄσφ δ’ ἐναντίον, ἐναντίως (The second best condition is that there should arise two such rulers; then comes the third best , with three rulers; and so on, the difficulty increasing in proportion as the number becomes greater, and vice versa). Transl. Bury (1926)

Furthermore, the undemocratic beliefs of the Athenian are also reflected in his approach that the more rulers are the more difficult for a state to be governed is. In other words, at this point, the Athenian excludes the vast majority of the citizens from the act of ruling. He explicitly supports that the best state results more easily first from a 'monarchy' (ἐκ τυραννίδος) secondly from a 'constitutional monarchy' (ἐκ βασιλικῆς πολιτείας) and thirdly from 'some form of democracy' (ἐκ τινος δημοκρατίας)<sup>133</sup>. But what is the background of this elitism? What is the Athenian's point of view?

The words that modern scholars use to describe Plato's political theory, for instance elitism or totalitarianism<sup>134</sup>, even if they are true, they do not show the depth of its thought. In the *Laws* and specifically in this fourth book a word that could briefly describe Athenian's proposal is noocracy, namely the predominance of 'νοῦς' in a state as he himself characteristically declares τὸ τοῦ ἀληθοῦς τῶν τὸν νοῦν ἔχόντων δεσπότης θεοῦ ὄνομα λέγεσθαι<sup>135</sup>. Throughout this book the Athenian refers to the prevalence of certain qualifications that combine 'wisdom' (φρόνησις) with 'prudence' (σωφροσύνη) both of them having divine origin. It is exactly the sovereignty of these merits that should be established in the state. These assets are embodied in people. Therefore it is not a monarch per se or two or even three rulers who would govern in Magnesia, but these highest values.

Furthermore, regardless of the form of governance, either democracy or oligarchy, all interlocutors do agree that the core of the matter is the self-restraint of people's soul in a state. People who possess political power should not be susceptible to 'lusts' (ἡδονάς) or 'pleasures' (ἐπιθυμίας). Of course the doctrine of 'modesty' (μετριότης) emerges again, as it is stressed that if a state is comprised of citizens prone to surfeit then inevitably there is no hope for the salvation of the state<sup>136</sup>. Consequently, despite the fact that modesty of soul may not fall into the strict frame of kinds of governances, it is surely a foundation stone for the prosperity and happiness of a state, which constitute significant aims of the *Laws*. But after all, speaking on more practical terms spontaneously arouses a question: In which way people should be governed so as to be happy, prosper and self-restrained? In this answer underlie significant democratic and undemocratic elements.

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<sup>133</sup> Plato *Laws* 710 e 3-5

<sup>134</sup> Popper (1945)

<sup>135</sup> Plato *Laws* 713a4-5

<sup>136</sup> Plato *Laws* 714 a1-9 : Ἀθηναῖος: εἰ δ' ἄνθρωπος εἷς ἢ ὀλιγαρχία τις, ἢ καὶ δημοκρατία ψυχὴν ἔχουσα ἡδονῶν καὶ ἐπιθυμιῶν ὀρεγομένην καὶ πληροῦσθαι τούτων δεομένην, στέγουσαν δὲ οὐδὲν ἄλλ' ἀνηνύτω καὶ ἀπλήστῳ κακῷ νοσήματι συνεχομένην, ἄρξει δὴ πόλεως ἢ τινος ιδιώτου καταπατήσας ὁ τοιοῦτος τοὺς νόμους, ὃ νυνδὴ ἐλέγομεν, οὐκ ἔστι σωτηρίας μηχανή. (But if an individual man or an oligarchy or a democracy, possessed of a soul which strives after pleasures and lusts and seeks to surfeit itself therewith, having no continence and being the victim of a plague that is endless and insatiate of evil-if such an one shall rule over a State or an individual by trampling on the laws, then there is no means of salvation). Transl. Bury (1926)

### 2.4.1. Πειθώ or βία?

The Athenian suggests that the lawgiver should aim at making citizens ‘as persuadable as he possibly can’ (ὡς εὐπειθεστάτους)<sup>137</sup>. He intends to make citizens accept the laws willingly and consciously. For this reason the Athenian proposes the establishment of the ‘preambles’ (προοίμια) which will aid the conscious obedience of citizens to the law<sup>138</sup>. This legislative practice is very innovative for its era, as citizens are not called to conform to sterile, strict laws, but they are firstly initiated to the spirit of laws. On the other hand, if laws are lacking in preambles they are regarded as ‘fiercer’ (ἀγριώτεροι)<sup>139</sup>. They are perceived by the citizens as more resistant and they conform to the laws under the threat of punishment or violence. Therefore, if preambles are convincing, citizens will abide by the laws willingly and not under the fear of violence and the tyrannical command of the law will become useless.

At this point it is evident that the *Laws* does not aim at intimidating people or coerce them to comply with the laws. Its priority is to implant the spirit of law in citizens’ soul. When people are instilled with such a law-obedience they will not need the enactment of laws in order to abide by the laws. The point is that “A person is his own lawgiver and does not need the laws” as Bartels proposes<sup>140</sup>. Such a treatment to people is compatible only with democratic regimes. To put it differently, if someone examines the legislation of undemocratic regimes, either oligarchic or monarchic, he or she will understand that they lack preambles and that the way they treat people is fierce as already described. Apart from that, the preambles are essential for the aim of the Athenian, to impart virtue in the souls of the citizens. In other words, it is doubtful if he would be able to achieve his goal, namely to persuade people, if his laws were just fierce and oppressive.

To elucidate the true function of the laws and specifically the need for a preamble in them, the Athenian adduces an example with a doctor and a patient. There are two types of doctors the free and slave. On the one hand, the ‘free’ (ἐλεύθερος) doctor is he who first gets the consent of the patient to heal him<sup>141</sup>. In addition he takes into consideration the unique characteristics of each patient after having discussed with his friends. Therefore he transforms him into ‘a docile man through persuasion’ (μετὰ πειθοῦς ἡμερούμενον)<sup>142</sup>. In the same way, the lawgiver should try to convince people to abide by the laws. The ultimate aim of the legislator is the willing obedience of citizens to the law.

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<sup>137</sup> Plato *Laws* 718 c8-10

<sup>138</sup> Bartels (2014) 177 : “The Athenian proposes to preface the law (νόμος) with a “preamble” (προοίμιον), an idea he derives from contemporary musical practices. A musical νόμοσις customarily preceded by a προοίμιον. The same ought to be done with regard to the political νόμος”.

<sup>139</sup> Plato *Laws* 720 e4

<sup>140</sup> Bartels (2014) 182-183

<sup>141</sup> Plato *Laws* 720 e1

<sup>142</sup> Plato *Laws* 720 d9



Therefore this correlation of the preambles with the free doctor enhances the theory that they have a democratic connotation and that they would function better in such a type of governance.

On the other hand, the slave doctor is he who acts in a paternalistic way. He enforces patients to accept his prescription under suppression. His etiquette, totally opposed to this of free doctor, is characterized as authoritarian, due to the fact that he deprives any opportunity for discussion with the patient<sup>143</sup>. Proportionately, a lawgiver who acts tyrannically enforces the law without asking what citizens believe about the enactment of laws. In other words, the constructive dialogue between the free doctor and his patients is absent from the slave doctor and lawgiver. Therefore this type of legislation does not aim at persuading citizens and as a result it is not compatible with the purpose of Athenian already adduced, to make citizens ‘as persuadable as he possibly can’ (ὡς εὐπειθεστάτους).

However, what happens if citizens are unteachable and refuse to abide by the laws? In this case, ‘force’ (βία) is the only road to the implementation of the laws. Therefore which is the answer to the question ‘πειθῶ’ or ‘βία’? I suggest that there is a combination of them depending on the circumstances. Of course all the interlocutors do have as priority the ‘persuasion’ (πειθῶ) which is more close to a democratic state, as the lawgiver act in common with the citizens by exchanging opinions with them. The correlation with democracy lies in the fact that constructive dialogue constitutes an inherent characteristic of this governance. Nevertheless, in many occasions persuasion is not an effective method for the execution of laws. In this instance, ‘force’ (βία) is called upon so as to enforce the laws.

## BOOK V

### **2.5. Magnesia, a “pure” society?**

In this book the references or allusions to the governance of Magnesia are more restricted than those in the previous book. The biggest part of the book pertains with the duty of paying due honor to the soul, which is the most divine part of the man. Particularly the Athenian analyzes the ideal model of citizen in a state<sup>144</sup>. If people follow this road they will lead a happy life in mutual friendship with their fellow-citizens inasmuch as it is possible<sup>145</sup>. This recurrent piece of advice acts as a ‘preamble’ (προοίμιον) to persuade citizens to abide by the laws. However, after these exhortations certain democratic or undemocratic approaches do emerge, as the interlocutors discuss about the ‘sketch of the state organization’ (πολιτείας ὑπογραφήν)<sup>146</sup>.

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<sup>143</sup> Bartels (2014) 185

<sup>144</sup> Plato *Laws* 729 d6-10

<sup>145</sup> Plato *Laws* 743 c 7-9 : Ἀθηναῖος: ἡμῖν δὲ ἡ τῶν νόμων ὑπόθεσις ἐνταῦθα ἔβλεπεν, ὅπως ὡς εὐδαιμονέστατοι ἔσονται καὶ ὅτι μάλιστα ἀλλήλοις φίλοι (Now the fundamental purpose of our laws was this, that the citizens should be as happy as possible, and in the highest degree united in mutual friendship). Transl. Bury (1926)

<sup>146</sup> Plato *Laws* 734 e 5

According to the Athenian, access to Magnesia will not be feasible to anyone. Particularly, citizens who are to form the colony will be scrutinized before being admitted, in a similar way to the separation of the sound from the unsound animals of a certain shepherd<sup>147</sup>. Firstly, citizens should undergo a ‘purge’ (καθαρός) in a similar way to the clearance of pool’s water stemming from springs and torrents<sup>148</sup>. Through this parallelism the suggestion for a pure society is depicted. This ‘purity’ (καθαρότης) of Magnesia has an elitist background as the acquisition of citizenship is possible only for pure people. In other words, people who do not meet the requirements of purity will not enter the Magnesia. However, the Athenian stresses that purging will not be very strict. What is more if we pore over the criteria of purity, we will understand that many people will be excluded from this in speech colony. But what exactly is this purge?

According to the Athenian, the best purge is the most severe and ‘painful’ (ἀλγεινός)<sup>149</sup> and only ‘a lawgiver with despotic power’ (νομοθέτης τυραννίδος) could apply such a purging<sup>150</sup> that would result in the exclusion of incurable people from Magnesia or even their deaths. Such barriers are of course undemocratic. But again it is worth trying to examine the reason why Athenian aims at creating such a “close” society as Popper would have argued. I propose that taking into consideration what has already been proposed, for instance the sovereignty of a best monarch or the emphasis on the skills and qualifications of people, it does make sense to put such obstacles to Magnesia. If we suppose that everyone would be welcome in Magnesia without any examination, then chances are that it would be very difficult to work in the way that the Athenian imagines its function.

Moreover, in the ‘ἐν λόγῳ’ colony this elitism is present, but it is not so harsh as it would be if the interlocutors had tried to establish an ‘actual’ (ἔργῳ) colony<sup>151</sup>. Specifically people who are regarded as ‘vicious’ (κακοί) should not be entitled to enter Magnesia. The core of elitism lies in the fact that such vicious people are excluded on beforehand. In addition, the term ‘κακός’ is a very general one and as a result many people would not have the right to acquire citizenship. Of course all those restrictions were totally opposed to what was valid in the Athenian democracy.

### **2.5.1. Wealthy and poor people in Magnesia: common interest?**

Inevitably, citizens who will enter Magnesia will come from different social classes and as a result some of them will be wealthier than the others. However, the Athenian tries to eliminate those

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<sup>147</sup> Plato *Laws* 735b5-7: Ἀθηναῖος: διαλέξας δὲ τὰ τε ὑγιῆ καὶ τὰ μὴ καὶ τὰ γενναῖα καὶ ἀγεννῆ, (which is to separate the sound from the unsound, and the well-bred from the ill-bred). Transl. Bury (1926)

<sup>148</sup> Plato *Laws* 736 b 1-7

<sup>149</sup> Plato *Laws* 735 d 9 : Ἀθηναῖος: ἔστι δ’ ὁ μὲν ἄριστος ἀλγεινός (The best purge is painful)

<sup>150</sup> Plato *Laws* 735 d 3

<sup>151</sup> Plato *Laws* 736b7-10 : Ἀθηναῖος: τὰ δ’ ἐπεὶ λόγῳ γ’ ἐστὶν τὰ νῦν ἀλλ’ οὐκ ἔργῳ πραττόμενα, πεπεράνθω τε ἡμῖν ἢ συλλογῆ καὶ κατὰ νοῦν ἢ καθαρότης αὐτῆς ἔστω συμβεβηκυῖα (Since, however, our present efforts are verbal rather than actual, let us assume that our collection of citizens is now completed, and its purity secured to our satisfaction;). Transl. Bury (1926)

discrepancies among citizens. Particularly, he envisages a society in which excessive poverty or wealth will be absent<sup>152</sup>. Of course the abolition of those two extremes has a strong political background. Aristotle in *Politics* claims characteristically that “the real difference between democracy and oligarchy is poverty and wealth. Wherever men rule by reason of their wealth, that is an oligarchy, and where the poor rule, that is democracy”<sup>153</sup>. Therefore as far as Magnesia is concerned the differentiations between wealthy and poor people will be significantly reduced and both of them will act in partnership in favor of the state.

In democratic Athens were existing wealth and poor citizens<sup>154</sup>, but this fact was not obstructing people from participating in the Assembly. However rich citizens who were not obliged to work for a living could afford more time to the political proceedings<sup>155</sup>. Why then the Athenian intended to abolish this distinction between rich and poor people? The answer to this question is very clear. First and foremost, Athenian’s priority in Magnesia is not the acquisition of wealth but the development of virtues in people’s souls and the sovereignty of law in the state. Besides, the doctrine of mediocrity that the Athenian espouses does not permit the existence of significant differences concerning the property of people. In addition to this, the predominance of extreme wealth can have an erosive influence on citizens as it can corrupt people. Consequently, even if this welfare of Magnesia may seem democratic, the reasons that urge the Athenian to make such a proposal are different.

## **BOOK VI**

### **2.6. Εὐνομία in Magnesia**

The issue of a well-governed state (τοῖς εὖ κειμένοις νόμοις)<sup>156</sup> is a recurrent one throughout the *Laws* and is of course present also in this book. But what is the relationship between ‘εὐνομία’ and democratic or undemocratic governances? At this point, it should be clarified that εὐνομία has a very broad semantic field as it can be associated both with democratic and undemocratic acts of ruling. In particular, the interpretation of εὐνομία depends on the political color given to it by the people who use this term. Nevertheless, as far as the *Laws* are concerned it is very interesting to illustrate which kind of state the interlocutors regard as well-framed (εὐνομούμενον).

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<sup>152</sup> Plato *Laws* 744 d 5-6

<sup>153</sup> Aristotle *Politics* 1279b34-80a4

<sup>154</sup> Ober (1989) 192: “The unequal distribution of wealth among citizens was perhaps the most politically problematic condition of social inequality pertaining in democratic Athens. Athenian society was clearly divided into along class lines”.

<sup>155</sup> Ober (1989) 192-193

<sup>156</sup> Plato *Laws* 751 b9

### 2.6.1. Magistrates and magistracies in Magnesia

In Magnesia, mainly well-equipped people will be able to become magistrates and these people will be also tested after their election. It is worthy of note that apart from the close examination of magistrates, the selectors will be also persons who will have the background to fairly judge each candidate. As a result it is obvious that in their in speech colony each member of the society will have a specific role. If we take into account what was valid in classical democratic Athens where citizens used to possess authorities and magistracies by lot, we will understand that the proposal in the *Laws* concerning the acquisition of authorities is totally opposed to the Athenian one. In other words, in Magnesia the skills and the background of the nominees will play a pivotal role in the undertaking of authorities such as this of magistracy. It will not be so easy for people as in the classical Athens to possess such a significant authority<sup>157</sup>. The Athenian Stranger claims characteristically that (751c5-d2) :

<p>ὁρᾷς γὰρ ὅτι πρῶτον μὲν δεῖ τοὺς ὀρθῶς ἰόντας ἐπὶ τὰς τῶν ἀρχῶν δυνάμεις βάσανον ἰκανὴν αὐτοῦς τε καὶ γένος ἐκάστων ἐκ παίδων μέχρι τῆς αἰρέσεως εἶναι δεδοκότας, ἔπειτα αὖ τοὺς μέλλοντας αἰρήσεσθαι τεθράφθαι τε ἐν ἡθεσι νόμων εἶ πεπαιδευμένοι πρὸς τὸ δυσχεραίνοντάς τε καὶ ἀποδεχομένους ὀρθῶς κρίνειν καὶ ἀποκρίνειν δυνατοὺς γίγνεσθαι τοὺς ἀξίους ἐκατέρων.</p>	<p>(You see that it is necessary, in the first place, that those who rightly undertake official functions should in every case have been fully tested- both themselves and their families- from their earliest years up to the time of their selection: and, secondly, that those who are to be the selectors should have been reared in law-abiding habits, and be well trained for the task of rightly rejecting or accepting those candidates who deserve their approval or disapproval). Transl. Bury (1926)</p>
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The word βάσανος<sup>158</sup> used by the Athenian illustrates this devotion to examine the background of each person that will undertake an authority. From a classical Athenian viewpoint this scrutiny is totally undemocratic and opposed to equality that used to provide the same chances to all the citizens. It is of significant importance to clarify that in this passage equality is interpreted as meritocracy or 'equality according to worth' (τὸ κατ' ἀξίαν) as Aristotle puts it<sup>159</sup>. Therefore, in order to establish a

<sup>157</sup> Stalley (1983) 114: "But, although the citizens are enjoined to elect the best men, there are no institutional guarantees that only those who have proved themselves in this way will be elected. As Plato himself sees, the system will in the last resort depend on having citizens sufficiently well-educated to make the right choices"

<sup>158</sup> LSJ (1961) 309 " || generally, test, trial of genuineness" see also England (1921) 754d1 and 755d6

<sup>159</sup> Aristotle *Politics* 1301b: ("But equality is of two kinds, numerical equality and equality according to worth—by numerically equal I mean that which is the same and equal in number or dimension, by equal according to worth that which is equal by proportion; for instance numerically 3 exceeds 2 and 2 exceeds 1 by an equal amount, but by proportion 4 exceeds 2 and 2 exceeds 1 equally, since 2 and 1 are equal parts of 4 and 2, both being halves. But although men agree that the absolutely just is what is according to worth, they disagree (as was said before) in that some think that if they are equal in something they are wholly equal, and others

‘well-governed and well-framed’ (εὐνομούμενον) state, the distribution of magistracies should be done after examining the qualifications of candidates. In other words, the authorities obtained in Magnesia will not result from lot but from the estimation of the skills that people are supposed to have.

It is of crucial importance to clarify, that the distribution of many authorities, not only this of magistracies but also that of the commanders, will not be based on the lot. On the contrary, in each case people who are to possess an authority will undergo a judgment. As a result no one will randomly undertake an authority, but only due to the values that they expected to have. Throughout the *Laws* the practice of electing by lot is absent. Nevertheless, in many cases, such as this of the election of commanders, if someone believes that people who are nominates for this authority are not suitable for it, then he should propose the persons that he regards as proficient in this domain<sup>160</sup>.

### 2.6.2. The boulē of Magnesia

Another noteworthy feature is the existence of council in Magnesia which will consist of 360 persons. But in which way will these officials be elected? At this point emerges the quintessence of the *Laws*, namely that the selection of officials will combine both democratic and monarchic features. The Athenian Stranger declares this fact (756e10-12)

<p>ἡ μὲν αἴρεσις οὕτω γιγνομένη μέσον ἂν ἔχοι μοναρχικῆς καὶ δημοκρατικῆς πολιτείας, ἧς ἀεὶ δεῖ μεσεύειν τὴν πολιτείαν.</p>	<p>(The selection of officials that is thus made will form a mean between a monarchic constitution and a democratic; and midway between these our constitution should always stand). Transl. Bury (1926)</p>
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### 2.6.3. What is equality?

But what is the fundamental target of this council? The answer is equality. And what exactly is equality? At this point emerges the core of the *Laws*. Initially equality is divine and people are unable to entirely obtain it. People will be content if they possess a small part of it. The Athenian defines equality as (757c1-7):

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claim that if they are unequal in something they deserve an unequal share of all things. Owing to this two principal varieties of constitution come into existence, democracy and oligarchy;). Transl. Rackham (1932)

<sup>160</sup> Plato *Laws* 755c10-d3 : “ Ἀθηναῖος :ἐὰν δέ τις ἄρα δοκῇ τινι τῶν μὴ προβεβλημένων ἀμείνων εἶναι τῶν προβληθέντων τινός, ἐπονομάσας ἀνθ’ ὅτου ὄντινα προβάλλεται, τοῦτ’ αὐτὸ ὁμνὺς ἀντιπροβαλλέσθω τὸν ἕτερον (And if anyone deems that someone of the men not nominated is better than one of those nominated, he shall state the name of his nominee and of the man whom he is to replace, and, taking the oath about the matter, he shall propose his substitute). Transl. Bury (1926)

<p>Τῷ μὲν γὰρ μείζονι πλείω, τῷ δ' ἐλάττονι σμικρότερα νέμει, μέτρια διδοῦσα πρὸς τὴν αὐτῶν φύσιν ἑκατέρῳ, καὶ δὴ καὶ τιμὰς μείζοσι μὲν πρὸς ἀρετὴν ἀεὶ μείζους, τοῖς δὲ τοῦναντίον ἔχουσιν ἀρετῆς τε καὶ παιδείας τὸ πρέπον ἑκατέροις ἀπονέμει κατὰ λόγον.</p>	<p>(For it dispenses more to the greater and less to the smaller, giving due measure to each according to nature; and with regard to honors also, by granting the greater to those that are greater in goodness, and the less to those of the opposite character in respect of goodness and education, it assigns in proportion what is fitting to each. The selection of officials that is thus made will form a mean between a monarchic constitution and a democratic; and midway between these our constitution should always stand).</p> <p>Transl. Bury (1926)</p>
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This definition of equality may transcend the strict bounds of democratic or oligarchic concepts already analyzed, as it emphasizes on the qualities of people, namely on virtue, education and nature. In other words people will be able to obtain so much power as their qualifications, their whole background permits. This type of equality is regarded as just. Besides, this equality should be the timeless aim of legislators who aim at establishing a new state. The Athenian Stranger explicitly states that (757d1-4):

<p>ἄλλην τε ἂν ποτέ τις οἰκίζη, πρὸς ταῦτόν τοῦτο σκοπούμενον χρεῶν νομοθετεῖν, ἀλλ' οὐ πρὸς ὀλίγους τυράννους ἢ πρὸς ἓνα ἢ καὶ κράτος δήμου τι, πρὸς δὲ τὸ δίκαιον ἀεὶ</p>	<p>( And whoever finds a State elsewhere at any time must make this same object the aim of his legislation, - not the advantage of a few tyrants, or of one, or of some form of democracy, but justice always).</p> <p>Transl. Bury (1926)</p>
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Nevertheless, for the sake of avoidance of serious conflicts among citizens in a society this type of equality should be combined with the other type of equality, which uses the lot for the acquisition of authorities. Of course election by lot was a democratic element. Besides, the organization of the council that the Athenian Stranger proposes resembles this of the Athenian Council. Namely, the separation of the council in twelve parts, and specifically the fact that each part should bear certain responsibilities for approximately a month spontaneously calls into the mind the function of 'πρυτανεύουσα φυλή', that is to say the deanship of each of the ten tribes of Athens for 35 or 36 days. In general the combination of democratic with non-democratic elements is a recurrent theme throughout the *Laws*<sup>161</sup>.

<sup>161</sup> Plato *Laws* 759b5-9 : Ἀθηναῖος : τούτων δὴ πάντων τὰ μὲν αἰρετὰ χρή, τὰ δὲ κληρωτὰ ἐν ταῖς καταστάσεσι γίγνεσθαι, μειγνύντας πρὸς φιλίαν ἀλλήλοις δῆμον καὶ μὴ δῆμον ἐν ἐκάστη χώρῃ καὶ πόλει, ὅπως ἂν μάλιστα ὁμονοῶν εἴη .(In establishing all these offices , we must take the appointments partly by election and partly by

#### 2.6.4. The obligation of voting

All the citizens are obliged to vote for the elections of officials, otherwise a financial penalty of ten drachmas will be imposed on them. Of course, as has already been stressed voting was not regarded as a democratic means of election. But what is new is the compulsion of voting. Apart from this, the members of the first two property classes are also forced to participate in the public Assembly. It is evident that coercion emerges again. Undoubtedly the act of forcing under the threat of punishment is very close to tyranny. Besides, it is very interesting that citizens from the lower or lowest classes will not be punished if they are absent from the public assembly<sup>162</sup>. At this point may lurk an elitist element. Aristotle<sup>163</sup> accuses Plato of crypto-oligarchy as “he has set up a system in which the wealthier are encouraged, or rather obliged, to be more active politically while the less well off are encouraged to take only a passing interest in politics”<sup>164</sup>. In particular, the presence of these people is not regarded as essential in opposition to that of people from the first two classes. Therefore, in an implicit way the opinion of those people does not matter greatly as no one will punish them if they will be absent.

#### 2.6.5. Teachers and judges

The role of education and justice is of paramount importance throughout the *Laws*. But what is interesting concerning the relation of them with democratic and undemocratic aspects is that only the best, the ἄριστοι<sup>165</sup> among the citizens of the state will be able to become teachers or judges. At this

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lot, mingling democratic with non-democratic methods, to secure mutual friendliness, in every rural and urban district, so that all may be as unanimous as possible). Transl. Bury (1926)

<sup>162</sup> Plato *Laws* 764a3-7 : Ἄθηναῖος ἰτω δ' εἰς ἐκκλησίαν καὶ τὸν κοινὸν σύλλογον ὁ βουλόμενος, ἐπάναγκες δ' ἔστω τῶ τῶν δευτέρων καὶ πρώτων τιμημάτων, δέκα δραχμαῖς ζημιουμένῳ ἐὰν μὴ παρὼν ἐξετάζηται τοῖς συλλόγοις (Whoso wishes shall attend the Ecclesia and the public assembly; and for members of the second and first property-classes attendance shall be compulsory, anyone who is found to be absent from the assemblies being fined ten drachmae). Transl. Bury (1926)

<sup>163</sup> Aristotle *Politics* 1266a5-15: ἔπειτ' οὐδ' ἔχουσα φαίνεται μοναρχικὸν οὐδέν, ἀλλ' ὀλιγαρχικὰ καὶ δημοκρατικά· μᾶλλον δ' ἐγκλίνειν βούλεται πρὸς τὴν ὀλιγαρχίαν. δῆλον δὲ ἐκ τῆς τῶν ἀρχόντων καταστάσεως· τὸ μὲν γὰρ ἐξ αἰρετῶν κληρωτοὺς κοινὸν ἀμφοῖν, τὸ δὲ τοῖς μὲν εὐπορωτέροις ἐπάναγκες ἐκκλησιάζειν εἶναι καὶ φέρειν ἄρχοντας ἢ τι ποιεῖν ἄλλο τῶν πολιτικῶν, τοὺς δ' ἀφεῖσθαι, τοῦτο δ' ὀλιγαρχικόν, καὶ τὸ πειρᾶσθαι πλείους ἐκ τῶν εὐπόρων εἶναι τοὺς ἄρχοντας, καὶ τὰς μεγίστας ἐκ τῶν μεγίστων τιμημάτων. (In the next place, the constitution in the *Laws* proves as a matter of fact not to contain any element of monarchy at all, but its factors are taken from oligarchy and democracy, and for the most part it tends to incline towards oligarchy. This appears from the regulations for the appointment of the magistrates; for their selection by lot from a list previously elected by vote is a feature common to both oligarchy and democracy, but the compulsion put upon the richer citizens to attend the assembly and vote for magistrates or perform any other political function, while the others are allowed to do as they like, is oligarchical, as is the endeavor to secure that a majority of the magistrates shall be drawn from the wealthy and that the highest offices shall be filled from the highest of the classes assessed by wealth). Transl. Rackham (1932)

<sup>164</sup> Gottesman (2014) 186

<sup>165</sup> Plato *Laws* 767d2 : Ἀθηναῖος ὁς ἂν ἐν ἀρχῇ ἐκάστη ἄριστός τε εἶναι δόξη καὶ ἄριστ' ἂν καὶ ὀσιώτατα τὰς δίκας τοῖς πολίταις αὐτῷ τὸν ἐπιόντα ἐνιαυτὸν φαίνεται διακρίνειν. (That member of each body whom they

point the elitism of the Athenian comes again to the surface. Particularly people will select by vote those who they believe that they excel either in judging or in teaching in order to assume the office of judge or teacher. What is more, after their election both the judges and teachers will be closely examined so as to ascertain their merit<sup>166</sup>. In case they be found disqualified they will be removed.

### 2.6.6. A “true” marriage

Despite the fact that the above mentioned title may sound peculiar, as its relation with democratic and undemocratic aspects is not evident at first glance, i will try to elucidate its deep political background. Hereon, the Athenian proposes that men should not get married the girl that they fall in love with, as he characteristically states ‘οὐ τὸν ἥδιστον αὐτῷ’<sup>167</sup>. The criterion of a marriage should be the benefit of the state and in this sense people should give careful thought to the choice of the right spouse for the achievement of this goal. Of course the Athenian overstates that this fact cannot be enacted through written laws; he is not able to force a man to marry a specific kind of girl. Nevertheless, it is obvious that the Athenian does not leave much room for personal choice without guidance even in the realm of love. Therefore, there is a fierce suppression of personal option, a strict repression to love in favor of the state.

## BOOK VII

### 2.7. Censorship in feasts

As the dialogue unfolds another undemocratic element emerges. This feature is censorship, as people who will participate in the feasts of the state will not be able to present new dances or hymns. This rejection of new proposals in the feasts is explicitly stated by the Athenian<sup>168</sup>. In addition to this, children should not try innovations in their games. By the way, it is very interesting that the participle νεωτερίζοντας that the Athenian uses for this occasion of ‘παιδιά’ originates from the verb νεωτερίζω which was commonly used for those who attempted to subvert a regime<sup>169</sup>. All these barriers to the

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deem the best man and the most likely to decide the suits for his fellow citizens during the ensuing year in the best and holiest way). Transl. Bury (1926)

<sup>166</sup> Plato *Laws* 767d5: Αθηναῖος : Τούτων δὲ αἰρεθέντων γίγνεσθαι μὲν δοκιμασίαν ἐν τοῖς ἐλομένοις αὐτοῖς, εἰ δὲ ἀποδοκιμασθῆ τις, ἕτερον ἀνθαιρεῖσθαι κατὰ ταῦτά. (These being chosen, they shall undergo a scrutiny before those who have chosen them; and should any be disqualified, they shall choose a substitute in like manner). Transl. Bury (1926)

<sup>167</sup> Plato *Laws* 773b6: Αθηναῖος : καὶ κατὰ παντὸς εἰς ἕστω μῦθος γάμου· τὸν γὰρ τῇ πόλει δεῖ συμφέροντα μνηστεύειν γάμον ἕκαστον, οὐ τὸν ἥδιστον αὐτῷ. (each man must seek to form such a marriage as shall benefit the State, rather than such as best pleases himself). Transl. Bury (1926)

<sup>168</sup> Plato *Laws* 799b6-9: Αθηναῖος : ἂν δὲ παρ’ αὐτὰ τίς τῶ θεῶν ἄλλους ὕμνους ἢ χορείας προσάγῃ, τοὺς ἱερέας τε καὶ τὰς ἱερείας μετὰ νομοφυλάκων ἐξείργοντας ὁσίως ἐξείργειν καὶ κατὰ νόμον, τὸν δὲ ἐξειργόμενον (And if any man proposes other hymns or dances besides these for any god, the priests and priestesses will be acting in accordance with both religion and law, when with the help of the Law-wardens, they expel him from the feast). Transl. Bury (1926)

<sup>169</sup> LSJ (1961) 1172: “ II. esp. attempt political changes, make revolutionary movements, τοῖς ἀτυχοῦσι νεωτερίζειν συμφέρει Antipho 2.4.9; ἀπὸ μόνης ν. τῆς ἀσπίδος Critias 37 D.; πρὸς τοὺς ξυμμάχους



new could be characterized as undemocratic and specifically authoritative or blinkered. For instance, one significant accusation of Popper against Plato is that he condemns every change. He argues that according to Plato “Change is evil, rest divine”<sup>170</sup>. But even if this is true it is worth trying to illustrate the reason why the Athenian puts such barriers to the changes in ‘χορεία’ or ‘παιδιά’.

Firstly, we should seriously take into account that ‘χορεία’, namely the practice of choral singing and dancing, was playing a pivotal role in the shape of the ideal citizen in the *Laws*<sup>171</sup>. This fact is corroborated in the second book of the *Laws*, where the Athenian mentions that an educated man is also fully-choir trained as he knows very well to dance and sing<sup>172</sup>. Apart from this, true ‘χορεία’ in the *Laws* is supposed to have a calming effect on people’s soul<sup>173</sup>. Having all these facts into his mind the Athenian could not trust the formation of ‘χορεία’ to anyone but only to connoisseurs. In other words, in the same way as he does not allow the citizens to learn whatever they want so he restricts them in the case of ‘χορεία’. Apart from all these, we should take into consideration the specific context of hymns and songs in this book. To be more accurate, the key word is the infinitive καθιερωσαι that the Athenian uses<sup>174</sup>. The songs will have the form of a hymn to a god<sup>175</sup>, so people will not be able to diverge from the frames of this model.

Furthermore strict limits are put to poetry. Poets should not diverge from the boundaries marked by the state concerning justice, legitimacy or righteousness. In addition, if the Law-wardens have not approved of the poem, the poet himself will not be entitled to recite his poem even to a person. But which is the reason for these limits set to poetry? The cause of this fierce restriction of poets is again the same; namely, that if they interpret justice in a different way than this that has already been defined by the state then they will have an erosive influence on people’s souls and minds and then the stability and coherence of the state will be put in danger. Therefore, the poets should create works

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νεωτερίζοντας Th.1.97, cf. 102; v. ἔργω Id.3.66; νεωτερίζειν ἐβούλετο ἐς τὸ πλῆθος Lys.20.16; τὸ νεωτερίζον the revolutionary party, J.BJProem. 2; νεωτερίσαι τὴν πολιτείαν revolutionize the state, Th.1.115:—Pass., ἐνεωτερίζετο τὰ περὶ τὴν ὀλιγαρχίαν Id.8.73, cf. 4.76.”

<sup>170</sup> Popper (1945) 86: “The idealist formula is: *Arrest all political change!* Change is evil, rest divine. All change can be arrested if the state is made an exact copy of its original, i.e. of the Form or Idea of the city.”

<sup>171</sup> Calame (2013) 89: “Insofar, as in Plato’s *Laws*, musical and gymnastic education holds a central role in the education of the ideal citizen”

<sup>172</sup> Plato *Laws* 654a7-b2: Ἀθηναῖος :οὐκοῦν ὁ μὲν ἀπαιδευτος ἀχόρευτος ἡμῖν ἔσται, τὸν δὲ πεπαιδευμένον ἰκανῶς κεχορευκότα θετέον; (Shall we assume that the uneducated man is without choir-training,?). Transl. Bury (1926)

<sup>173</sup> Moutsopoulos (2002) 118: “In Plato’s theory, music has a calming effect. . . . The *Laws* – more than any other late Platonic dialogue – is the work in which, as Plato studies the world of the human soul (and as he had already written in the Book III of the Republic), the principle of musical motion, in all its various forms, occupies a key position, playing a central role in resolving the contradictions between material and spiritual, natural and physiological, medical and educative, individual and collective.”

<sup>174</sup> Plato *Laws* 799a2-8 : Ἀθηναῖος : τοῦ καθιερωσαι πᾶσαν μὲν ὄρχησιν πάντα δὲ μέλη. . . μετὰ δὲ τοῦτο ἐπὶ τοῖς τῶν θεῶν θύμασιν ἐκάστοις ἦν ὧδὴν δεῖ ἐφρμνεῖσθαι, καὶ χορείαις ποίαισιν γεραίρειν τὴν τότε θυσίαν (The device of consecrating all dancing and all music. . . and they should ordain next what hymn is to be sung at each of the religious sacrifices, and with what dances each such sacrifice is to be graced). Transl. Bury (1926)

<sup>175</sup> Calame (2013) 97: “This means that dances and melodies will have a sacred character ( *kathierosai*, 799a) and that the different choral manifestations will be organised according to the calendar of religious forms.”

conducive to the firmness of the state. It is useful to adduce the passage in question so as to see the extent of the censorship. So, the proposal of the Athenian in (801c11-d4) is that:

<p>τὸν ποιητὴν παρὰ τὰ τῆς πόλεως νόμιμα καὶ δίκαια ἢ καλὰ ἢ ἀγαθὰ μηδὲν ποιεῖν ἄλλο, τὰ δὲ ποιηθέντα μὴ ἐξεῖναι τῶν ἰδιωτῶν μηδενὶ πρότερον δεικνύναι, πρὶν ἂν αὐτοῖς τοῖς περὶ ταῦτα ἀποδεδειγμένοις κριταῖς καὶ τοῖς νομοφύλαξιν δειχθῆ καὶ ἀρέσῃ.</p>	<p>(The poet shall compose nothing which goes beyond the limits of what the State holds to be legal and right, fair and good; nor shall he show his compositions to any private person until they have first been shown to the judges appointed to deal with these matters and to the Law-wardens, and have been approved by them). Transl. Bury (1926)</p>
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Of course it is worth reminding the famous passage from the third book of the *Republic* in which Socrates forbids to certain artists, one of them is Homer, to present heroes instilled with flaws in their character, such as cowardice, servility<sup>176</sup>. For instance Socrates said that Homer should not have presented Achilles to weep and lament after hearing Patroclus’s death. But which is the reason for this intervention to the work of poetry? The cause of this censorship is in line with what is in effect in the *Laws*. Accurately, heroes should constitute role models for people that will implant them the right qualities. In this way, people will be inspired through the right models and they will mold a virtuous character that will be useful to Kallipolis.

Apart from all these facts, the apogee of the censorship culminates in the exclusion of poets. This barring takes place both in the *Republic* and *Laws*. But why? The reason for the exclusion of poets from Callipolis is given in the tenth book of *Republic*. Poetry is regarded as purely imitative and as a result remote from truth<sup>177</sup>. This imitative poetry is supposed to have an erosive influence on people’s soul and reason<sup>178</sup>. As far as the *Laws* are concerned, the cause of keeping the tragic poets out from

<sup>176</sup> Plato *Republic* 388a-b : Σωκράτης: πάλιν δὴ Ὅμηρου τε δεησόμεθα καὶ τῶν ἄλλων ποιητῶν μὴ ποιεῖν Ἀχιλλεῖα θεῆς παῖδα—“ἄλλοτ’ ἐπὶ πλευρᾷς κατακείμενον, ἄλλοτε δ’ αὐτε ὕπτιον, ἄλλοτε δὲ πρηγῆ, ... “τοτὲ δ’ ὀρθὸν ἀναστάντα πλωῖζοντ’ ἔ’ ἀλύοντ’ ἐπὶ”“θῖν’ ἀλὸς ἀτρυγέτιοι,” μηδὲ “ἀμφοτέραισιν χερσὶν ἐλόντα κόνιν αἰθαλόεσσαν χευάμενον κὰκ κεφαλῆς”-γεγονότα λιταεύοντά τε καὶ— ... κυλινδόμενον κατὰ κόπρον, ἐξονομακλήδην ὀνομάζοντ’ ἄνδρα ἕκαστον. (We should be right,” said he. “Again then we shall request Homer and the other poets not to portray Achilles, the son of a goddess, as, Lying now on his side, and then again on his back, And again on his face, nor clutching with both hands the sooty dust and strewing it over his head, nor as weeping and lamenting in the measure and manner attributed to him by the poet; nor yet Priam, near kinsman of the gods, making supplication and rolling in the dung, Calling aloud unto each, by name to each man appealing. And yet more than this shall we beg of them at least not to describe the gods as lamenting and crying). Trans. Shorey (1930)

<sup>177</sup> Tate (1928) 16 : “Now the tenth book attacks all ‘imitative’ poetry (ὄση μιμητική, 595a) as remote from truth, and excludes it from the state because of its pernicious influence.”

<sup>178</sup> Plato *Republic* 595b2: Σωκράτης: ὡς μὲν πρὸς ὑμᾶς εἰρησθαι—οὐ γάρ μου κατερεῖτε πρὸς τοὺς τῆς τραγῳδίας ποιητὰς καὶ τοὺς ἄλλους ἅπαντας τοὺς μιμητικούς—λάβη ἔοικεν εἶναι πάντα τὰ τοιαῦτα τῆς τῶν ἀκούοντων διανοίας, ὅσοι μὴ ἔχουσι φάρμακον τὸ εἰδέναι αὐτὰ οἷα τυγχάνει ὄντα. (Why, between ourselves—for you will not betray me to the tragic poets and all other imitators—that kind of art seems to be a corruption of

Magnesia has the same background as in the *Republic*. In particular, the Athenian claims characteristically that Magnesia is μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου ὃ δὴ φαμεν ἡμεῖς γε ὄντως εἶναι τραγωδίαν τὴν ἀληθεστάτην<sup>179</sup>. Therefore, in Magnesia there would be no need for presenting tragedies as the state itself presents the best life and in addition the tragic poets of Magnesia are they themselves the best ἡμεῖς ἐσμὲν τραγωδίας αὐτοὶ ποιηταὶ κατὰ δύναμιν ὅτι καλλίστης ἅμα καὶ ἀρίστης<sup>180</sup>. In addition, the harmful influence of tragedy on people's soul is also stressed in the *Laws*<sup>181</sup>.

However, in the *Laws*, the Athenian is not adamant on the exclusion of tragic poets from Magnesia. On the contrary, he leaves room for such poets on condition that their 'chants' (ᾠδαί) are of equal quality or better than these established in Magnesia<sup>182</sup>. I suggest that again the line of Athenian's thought is the same, and that is the devotion to the interest of the state. In other words, the fact that the Athenian would make an exemption only for poets of high quality can be explained by his intention to benefit from such poets. And which is exactly the profit? Apparently the beneficial influence that such chants supposed to have on people's souls and by extension on the state. In addition, the fact that the Athenian would accept only distinguished poets that are supposed to contribute to Magnesia can be characterized as elitist.

Consequently, even if this obligation about poetry could be termed as undemocratic, the background of its application remains exactly the same. Poetry, similarly to χορεία, is supposed to be a significant educational means in the *Laws* and as a result strict frames should be put to its content and teaching. Following this road, citizens will be able to contribute to the state. We should not overlook the fact that all the educational system in the *Laws* serves the interest of the state. This total devotion to the state is explicitly stated by the Athenian (804d1-8).

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the mind of all listeners who do not possess, as an antidote a knowledge of its real nature). Transl. Shorey (1930)

<sup>179</sup> Plato *Laws* 817b3-4: Ἀθηναῖος : πᾶσα οὖν ἡμῖν ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου. (all our polity is framed as a representation of the fairest and best life, as we assert, the truest tragedy). Trans. Bury (1926)

<sup>180</sup> Plato *Laws* 817b1-3: Ἀθηναῖος : ἡμεῖς ἐσμὲν τραγωδίας αὐτοὶ ποιηταὶ κατὰ δύναμιν ὅτι καλλίστης ἅμα καὶ ἀρίστης (we ourselves, to the best of our ability, are the authors of a tragedy at once superlatively fair and good)

<sup>181</sup> Plato *Laws* 817c9-d1: Ἀθηναῖος : σχεδὸν γάρ τοι κἂν μαινοίμεθα τελέως ἡμεῖς τε καὶ ἅπανσα ἡ πόλις (In truth, both we ourselves and the whole State would be absolutely mad). Transl. Bury (1926)

<sup>182</sup> Plato *Laws* 817d7-9: Ἀθηναῖος : ἂν μὲν τὰ αὐτὰ γε ἢ καὶ βελτίω τὰ παρ' ὑμῶν φαίνεται λεγόμενα, δώσομεν ὑμῖν χορόν, εἰ δὲ μή, ὧ φίλοι, οὐκ ἂν ποτε δυναίμεθα. (and if your utterances seem to be the same as ours or better, then we will grant you a chorus, but if not, my friends, we can never do so). Transl. Bury (1926)

<p>ἐν δὲ τούτοις πᾶσιν διδασκάλους ἐκάστων πεπεισμένους μισθοῖς οἰκοῦντας ξένους διδάσκειν τε πάντα ὅσα πρὸς τὸν πόλεμόν ἐστιν μαθήματα τοὺς φοιτῶντας ὅσα τε πρὸς μουσικὴν, οὐχ ὃν μὲν ἂν ὁ πατὴρ βούληται, φοιτῶντα, ὃν δ' ἂν μή, ἐδῶντα τὰς παιδείας, ἀλλὰ τὸ λεγόμενον πάντ' ἄνδρα καὶ παῖδα κατὰ τὸ δυνατόν, ὡς τῆς πόλεως μᾶλλον ἢ τῶν γεννητόρων ὄντας, παιδευτέον ἐξ ἀνάγκης.</p>	<p>(In all these establishments there should reside teachers attracted by pay from abroad for each several subject, to instruct the pupils in all matters relating to war and to music; And no father shall either send his son as a pupil or keep him away from the training-school at his own sweet will, but every “man jack” of them all (as the saying goes) must, so far as possible, be compelled to be educated, inasmuch as they are children of the State even more than children of their parents).</p> <p>Transl. Bury (1926)</p>
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### 2.7.1. Women and men: equal beings

The fact that women in the *Laws* are not treated as lesser beings than men is of course worthy of analysis as it is strictly correlated with democratic and undemocratic aspects. Women in Magnesia would receive the same education as men<sup>183</sup>. From a modern point of view this equality is totally democratic. But in that era, when the *Laws* were written, this was not exactly the case. Particularly, in democratic Athens women were very restricted and their main role was this of wife and mother. They did not receive education except for domestic training<sup>184</sup>. In opposition to Athens, in ancient Sparta there was a common educational system for boys and girls, of course very different from this of Athens<sup>185</sup>. But even so, in Sparta women were not deprived of the educational system. Taking into account all this information could we say that Athenian’s proposal could be characterized as favorably disposed to Sparta and in turn undemocratic? Of course no! This is not the case since the Athenian criticizes both Athens<sup>186</sup> and Sparta<sup>187</sup> about the way they treat women.

<sup>183</sup> Plato *Laws* 805c8-d: Ἀθηναῖος :τὸ δ' ἡμέτερον διακέλευμα ἐν τούτοις οὐκ ἀποσβήσεται τὸ μὴ οὐ λέγειν ὡς δεῖ παιδείας τε καὶ τῶν ἄλλων ὅτι μάλιστα κοινωνεῖν τὸ θῆλυ γένος ἡμῖν τῷ τῶν ἀρρένων γένει. (nor shall we be hereby precluded from asserting in our doctrine that the female sex must share with the male, to the greatest extent possible, both in education and in all else). Transl. Bury (1926)

<sup>184</sup> O'Neal William J., (1993) 117: “In Athens, for the most part, women were legal nonentities whom the Greek male excluded from any participation in the political or intellectual life of the city. Generally, women did not attend school and did not learn to read and write. According to one scholarly view, they were uneducated except for domestic training; they were virtually imprisoned in their homes.”

<sup>185</sup> Pomeroy (2002) 3: “Only at Sparta did the state prescribe an educational program for both boys and girls beginning in childhood.”

<sup>186</sup> Plato *Laws* 805a3-5: Ἀθηναῖος :φημί, εἴπερ ταῦτα οὕτω συμβαίνειν ἐστὶν δυνατόν, πάντων ἀνοητότατα τὰ νῦν ἐν τοῖς παρ' ἡμῖν τόποις γίνεσθαι τὸ μὴ πάση ῥώμῃ πάντας ὁμοθυμαδὸν ἐπιτηδεύειν ἄνδρας γυναιξὶν ταῦτά. (Since this state of things can exist, I affirm that the practice which at present prevails in our districts is a most irrational one—namely, that men and women should not all follow the same pursuits with one accord and with all their might). Transl. Bury (1926)

Having in mind all these facts, I suggest that what the Athenian proposes is that women should be educated in order to be able to help the state. In other words, the Athenian is able to understand that women and men are different but not unequal beings. As a result women should try to act in favor of the state. If women achieve such a goal then they will be praised in exactly the same way as men<sup>188</sup>. The fact that women will be praised entails that they are regarded as capable of contributing to the state. Therefore, women in the *Laws* even if they are not supposed equal to men, they are undoubtedly treated in a better way than women in democratic Athens where they were restricted in their house and they were not able to participate in the Assembly<sup>189</sup>.

## BOOK VIII

### 2.8. Censorship in the festivals

Apart from the censorship upon poetry already analyzed, it is remarkable that according to the Athenian the speeches made in the ‘noble games’ (παιδιάς) should also be censored. So many intellectual activities will be censored<sup>190</sup>. Namely, children who will either excel or do badly in these games should be praised or blamed respectively. The content of these speeches should be authorized by the ‘law-wardens’ (νομοφύλακες) and ‘educators’ (παιδευταί). In corroboration of this fact, the proposal of the Athenian that ‘nor yet shall anyone venture to sing an unauthorized song’<sup>191</sup> demonstrates the existence of censorship in these games. What is more the creation of these speeches should be assigned to people who have the background to do so and not to everyone ποιητής δὲ ἔστω τῶν τοιούτων μὴ ἄπας<sup>192</sup>. So except for censorship, emerges again the exclusion of people who are regarded as unsuitable for this issue.

#### 2.8.1 The innovative polity of Magnesia

At this point the Athenian Stranger criticizes harshly all the different kinds of authorities that he has already investigated with his interlocutors. His main two indictments are the lust for wealth and the lack of proper military training that plagued those societies. In particular, he does not espouse

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<sup>187</sup> Plato *Laws* 806a-c (See all these three paragraphs a, b, c, the main indictment against Sparta is that women are excluded from participating in the war).

<sup>188</sup> Plato *Laws* 802a4-6: Ἀθηναῖος : ταῦτα δὲ πάντα ἡμῖν ἔστω κοινὰ ἀνδράσιν τε καὶ γυναῖξιν ἀγαθοῖς καὶ ἀγαθαῖς διαφανῶς γενομένοις. (All such honors shall be equally shared by women as well as men who have been conspicuous for their excellence). Transl. Bury (1926)

<sup>189</sup> Gottesman (2014) 182: “In Magnesia, women might not achieve full equality with men but they are full participants in the public sphere, as both objects and agents of praise and blame. Not only do they participate in the city’s dining clubs and choruses, but it also seems that they are expected to serve in the army, attend the Assembly (although that is more controversial), and serve as magistrates”.

<sup>190</sup> Popper (1945) 86-87: “There must be a censorship of all intellectual activities of the ruling class, and a continual propaganda aiming at molding and unifying their minds. All innovation in education, legislation, and religion must be prevented or suppressed.”

<sup>191</sup> Plato *Laws* 829d8-9

<sup>192</sup> Plato *Laws* 829c7-8

democracy or oligarchy or tyranny, as he defines those governmental systems as ‘στασιωτεῖαι’<sup>193</sup>. He claims that in στασιωτεῖαι rulers and ruled do not coexist harmoniously on their own will. On the contrary, people who possess authority enforce their own rules taking into account their own interest. In addition, they do not want ruled people to acquire wealth and bravery in war as they are afraid of losing their power. Such acts of ruling seem abhorrent to the eyes of the Athenian as they have a corrosive influence on the citizens. Therefore, the colony that he aims to establish will be free from such defects. But how exactly does he envisage his in speech colony?

The answer to this question will shed more light on the relationship of Magnesia’s polity with democratic and undemocratic aspects in the *Laws*. It is very interesting that both the young men and women will have to undergo hard military training in their daily life. As the Athenian declares the men of Magnesia ‘must train for war not in war-time but while they are living in peace’<sup>194</sup>. Apart from this, young men and women should learn how to harness their desires which many times plunge them into ruin. The sense of ‘ὑδρις’<sup>195</sup> should not be vanished as in the above mentioned societies. But does this hard and severe way of life resemble the Spartan *modus vivendi*<sup>196</sup>, which involved many undemocratic features and less democratic?

At this point it is useful to clarify that the *Laws* do not constitute an idealization of ancient Sparta or Athens<sup>197</sup>. In other words, the fact that the interlocutors may acclaim some Athenian or Spartan features as beneficial for Magnesia, does not entail that they espouse the whole socio-political structure of these cities. Hereon despite the fact that there are indeed many common characteristics with the Spartan way of life, for instance the fierce military training or the compulsory education of children or the endurance against pleasures<sup>198</sup>, the Spartan organization is not perceived as a blueprint for Magnesia. Besides, we should always bear in mind that Plato was strongly opposed to the special emphasis that the Spartan educational system used to put on war as he aimed at the cultivation of

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<sup>193</sup> Plato *Laws* 832c2

<sup>194</sup> Plato *Laws* 829a10-b2

<sup>195</sup> Plato *Laws* 835d4-e1

<sup>196</sup> Morrow (1960) 298: “Here (Sparta) the state took its young members in hand in infancy and molded them relentlessly into the form of the mature citizen that the state required; and for older citizens it confirmed this fashioning by the common meals and the life-long military exercises that did not permit the individual to forget for a moment that he was a Spartan and what was expected of a Spartan.”

<sup>197</sup> Morrow (1960) 46-47

<sup>198</sup> Chrimes (1949) 124: “The characters of the dialogue are agreed that the bravery of the citizen (*ἀνδρεία*) is demonstrated in two ways, by endurance (*καρτερήσεις*) against pain and discomfort on the one hand, by *καρτερήσεις* against pleasure (*ἡδονή*) on the other (*Laws* 635b,c). We are reminded by this of the *καρτερίας ἀγών*, and since the second manifestation of *ἀνδρεία* is also explained by Plato that a reference to Spartan education underlies the whole passage in the *Laws*.”

virtue in people’s souls<sup>199</sup>. Therefore it is not wise to try to identify social and political features of Sparta or Athens with these that exposed in the *Laws* for ‘Magnaesia’.

In this book, this fierce training and in general the compulsion that proposed in many cases, such as this of education or sex desires, can be characterized as undemocratic, as people are deprived of their free will. In other words, there is a strict submission to the authority without taking into account that many citizens may not agree with these laws. Additionally, it is remarkable that this toughness of the Athenian remains stable in the investigation of punishing people. A telling example is that concerning the punishment of slaves. In particular, he states in (845a1-4):

<p>ἐὰν δὲ δὴ δούλος μὴ πείσας τὸν δεσπότην τῶν χωρίων ἄπτηταί του τῶν τοιούτων, κατὰ ῥᾶγα βοτρυῶν καὶ σῦκον συκῆς ἰσαριθμούς πληγὰς τούτοις μαστιγούσθω.</p>	<p>(And if a slave, without the consent of the master of the plots, touches any of such fruit, he shall be beaten with stripes as many as the grapes in the bunch or the figs on the figtree). Transl. Bury (1926)</p>
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This passage reflects the strictness of the Athenian concerning the punishment of slaves. If they get caught touching grapes without the license of the lord they should receive equal stripes as the number of the figs of the tree. This way of punishing does not try to explain to the offender that he should have asked for the the permission of the master. On the contrary it is based on the fear of the wrongdoer. The offernder is supposed not to commit the same wrong again due to the fear of this tough punishment and this hard punishment will act as a deterrent to potential wrongdoers. The conversation about punishment paves the way for the next book where this topic will be thoroughly examined.

## **BOOK IX**

### **2.9. Judgement and punishment in the *Laws***

How could the acts of punishing and administering justice in Magnesia be related with democratic or undemocratic aspects in the *Laws*? Before giving a fulfilling answer to this question I would like to highlight the semantic difference between the words ‘punishment’ (τιμωρία) and ‘judgement’ (δίκη) as it is explicitly stated in the fifth book of the *Laws* (728c1-5).

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<sup>199</sup>Morrow (1960) 299: “But it is appropriate to remind ourselves at the outset of one point on which he expresses emphatic disagreement with the Spartan system, at least as it was commonly understood. Education has for its aim the development of all the virtues, not merely the virtues of the soldier.”

<p>καλὸν γὰρ τό γε δίκαιον καὶ ἡ δίκη—τιμωρία δέ, ἀδικίας ἀκόλουθος πάθη, ἧς ὁ τε τυχὼν καὶ μὴ τυγχάνων ἄθλιος, ὁ μὲν οὐκ ἰατρευόμενος, ὁ δέ, ἵνα ἕτεροι πολλοὶ σώζωνται, ἀπολλύμενος.</p>	<p>for justice and judgment are things honorable , but a punishment, an infliction that follows on injustice; both he that undergoes this and he that undergoes it not are alike wretched,—the one in that he remains uncured, the other in that he is destroyed in order to secure the salvation of many others).</p> <p>Trans. Bury (1926)</p>
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According to the Athenian δίκη is supposed to have a positive connotation. To shed light on this, it is helpful to refer to the work *Gorgias* of Plato where it is stressed that δίκη has a view to reformation, to the cure of the offender. Accurately, Socrates mentions that ‘I suppose, the justice of the court reforms us and makes us juster, and acts as a medicine for wickedness’ (σωφρονίζει γὰρ που καὶ δικαιότερους ποιεῖ καὶ ἰατρικὴ γίνεταί πονηρίας ἡ δίκη.)<sup>200</sup>. On the contrary the meaning of τιμωρία in the *Laws* is more close to what we today call retribution<sup>201</sup>. Τιμωρία does not aim at curing people as those who undergo such a punishment are not cured but remain wretched<sup>202</sup>.

The dividing line between punishment or retribution and true judgement in the *Laws* can be illustrated by the metaphor of the free and slave doctor that is used in the fourth<sup>203</sup> and in the ninth book<sup>204</sup>. Accurately a free doctor is he who does not treat his patients in a paternalistic way, but tries to find in cooperation with them the best possible remedy. On the other hand a slave doctor is he who according to his experience suppresses patients to apply his remedy. Similarly to the way that a free doctor acts, also true judgement aims at persuading the citizen to consciously abide by the laws. On the contrary, punishment does not intend to convince citizens but to oppress them to conform to the laws under the

<sup>200</sup> Plato *Gorgias* 478d7

<sup>201</sup> LSJ (1961) 1795: “τιμωρία I *retribution, vengeance*”

<sup>202</sup> England (1921) 477 c4: “ἄθλιος: at *Rep.*380 b *Plato explains that a man is never ἄθλιος as the result of duly ordained δίκη: ὡς δὲ ἄθλιοι μὲν οἱ δίκην δίδοντες, ἦν δὲ δὴ ὁ δρῶν ταῦτα θεός, οὐκ ἐάτεον λέγειν τὸν ποιητήν.*; at *Gorg.* 472e ὁ ἀδικῶν τε καὶ ὁ ἀδικος πάντως μὲν ἄθλιος, ἀθλιώτερος μέντοι ἐὰν μὴ διδῶ δίκην; this *τιμωρία* however does leave a man ἄθλιος, so it cannot be *δίκη*.”

<sup>203</sup> Plato *Laws* 719e7-720a2

<sup>204</sup> Plato *Laws* 857c5-e1: Ἀθηναῖος : οὐ κακῶς ἀπηκάσαμεν, ὅτε δούλοις ὡς ἰατρευόμενοις ὑπὸ δούλων ἀπηκάζομεν πάντας τοὺς νῦν νομοθετούμενους. εὖ γὰρ ἐπίστασθαι δεῖ τὸ τοιόνδε, ὡς εἰ καταλάβοι ποτέ τις ἰατρὸς τῶν ταῖς ἐμπειρίαις ἄνευ λόγου τὴν ἰατρικὴν μεταχειριζομένων ἐλεύθερον ἐλευθέρῳ νοσοῦντι διαλεγόμενον ἰατρὸν, καὶ τοῦ φιλοσοφεῖν ἐγγὺς χρώμενον μὲν τοῖς λόγοις, ἐξ ἀρχῆς τε ἀπτόμενον τοῦ νοσήματος, περὶ φύσεως πάσης ἐπανιόντα τῆς τῶν σωμάτων, ταχὺ καὶ σφόδρα γελάσειεν ἂν καὶ οὐκ ἂν ἄλλους εἴποι λόγους ἢ τοὺς περὶ τὰ τοιαῦτ’ ἀεὶ προχείρους ὄντας τοῖς πλείστοις λεγομένοις ἰατροῖς: φαίη γὰρ ἂν ‘ὦ μῶρε, οὐκ ἰατρεύεις τὸν νοσοῦντα ἀλλὰ σχεδὸν παιδεύεις, ὡς ἰατρὸν ἄλλ’ οὐχ ὑγιὴ δεόμενον γίνεσθαι’. (It was no bad comparison we made when we compared all existing legislation to the doctoring of slaves by slaves. For one should carefully notice this, that if any of the doctors who practice medicine by purely empirical methods, devoid of theory, were to come upon a free-born doctor conversing with a free-born patient, and using arguments, much as a philosopher would, dealing with the course of the ailment from its origin and surveying the natural constitution of the human body,—he would at once break out into a roar of laughter, and the language he would use would be none other than that which always comes ready to the tongue of most so-called “doctors”: “You fool,” he would say, “you are not doctoring your patient, but schooling him, so to say, as though what he wanted was to be made, not a sound man, but a doctor”). Transl. Bury (1926)



fear of death penalty. Consequently, what I suggest is that such a punishment as the capital one ‘does not school citizens’ (οὐ παιδεύει τοὺς πολίτας)<sup>205</sup>, but aims at warning them (παράδειγμα μὲν τοῦ μὴ ἀδικεῖν τοῖς ἄλλοις)<sup>206</sup> through fear to obey the laws.

To have a more thorough understanding of the meaning of τιμωρία in the *Laws* it is worth examining the first dialogue in which Plato discusses about τιμωρία and is in line with the *Laws*. In his work *Protagoras* the homonymous sophist claims that no one punishes simply for the sake of what happened in the past, as such a punishment (τιμωρία) constitutes a blind vengeance. In opposition to this kind of a punishment, a rational man is supposed to punish with a view to prevent criminals from repeating their crimes and deter potential criminals from committing a crime<sup>207</sup>. In the same way, ‘punishment’ (τιμωρία) in the *Laws* is a means of deterring offenders from wrongdoing. Capital punishment for instance works in this way, as potential criminals may not commit a crime under the fear of punishment<sup>208</sup>.

What is more the Athenian’s proposal that people who perpetrate crimes can be either incurable or curable. The former act either ‘voluntarily’ (ἐκουσίως) whilst the latter ‘involuntarily’ (ἀκουσίως). To be more precise, criminals who wrong voluntarily are supposed to be incurable, because despite the fact that they have received the true education, they still remain sacrilegious (ιερόσυλοι), or still commit wrongs against their parents (περὶ γονέας ἡδίκηκώς) and the state (περὶ πόλιν ἡδίκηκώς). In Magnesia those incurable people should be put to death<sup>209</sup>. Of course capital punishment was more fact than fiction both in Athens and Sparta. But I do not want to focus on death penalty per se but on the reason why it is proposed in the *Laws*. In other words, the idea that in Magnesia there will be no room for people who suffer from intractable mental diseases seems to approach the proposal for a ‘pure’ society which excludes such people.

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<sup>205</sup> Plato *Laws* 857e6

<sup>206</sup> Plato *Laws* 862e5-6

<sup>207</sup> Plato *Protagoras* 324a5-c: Πρωταγόρας: οὐδεὶς γὰρ κολάζει τοὺς ἀδικούντας πρὸς τούτῳ τὸν νοῦν ἔχων καὶ τούτου ἕνεκα, ὅτι ἡδίκησεν, ὅστις μὴ ὡσπερ θηρίον ἀλογίστως τιμωρεῖται: ὁ δὲ μετὰ λόγου ἐπιχειρῶν κολάζειν οὐ τοῦ παρεληλυθότος ἕνεκα ἀδικήματος τιμωρεῖται—οὐ γὰρ ἂν τό γε πραχθὲν ἀγένητον θείη—ἀλλὰ τοῦ μέλλοντος χάριν, ἵνα μὴ αὐθις ἀδικήσῃ μήτε αὐτὸς οὗτος μήτε ἄλλος ὁ τοῦτον ἰδὼν κολασθέντα. καὶ τοιαύτην δίανοιαν ἔχων διανοεῖται παιδευτὴν εἶναι ἀρετὴν: ἀποτροπῆς γοῦν ἕνεκα κολάζει. (No one punishes a wrongdoer from the mere contemplation or on account of his wrong-doing, unless one takes unreasoning vengeance like a wild beast. But he who undertakes to punish with reason does not avenge himself for the past offence, since he cannot make what was done as though it had not come to pass; he looks rather to the future, and aims at preventing that particular person and others who see him punished from doing wrong again. And being so minded he must have in mind that virtue comes by training: for you observe that he punishes to deter). Transl. Lamb (1924)

<sup>208</sup> Plato *Laws* 862e3-863a4: Ἀθηναῖος: γινώσκων πού τοις τοιούτοις πᾶσιν ὡς οὔτε αὐτοῖς ἐτι ζῆν ἄμεινον, τοὺς τε ἄλλους ἂν διπλῆ ὠφελοῖεν ἀπαλλαττόμενοι τοῦ βίου, παράδειγμα μὲν τοῦ μὴ ἀδικεῖν τοῖς ἄλλοις γενόμενοι, ποιοῦντες δὲ ἀνδρῶν κακῶν ἔρημον τὴν πόλιν, οὕτωδὲ τῶν τοιούτων πέρι νομοθέτη κολαστὴν τῶν ἀμαρτημάτων θάνατον ἀνάγκη νέμειν, ἄλλως δὲ οὐδαμῶς (the lawgiver will realize that in all such cases not only is it better for the sinners themselves to live no longer, but also that they will prove of a double benefit to others by quitting life—since they will both serve as a warning to the rest not to act unjustly, and also rid the State of wicked men,—and thus he will of necessity inflict death as the chastisement for their sins, in cases of this kind, and of this kind only). Transl. Bury (1926)

<sup>209</sup> Plato *Laws* 854e2-855a2

Specifically, the approach of the Athenian concerning the so called incurable criminals is instilled with an authoritarian way of thinking. This authoritarianism is demonstrated by the fact that those incurable people (ἀνίατοι) are deprived of a second chance. Former convicts are not able to reenter the Magnesia and act as useful members of it. In other words, the quintessence of Plato's absolutism lies in the fact that he is taking irrevocable decisions and that he also takes for granted that those people cannot be cured. Consequently, Plato seems to propose that there are some people who are not able to be taught, as despite the fact that they received 'education' (παιδεία) and 'nurture' (τροφή)<sup>210</sup> they voluntarily harm other people or do wrongs. Therefore this background of punishing people is inculcated with totalitarianism.

Except for all these facts I would also like to shed light on an issue that at first glance seems puzzling. To be more precise, the social and political status of the criminal plays a pivotal role in the infliction of a penalty. In other words, different kinds of punishment are imposed on slaves than those inflicted on citizens<sup>211</sup>. But does this fact constitute a violation of equality before the law (ισονομία)? The answer to this question will highlight the background of Plato's way of thinking concerning punishment. Initially, taking into account the legislation of this period, namely Plato's era, and of course not the legislation of a modern Western state, this unequal treatment of slaves did not constitute an infringement of equality (ισονομία).

Nevertheless, Plato's thought is far away from this way of thinking. In particular the four different categories of people in Magnesia, namely "citizens" (πολίται), resident aliens (ξένοι μέτοικοι), temporary visitors (ξένοι ἐπιδημοῦντες) and slaves (δοῦλοι) do have a different educational background, or more precisely a different level of παιδεία. According to the Athenian, it is less possible for educated citizens either to harm their city or other citizens than for the uneducated people. Therefore Plato's criterion of punishment in the *Laws* is the education (παιδεία) of the criminal. This distinction is more evident in the case of slaves as Saunders puts it "The slave has had no education at all; he is no easy chattel, and he is not to be punished by judicial admonition, as one might punish a freeman, but by strict justice"<sup>212</sup>. Besides, at the beginning of the twelfth book it is clarified that if a citizen who has been reared in the way he is to be reared in a city plunders his city then he should be punished more harshly than a slave<sup>213</sup>. To be more accurate, a nurtured citizen who harms his city is impossible to be cured, because despite the fact that he did receive education and nurture he wronged.

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<sup>210</sup> Plato *Laws* 854e7-8

<sup>211</sup> Saunders (1991) 214-215

<sup>212</sup> Saunders (1991) 215-216

<sup>213</sup> Plato *Laws* 942a1-5

However, in Magnesia the barriers put between freeborn and slaves are very strict. A slave can never be equal to a freeborn<sup>214</sup>. Of course this distinction is in effect and in the case of education as only freemen will have access to education. The slaves will remain uneducated and by extension they will be punished differently. In other words this discrimination in favor of the freemen perpetuates the inequality among people's punishment in Magnesia.

So which is the relationship of punishment and justice with democratic or undemocratic aspects? I propose that the reason according to which someone punishes does have relation with democratic or undemocratic aspects. In *statu nascendi*, when punishment is irrevocable, such as death penalty or exile without returning (αἰφυγία), then it does have an absolutist, a totalitarian background. The reason why I say this is that such a punishment does not leave room for second chance and rehabilitation of former offenders in Magnesia. In addition the Athenian's view about the existence of incurable diseases is also based in a totalitarian way of thinking. To put it differently it is very difficult to say with certainty that a disease is impossible to be cured. In the case of the *Laws* citizens who wrong voluntarily and are educated are supposed to be incurable. But why? Would the education of Magnesia be so perfect that when "educated" citizens wrong would *ipso facto* considered as incurable? Ultimately, what is incurable? Is it something that science or education is not yet able to cure or something that it is impossible to be cured and will remain incurable ἔσσει? I did not find an explicit answer to these questions in the *Laws*.

## **BOOK X**

### **2.10. The condemnation of atheism**

The biggest part of the tenth book cannot be correlated with democratic or undemocratic aspects as the interlocutors are trying to prove three facts. First that 'gods exist' (θεοὶ εἰσὶ)<sup>215</sup>, secondly that they are 'careful' (ἐπιμελεῖς) and thirdly that 'it is impossible for them to be seduced to transgress justice' (καὶ παρὰ τὸ δίκαιον ὡς παντάπασιν ἀπαραίτητοι)<sup>216</sup>. However, in the end of this book emerges again the issue of punishment; but this time the interlocutors exchange opinions about the punishment of those who are accused of impiety to gods (ἀσέβεια)<sup>217</sup>. The most lenient punishment for such people will be the imprisonment. However, certain categories of impious people will be put to death. In particular, those who are considered as 'taunting' (ὄν τὸ μὲν εἰρωνικὸν οὐχ ἐνὸς οὐδὲ δυοῖν ἄξια

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<sup>214</sup> Annas (2010) 72: "The *Laws* not only accepts the contemporary institution of actual slavery as part of the ideal city, but treats the position of the slave more rigorously and harshly than contemporary practice. A master's communication to slaves, Plato holds, should be mostly one of command ( epitaxis ). For that's just what the institution is: unquestioned authority on the one hand and unquestioning deference on the other. Given this, masters and slaves can never be friends".

<sup>215</sup> Plato *Laws* 907b6-7

<sup>216</sup> Plato *Laws* 907b7-8

<sup>217</sup> Plato *Laws* 907

θανάτων ἀμάρτανον)<sup>218</sup> and those who believe that ‘gods are neglectful’ (τὸ θεοὺς νόμιζον ἀμελεῖν) or that ‘they are open to bribes’ (παραιτητοὶ εἰσί)<sup>219</sup>. It is needless to stress again the authoritarian aspect of capital punishment as I did it in the previous book.

Nevertheless, I would like to share a thought that may seem puzzling. In 399 BC Socrates was put to death after having been charged with two indictments. The first accusation ascribed to him was that ‘he corrupted the youth’ (Σωκράτη φησὶν ἀδικεῖν τοὺς τε νέους διαφθείροντα) and the second that ‘he did not believe in the gods of the city’ (θεοὺς οὓς ἡ πόλις νομίζει οὐ νομίζοντα, ἕτερα δὲ δαιμόνια καινά)<sup>220</sup>. The latter indictment, that of atheism (ἀθεΐα), could be associated with the accusation exposed in the *Laws* against people who deny the existence of gods. In the *Laws* such disbelievers could be executed. But can anyone imagine what would have happened if Socrates had lived in Magnesia of the *Laws*? Would he have been severely punished by Plato? Well, though this is too interesting a question but it is also too hypothetical and besides out of scope of this thesis.

## **BOOK XI**

### **2.11. Magnesia: Neither a rich nor a poor colony**

In this book it is explicitly stated that the citizens of Magnesia ‘will be provided with full satisfaction of their needs and with evenness in their properties’ (πᾶσιν ἐπικουρίαν ταῖς χρεΐαις ἐξευπορεῖν καὶ ὁμαλότητα ταῖς οὐσίαις)<sup>221</sup>. This proposal expressed by the Athenian Stranger has a deep democratic background, as it aims at establishing well-being for all the people of their in speech colony. More specifically, it aims at distributing the goods throughout the community and of course it treats the citizens of Magnesia on equal terms. This is exactly the quintessence of democracy because it cares about the whole society without excluding people from it. Furthermore, the road to welfare should pass through the fight both against ‘poverty’ and ‘plenty’ (καὶ δὴ καὶ νῦν ἡ τούτων καὶ περὶ ταῦτά ἐστι πρὸς δύο μάχη, πενίαν καὶ πλοῦτον)<sup>222</sup>.

Apart from this, the fact that this prosperity of citizens in Magnesia is deeply democratic and also very innovative for its era is also affirmed by another point. In particular, if someone looks into the distribution of wealth in democratic Athens they will find out that it was not equal<sup>223</sup>. The existence of rich and poor people in Athens of fourth century B.C. could not be disputed. As a matter of fact the

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<sup>218</sup> Plato *Laws* 908e1-2

<sup>219</sup> Plato *Laws* 908e4-5

<sup>220</sup> Plato *Apology* 24b11-c1

<sup>221</sup> Plato *Laws* 918c2-3

<sup>222</sup> Plato *Laws* 919b 8-9

<sup>223</sup> Ober (2009) 192: “The unequal distribution of wealth among citizens was perhaps the most politically problematic condition of social inequality pertaining in democratic Athens.”

citizens of Magnesia would be more self-sufficient and prosperous than the Athenians. However, in the *Laws* the highest priority of the interlocutors is the support of the state interest. Accurately, citizens should regard ‘property’ (οὐσία) not exclusively as theirs, but as ‘a belonging of the whole state’<sup>224</sup>. The Athenian declares this fact explicitly (καὶ ἔτι μᾶλλον τῆς πόλεως εἶναι τὴν οὐσίαν)<sup>225</sup>. As a matter of fact the Athenian shows great devotion to the interest of the state. But why does he do so? Because, according to him only if people of Magnesia look after the common interest of their state and not their personal benefit will they be able to coexist in peace (ὅ τι δὲ τῇ πόλει τε ἄριστον πάση καὶ γένει, πρὸς πᾶν τοῦτο βλέπων νομοθετήσω, τὸ ἐνὸς ἐκάστου κατατιθεῖς ἐν μοίραις ἐλάττωσι δικαίως. ὑμεῖς δὲ ἡμῖν ἴλεώ τε καὶ εὐμενεῖς ὄντες πορευοίσθε ἥπερ κατὰ φύσιν νῦν πορεύεσθε τὴν ἀνθρώπινην)<sup>226</sup>. Therefore the individual interest is inferior to the common interest.

### 2.11.1 The priority to the male in the testamen

What is very interesting in the *Laws* is the way that parents should bequeath their property to their children. Particularly, in most cases parents who write a ‘will’ (διαθήκη) should have as first option their sons. It is characteristic that even if a testator does not have sons but only daughters then he should select a citizen to marry his daughter<sup>227</sup>. This citizen will be the ‘heir’ (κληρονόμος) of the property. In addition, if a man dies intestate and have only daughters then again daughters should not inherit the ‘lot’ (κλήρος). Instead of them, either the brother of the deceased man who is born from the same father (τοῦ ἀποθανόντος ἀδελφὸς ὁμοπάτωρ) or the brother born from the same mother and without a lot (ἄκληρος ὁμομήτριος) will receive the lot<sup>228</sup>. Therefore, there is no doubt that as far as inheritance is concerned women are not treated on equal terms with men. However, this unequal treatment of women does not entail that they are presented as lesser beings throughout the *Laws*.

Could this discrimination against women be characterized as undemocratic? It would not be useful to interpret this prejudice against women from what today is in effect. Undoubtedly, in the modern western states such an infringement of women’s rights is impossible to imagine. However, if someone takes heed of what was in effect in ancient Greece then they will understand that women were not equally treated to men in the cases of will succession. To be more accurate, ‘No Greek state ever enfranchised women’<sup>229</sup>. As far as Athens is concerned, women were not considered to be ‘politai’

<sup>224</sup> Morrow (1960) 105: “Private ownership in land, however, is coupled with important conditions and reservations. The recipient of the lot is to regard it as belonging in a sense to the whole state (740a, 877d, 923ab)”

<sup>225</sup> Plato *Laws* 923b1-2

<sup>226</sup> Plato *Laws* 923b4-9

<sup>227</sup> Plato *Laws* 923e5-8:

<sup>228</sup> Plato *Laws* 924e2-5

<sup>229</sup> Blundell (1995) 128: “No Greek state ever enfranchised women. In Athens, they could not attend or vote at meetings of the Assembly, sit on juries, or serve as Council members, magistrates or generals.”

(πολίται), but ‘astai’ (ἄσται), namely they were not able to vote in the public assemblies. Therefore, even in democratic Athens of the fourth century B.C. women were inferior to men. As a result taking despite the fact that Athens was considered to be the role model for democracy as far as women are concerned this prejudice could be characterized as undemocratic.

Furthermore, as far as testaments are concerned, despite the fact that the law was different in particulars from city to city they also had a common structure. As David M. Schaps puts it “Inheritance rights were determined by family proximity, but a woman had no right of inheritance in the presence of an equally close male”<sup>230</sup>. In addition, even in democratic Athens a woman who was ‘epikleros’ (ἐπίκληρος), that is to say when she was receiving the lot because there were no sons to inherit it, then she should get married a man who would be the administrator of the inheritance<sup>231</sup>. Consequently, it is of paramount importance to point out that in this historical period women throughout Greece were not treated on equal terms with men.

### 2.11.2. Censorship in comedy and exclusion of ‘τέχνη ῥητορική’ from Magnesia

Another element related to the research question of this thesis is the proposal expressed by the Athenian Stranger for the censorship of comedians who aim at ridiculing citizens (τὴν τῶν κωμωδῶν προθυμίαν τοῦ γελοῖα εἰς τοὺς ἀνθρώπους λέγειν)<sup>232</sup>. Particularly, by using imperative mood the Athenian strictly forbids composers either of comedies or of iambic and lyric songs from mocking other citizens (ποιητῆ δὴ κωμωδίας ἢ τινος ἰάμβων ἢ Μουσῶν μελωδίας μὴ ἐξέστω μήτε λόγῳ μήτε εἰκόνι, μήτε θυμῷ μήτε ἄνευ θυμοῦ, μηδαμῶς μηδένα τῶν πολιτῶν κωμωδεῖν)<sup>233</sup>. Nevertheless, it is very important to stress that this suppression of the comedian speech is not valid in all cases. To be more accurate the Athenian Stranger does not banish comedy per se. On the contrary, some comedians will be granted by permission to parody other citizens provided that they will act in jest (μετὰ παιδιᾶς) and that they will not be imbued with passion, with wrath (ἐν θυμῷ). Therefore, what he forbids is the intention to humiliate another citizen. But could this censorship be characterized as undemocratic?

At this point emerges the perplexing issue of the freedom of speech. Particularly, which are the boundaries of freedom of speech? However, as far as this passage of the *Laws* is concerned, that the situation is not so puzzling. The fact that from the very beginning the Athenian aims at distinguishing

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<sup>230</sup> Schaps (1979) 89

<sup>231</sup> Schaps (1979) 24: “Another, perhaps less obvious point, is that since the woman’s legal right to inherit was nowhere abridged, it was perfectly possible, even at Athens, for a woman to become the heiress of a very sizable estate. This being so, the absence of women from Athenian land records might seem surprising; but again, the reason is to be sought in the fact that they were not heads of households. When a woman inherited, even though all the records indicate that she inherited ‘in her own right’, her *kyrios* became immediately *kyrios* of the inheritance as well. He could dispose of it, and she could not; he was responsible for managing it, and she was not”.

<sup>232</sup> Plato *Laws* 935d1-2

<sup>233</sup> Plato *Laws* 935e4-7

which comedies deserve permission and which not is opposed to democracy. In a way he muzzles many comedian works aborning, because they could potentially harm other people. On the contrary, in a democratic state, the ‘dēmos’ (δῆμος), people are those who will applaud or disapprove a certain comedy. What is more the fact that the Athenian Stranger seems to be so severe to comedy is not an incident. Apparently, the cause of this restriction to this category of comedians already expressed is the influence that the famous comedy of Aristophanes “Clouds” (Νεφέλαι) had in the prosecution of Socrates in 399 B.C. In the “Apology of Socrates” there is an explicit reference to this comedy as Socrates claims that: (ὡς ἔστι τις Σωκράτης σοφὸς ἀνὴρ, τὰ τε μετέωρα φροντιστῆς καὶ τὰ ὑπὸ γῆς ἅπαντα ἀνεξήγητῶς καὶ τὸν ἥττω λόγον κρείττω ποιεῖν)<sup>234</sup>. It is evident that Plato does not envisage a colony in which comedians would be able to humble other people. Thus he aims at putting very severe barriers. Besides we should always bear in mind that in democratic Athens many people were censored for various reasons (e.g. Protagoras of Abdera, Aspasia the woman of Pericles, Anaxagoras)<sup>235</sup>.

Another undemocratic element is the exclusion of ‘téchne rhētorikē’ (τέχνη ῥητορική) from Magnesia. Particularly the Athenian claims explicitly that it should be excluded from Magnesia either it is an art or not (ταύτην οὖν ἐν τῇ παρ’ ἡμῖν πόλει, εἴτ’ οὖν τέχνη εἴτε ἄτεχνός ἐστίν τις ἐμπειρία καὶ τριβή, μάλιστα μὲν δὴ χρεῶν ἐστὶν μὴ φῦναι)<sup>236</sup>. In this case the Athenian banishes rhetoric per se, whilst as far as comedy is concerned he did not act in the same way. According to him rhetoric has an erosive influence on people. With the use of a simile, the Athenian Stranger claims that in the same way as ‘cankers’ (κῆρες) cling to the just things and ‘poison’ (καταμαίνουσι) them, so does rhetoric in the justice. Many orators distort the truth in order to win the victory in a court. Either the plea is just or not such orators misrepresent it in favor of their interest. As a result they harm justice. At this point again fits very well what Socrates told in his “Apology”, namely (καὶ τὸν ἥττω λόγον κρείττω ποιεῖν) as already expressed. Such an ability had those orators, namely to make a weak plea strong and vice versa.

## BOOK XII

### **2.12. The nocturnal council**

At the beginning of the twelfth book, the Athenian Stranger proposes the enactment of laws concerning the duties of ambassadors and military organization. After finishing with that, the legislation of Magnesia is in a sense ‘complete’<sup>237</sup>. What remains in this new phase is the

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<sup>234</sup> Plato *Apology* 18b7-10

<sup>235</sup> Dover (1976) 24- 25

<sup>236</sup> Plato *Laws* 938a3-6

<sup>237</sup> Morrow (1960) 230: “At this point (960b) the legislation for the Cretan city is, in a sense, complete- with its assembly, councils, guardians, euthynoi, and all the minor magistrates; its courts of justice and laws, covering at least the most important of the citizens’ activities, which the magistrates and the courts will apply and enforce;”

establishment of a mechanism which will ensure ‘the salvation of laws’ (τὴν σωτηρίαν τῶν νόμων)<sup>238</sup>. Such a mechanism is the nocturnal council (νυκτερινὸς σύλλογος)<sup>239</sup> which aims at superintending the laws established in Magnesia (τὸν σύλλογον ἴτω τὸν τῶν περὶ νόμους ἐποπτευόντων)<sup>240</sup> and being the safeguard (φυλακτήριον)<sup>241</sup> of this colony, as it would be ‘a means of salvation of polity and its laws’<sup>242</sup>. This synod (σύλλογος) will be comprised by the elite of Magnesia, namely by distinguished citizens in certain domains<sup>243</sup> instilled with every virtue (πᾶσαν ἀρετὴν ἔχειν)<sup>244</sup>. *Occasione data* the achievement of πᾶσα ἀρετή was one of the fundamental aims of the Athenian in the first book of the *Laws*<sup>245</sup>. At this point in twelfth book an aristocratic element emerges. Specifically, the fact that the participation in the nocturnal council is feasible only for citizens with exceptional skills and experience, for instance the ten πρεσβύτατοι νομοφύλακες<sup>246</sup> in cooperation with citizens who have won ἀριστεῖα<sup>247</sup>, constitutes an aristocratic element.

Apart from this, in the end of this book lies an authoritarian element. In particular, if the nocturnal council comes into existence then Magnesia should be subjected to it (παραδοτέον τούτῳ τὴν πόλιν) and the lawgivers will not be entitled to dispute this fact (ἀμφισβήτησις τ’ οὐκ ἔστ’ οὐδεμία οὐδενὶ τῶν νῦν παρὰ ταῦθ’ ὡς ἔπος εἰπεῖν νομοθετῶν)<sup>248</sup>. This indisputable sovereignty of the nocturnal council could be part only of an authoritarian regime. It is worthy of note that the words used by the Athenian Stranger, namely ‘no dispute’ (οὐδεμία ἀμφισβήτησις) by ‘noone lawgiver’ (οὐδενὶ τῶν νομοθετῶν) elucidate the unquestionable dominance of the nocturnal council in Magnesia. On the contrary such a mastery could hardly exist in a democratic state, as the citizens would be able to discuss and question the proposals of the nocturnal council.

Nevertheless, apart from those elements the nocturnal council has also a democratic orientation. Firstly this synod will not aim at fulfilling their vested interest but it will give prominence to the salvation of the state. Of course citizens are an integral part of the state and their well-being and salvation depends to a great extent on the prosperity of the state. This intention is elucidated by the

<sup>238</sup> Plato *Laws* 960d4

<sup>239</sup> Plato *Laws* 909a3-4

<sup>240</sup> Plato *Laws* 951d4-5

<sup>241</sup> Plato *Laws* 962c6

<sup>242</sup> Plato *Laws* 960e10-11: σωτηρία γίγνοιτ’ ἂν καὶ τίνα τρόπον πολιτεία τε καὶ τοῖς νόμοις ἡμῖν;

<sup>243</sup> Bartels (2014) 212: “In a recapitulation of what the Athenian has indicated before, the council is said to consist of [1] the ten eldest lawguards, [2] the prize-winners in the competitions for virtue, [3] the observers, and [4] a number of younger members, who have been scrutinized in advance. In virtue of its preserving function, the council is an “anchor of the entire polis” (ἄγκυρα[v] πάσης τῆς πόλεως, 961c5)”

<sup>244</sup> Plato *Laws* 962d4

<sup>245</sup> Plato *Laws* 628c10-12

<sup>246</sup> Plato *Laws* 961a2-3

<sup>247</sup> Plato *Laws* 961a4

<sup>248</sup> Plato *Laws* 969b4-5: Ἀθηναῖος: ἐάν γε μὴν οὗτος ἡμῖν ὁ θεῖος γένηται σύλλογος, ὃ φίλοι ἐταῖροι, παραδοτέον τούτῳ τὴν πόλιν, ἀμφισβήτησις τε οὐκ ἔστ’ οὐδεμία οὐδενὶ τῶν νῦν παρὰ ταῦθ’ ὡς ἔπος εἰπεῖν νομοθετῶν (If so be that this divine synod actually comes into existence, my dear colleagues, we must hand over to it the State; and practically all our present lawgivers agree to this without dispute). Transl. Bury (1926)



metaphor that the Athenian Stranger uses<sup>249</sup>. Accurately, the nocturnal council will act in the same way as a captain of a ship (κυβερνήτης ἐν νηϊ)<sup>250</sup>, who cooperates with the sailors in order to secure the salvation both of the shipboard and the sailors. The captain uses his reason (τῷ κυβερνητικῷ νῷ) and the sailors their senses (αἰσθήσεις) which are bridled by the reason of the pilot so as to save the ship. Each category of people in the ship has a specific role and contributes to the common interest which is the salvation of the ship and of course of the people who are in it. Therefore, I maintain that this intention of the nocturnal council to serve the interest of the state and not the interest of a certain ruling class is democratic, as democracy also aims at the fulfillment of common interest.

Consequently, I suggest that the nocturnal council combines both democratic and undemocratic elements. This combination may be in line with the fact that the *Laws* themselves are inculcated with these contrasting features. Besides, it is remarkable that none of the Greek States had such a nocturnal council can be found in the way that his Academy used to function<sup>251</sup>.

### 2.12.1. The metaphor of the ship in the *Republic* and the *Laws*

In the sixth book of the *Republic* Plato likens the governance of a city to the control of a ship. This metaphor does also exist in the twelfth book of the *Laws*<sup>252</sup>. However, what is new in the *Laws* is that there is a difference between them that is strictly related with the topic of this thesis. To be more precise, as far as the *Republic* is concerned the philosopher king who will command the ship will have to face the scorn of the sailors and their ardent desire to possess the helm of the ship<sup>253</sup>. Nevertheless,

<sup>249</sup> Plato *Laws* 961e1-5

<sup>250</sup> Plato *Laws* 961e3

<sup>251</sup> Morrow (1960) 509: “But the actual institution from which Plato’s imaginary Council is derived is not hard to find. Its studies bear an unmistakable resemblance to those cultivated in Plato’s Academy, and the purpose they are intended to serve is identical with one important end to which the Academy was dedicated- perhaps its most important end in Plato’s eyes- viz. to apply philosophy to the saving of the city state.”

<sup>252</sup> Plato *Laws* 961e1-6: Ἀθηναῖος: ἔοικε γάρ. ἀλλ’ ὁ περὶ τί νοῦς μετ’ αἰσθήσεων κραθεὶς σωτηρία πλοίων ἐν γε χεμῶσιν καὶ ἐν εὐδαίαις γίγνοιτ’ ἄν; ἄρ’ οὐκ ἐν νηὶ κυβερνήτης ἅμα καὶ ναῦται τὰς αἰσθήσεις τῷ κυβερνητικῷ νῷ συγκερασάμενοι σῶζουσιν αὐτούς τε καὶ τὰ περὶ τὴν ναῦν; (It is probable. But what kind of reason is it which, when combined with senses, will afford salvation to ships in stormy weather and calm? On shipboard is it not the pilot and the sailors who, by combining the senses with the pilot reason, secure salvation both for themselves and for all that belongs to the ship?). Transl. Bury (1926)

<sup>253</sup> Plato *Republic* 488b: Σωκράτης: τοὺς δὲ ναύτας στασιάζοντας πρὸς ἀλλήλους περὶ τῆς κυβερνήσεως, ἕκαστον οἰόμενον δεῖν κυβερνᾶν, μήτε μαθόντα πάποτε τὴν τέχνην μήτε ἔχοντα ἀποδειξάιν διδάσκαλον ἑαυτοῦ μηδὲ χρόνον ἐν ᾧ ἐμάνθανεν, πρὸς δὲ τούτοις φάσκοντας μηδὲ διδακτὸν εἶναι, ἀλλὰ καὶ τὸν λέγοντα ὡς διδακτὸν ἐτοίμους κατατέμνειν, αὐτούς δὲ αὐτῷ ἀεὶ τῷ ναυκλήρῳ περικεχύσθαι δεομένους καὶ πάντα ποιοῦντας ὅπως ἂν σφίσι τὸ πηδάλιον ἐπιτρέψῃ, ἐνίοτε δ’ ἂν μὴ πειθῶσιν ἀλλὰ ἄλλοι μᾶλλον, τοὺς μὲν ἄλλους ἢ ἀποκτεινύντας ἢ ἐκβάλλοντας ἐκ τῆς νεῶς, τὸν δὲ γενναῖον ναύκληρον μανδραγόρα ἢ μέθη ἢ τινι ἄλλῳ συμποδίσαντας τῆς νεῶς ἄρχειν χρωμένους τοῖς ἐνοῦσι, καὶ πίνοντάς τε καὶ εὐωχομένους πλεῖν ὡς τὸ εἰκὸς τοὺς τοιούτους (Conceive the sailors to be wrangling with one another for control of the helm, each claiming that it is his right to steer though he has never learned the art and cannot point out his teacher or any time when he studied it. And what is more, they affirm that it cannot be taught at all, but they are ready to make mincemeat of anyone who says that it can be taught, and meanwhile they are always clustered about the shipmaster importuning him and sticking at nothing to induce him to turn over the helm to them. And sometimes, if they fail and others get his ear, they put the others to death or cast them out from the ship, and then, after binding and stupefying the worthy shipmaster with mandragora or intoxication or otherwise, they take command of the ship,

in the *Laws* this is not the case. In a way the captain of the ship will cooperate with the sailors as both of them will marshal their skills for the secure of the ship. The commander will use his ‘pilot mind’ (κυβερνητικός νοῦς) and the sailors their ‘senses’ (αἰσθήσεις).

I perceive this cooperation as a gentle curve from the aristocratic and elitist institution of the philosopher kings to a profoundly less authoritarian regime. In other words, according to the metaphor of the *Laws* there is no hint that there will be serious conflicts among the captain of the ship and the sailors. On the contrary both of them will contribute to the salvation of the ship after ‘having combined’ (συγκερασμάμενοι) their skills. If we interpret this metaphor in the context of Magnesia we will see that the ruling class-captain- will not try to harshly subdue the citizens-sailors- of Magnesia. There is no need for such a repression as not only the group in power but also the people are eager to contribute to the salvation of the ship which symbolically is the ἐν λόγῳ city. Nevertheless the basic core of hierarchy remains stagnant as in both Callipolis and Magnesia the dividing line between ruled and ruler will not be ruptured.

### **2.12.2. Nocturnal council and philosopher king: divergence or convergence?**

Many scholars compare and contrast the nocturnal council (νυκτερινός σύλλογος) of the *Laws* with the philosopher king in the *Republic* of Plato. Most of them argue that the nocturnal council in the *Laws* replaced the function of the philosopher king as established in the *Republic*. But let us approach this comparison without taking for granted what each distinguished scholar proposes. Firstly, indeed both the synod and the philosopher king do possess a strong educational background and a status quo in the society either it is Callipolis or Magnesia. This fact can hardly be denied.

Nevertheless, it would be very interesting to examine if they have differences. At first the noun σύλλογος, which means the assembly<sup>254</sup>, entails that the participants in it discuss the topics mooted, in opposition to the philosopher king (βασιλεύς), who is the only one that takes decisions. However, the semantic field of the word σύλλογος includes the meaning of the presence of mind<sup>255</sup>. To be more precise that the most intelligent, mindful people are part of this assembly. In any case, I suggest that the difference lies in the fact that the nocturnal council is a more open institution than the proposal for the sovereignty of philosopher kings which would be a very close group. In addition the synod is an assembly so participants, even if they are an elite, they do exchange opinions whilst the philosopher kings possess the highest truth so there is no room for discussion, but only for action.

In addition to this, the nocturnal council is willing, under certain circumstances, to learn what is in effect in other cities about certain domains such as this of legislation, education and nurture. People

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consume its stores and, drinking and feasting, make such a voyage of it as is to be expected from such). Transl. Shorey (1935)

<sup>254</sup> LSJ (1961) 1673: “ὁ σύλλογος- assembly, concourse, meeting of persons, whether legal or riotous”

<sup>255</sup> LSJ (1961) 1673: “ἡ metaph. Collectedness, presence of mind”

who have travelled abroad<sup>256</sup> will give this information to the members of the nocturnal council. This fact may imply that the synod is open to admit new proposals about these domains. If this is true, then it constitutes another difference with the way that the philosopher kings in the *Republic* act. To be more precise, in opposition to the philosopher kings who are not eager to accept anything but the Ideas, the synod may espouse some aspects that have already been applied in other cities. Another significant difference proposed by Bartels<sup>257</sup> is that in the *Laws* there is no hint that the members of the synod will possess ‘transcendent’ or ‘metaphysical’ knowledge. On the contrary, their knowledge is based on their experiences and of course on their intellectual skills. In addition to this, throughout the twelfth book there is no reference to the theory of Forms that is the quintessence of the *Republic*.

However, except for the discrepancies there are also profound similarities between the council and the philosopher kings. Apart from the common high intellectual background that has already been analyzed, the sovereignty of both of them in their cities cannot be put into question. As far as the council is concerned, the Athenian states that the city should be subject to it and the lawgivers should not raise objections<sup>258</sup>. So even if they receive reports from the ‘observers’ (θεωρούς)<sup>259</sup>, this fact does not mean that the synod has lost its dominance. What is more, both of them do have a common aim, which is not other than the support of the state’s interest and stability. Therefore the elitism and the sovereignty of the synod and the philosopher kings are more fact than fiction.

Consequently, there is indisputably a common ground between the synod and the philosophers, *videlicet* the high mentality, but in any case they cannot be identified. The reason why they cannot be considered as exactly the same is that their structure and way of function are different. But which could be the relation of this comparison with democratic and undemocratic aspects in the *Laws*, the topic of this thesis? Well I suggest that this comparison shows the slight of Plato’s political thought from the *Republic* to the *Laws*. In other words, the predominance of the philosopher kings which is inculcated with a deep elitist and totalitarian background, is converted into a σύλλογος that does have a democratic tincture despite its high requirements in order to become a member of it.

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<sup>256</sup> Plato *Laws* 952b7-11: Ἀθηναῖος : εἰς δὴ τοῦτον τὸν σύλλογον ὁ θεωρήσας τὰ ἐν τοῖς ἄλλοις ἀνθρώποις νόμιμα ἀφικόμενος εὐθὺς πορευέσθω, καὶ εἴ τινα φήμην τινῶν περὶ θέσεως νόμων ἢ παιδείας ἢ τροφῆς ἤρην τινας ἔχοντας φράζειν, εἴτε καὶ αὐτὸς νενοηκῶς ἅττα ἤκοι, κοινούτω τῷ συλλόγῳ ἅπαντι ( To this synod he that has inspected the legal institutions of other peoples shall repair immediately after his return home; and if he has discovered any persons able to declare any oracle regarding legislation or education or nurture, or if he has brought back any personal observations of his own, he shall communicate them to the whole synod;). Transl. Bury (1926)

<sup>257</sup> Bartels (2014) 222: “The kind of knowledge that is implied in the description of the council suggests experience, aggregated knowledge, and possibly shared deliberation. There is no suggestion whatsoever that the council possesses expert knowledge of metaphysical objects, or that it requires knowledge of such a kind for performing its function.”

<sup>258</sup> See 211 footnote.

<sup>259</sup> Bartels (2014) 222: “In further notable contrast to the philosophers-rulers, the council receives reports from those officials called “observers” (θεωροί).”

After having detected and explained the background of all these democratic and undemocratic features in the *Laws* it is time for conclusion. It will follow an attempt to approach as much as possible the political color of Magnesia. The steps that will be followed are firstly a comparison of Magnesia with democratic Athens, secondly a comparison with Callipolis of Plato's *Republic* and thirdly a reference to Popper's approach to the *Laws*.

### 3. CONCLUSION

#### 3.1. Comparison of Magnesia with democratic Athens

If the conclusion of this thesis would be just that Magnesia will be comprised of both democratic and undemocratic aspects it would be like bringing owls to Athens<sup>260</sup>. Aristotle in his work *Politics* stressed that Magnesia would consist of both democratic and oligarchic characteristics<sup>261</sup>. However, after analyzing the background of these elements, it would be fruitful to illustrate the political color of Magnesia, as much as it is possible. A comparison of Magnesia's way of functioning, as concisely exposed in the introduction of this thesis, with that of democratic Athens would help to approach this goal; such a tangible comparison with historic constitutions of this era could make Magnesia's constitution more suitable to understand. As Gottesman stresses, "the *Laws* demands to be read cross-eyed, as it were, with one eye on Platonic philosophy and with the other on Athenian institutions and practices<sup>262</sup>". After that it would be also helpful to make a concise comparison with Callipolis, the ideal city of Plato's *Republic* in order to have a more thorough image about Plato's politics.

As far as the relation of Magnesia with democratic Athens is concerned there are mainly significant discrepancies and certain similarities. At first, in opposition to Athens<sup>263</sup>, Magnesia would not be a place accessible to everyone. As it has already been explained certain categories of people, tragic poets for instance, would not be allowed to enter the Magnesia and besides people would undergo a purge<sup>264</sup>. Secondly, in Magnesia the practice of lot, that was common in the possession of authorities in Athens, would not be the case. Its citizens could get an office, for instance to become guardians of the laws, through elections<sup>265</sup>; this fact may imply that people who voted for them regarded them as skilfull in this domain. In opposition to this, Athenians' viewpoint was that elections were an oligarchic procedure as the act of choosing for a task a certain man instead of another did violate equality. The background of their belief was that if all men are regarded as equal, then they do equally deserve to possess anoffice. Therefore, in Magnesia the criteria according to which citizens could possess authority was not the chance of the lot, as in democratic Athens, but their background, their skills and experience in certain domains.

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<sup>260</sup> It is a famous proverb "κομίζω γλαῦκα ἐς Ἀθήνας" used for people who boast of saying something innovative, but in fact they do not. For further details see <<http://glauxnest.blogspot.nl/2010/11/bringing-owls-to-athens.html>>

<sup>261</sup> Aristotle *Politics* 1266a-b

<sup>262</sup> Gottesman (2014) 180-181

<sup>263</sup> It is characteristic the famous passage from Thucydides according to which the Athenians used to welcome host strangers. Thucydides 2.39.1: τὴν τε γὰρ πόλιν κοινὴν παρέχομεν, καὶ οὐκ ἔστιν ὅτε ξενηλασίαις ἀπείργομέν τινα ἢ μαθήματος ἢ θεάματοςδὲ μὴ κρυφθὲν ἂν τις τῶν πολεμίων ἰδὼν ὠφελῆθῃ, πιστεύοντες οὐ ταῖς παρασκευαῖς τὸ πλεον καὶ ἀπάταις ἢ τῷ ἄφ' ἡμῶν αὐτῶν ἐς τὰ ἔργα εὐψύχῳ (We leave our city open to all men; nor was it ever seen that by banishing of strangers we denied them the learning or sight of any of those things which, if not hidden, an enemy might reap advantage by, not relying on secret preparation and deceit but upon our own courage in the action). Transl. Hobbes (1989)

<sup>264</sup> See chapter 2.5. of the thesis.

<sup>265</sup> Plato *Laws* 753c-d

Except for this, women in Magnesia would not be treated in the same way as Athens. As it has already been explained<sup>266</sup> the basic tasks of women in ancient Athens were mainly to care for their husbands and the nurture of their children. In addition they did not participate in the public assembly of Athens. As O’Neal stresses the role model for women in ancient Athens was this of Penelope as depicted in *Odyssey*<sup>267</sup>. In opposition to this, in Magnesia women would receive the same education as men<sup>268</sup> and would have a voice in the political proceedings<sup>269</sup>. As a result, in this case Magnesia would not exclude women from the political events and by extension this element could be characterized as democratic.

Nevertheless, Magnesia and Athens do also have certain similarities. Firstly in both of these states the existence of slaves lacking in political rights was a fact. In Magnesia the dividing line between slaves and master is explicitly stated by the Athenian<sup>270</sup>. Secondly, capital punishment was also in effect in classical Athens<sup>271</sup>. Apart from these similarities which can be characterized as undemocratic, we should also take into account that both the Magnesia and Athens did have an assembly and a council. However their function was different and the way of election in Magnesia was not made by lot. This practice has a common ground with democratic elitism which means that the citizens of Magnesia would decide who the best for the possession of authorities were. As Stalley puts it “He sees elections as a means of ensuring that political offices are held by properly qualified candidates whose character and education enable them to do what is right”<sup>272</sup>.

### 3.2. Concise comparison of Magnesia with Callipolis

A detailed comparison of Magnesia with Callipolis could be a thesis itself. However, at this point it would be proper to briefly illustrate the gentle curve of Plato’s politics as it has already been described in 2.12.1 and 2.12.2 of this thesis. Firstly, the fundamental principle between these two works is that whilst the city of the *Republic*, Callipolis, is a theoretical model<sup>273</sup> not meant to be

<sup>266</sup> See in this thesis 2.7.1: Women and men: equal beings

<sup>267</sup> O’Neal, William (1993) 115: “The heroic order depicted Penelope as the absolute role model for Greek Athenian women.”

<sup>268</sup> Plato *Laws* 805c8-d

<sup>269</sup> Plato *Laws* 805c7-d

<sup>270</sup> Plato *Laws* 757a3-5: Ἀθηναῖος: δοῦλοι γὰρ ἂν καὶ δεσπότηαι οὐκ ἂν ποτε γένοιτο φίλοι, οὐδὲ ἐν ἴσας τιμαῖς διαγορευόμενοι φαῦλοι καὶ σπουδαῖοι (For slaves will never be friends with masters, nor bad men with good, even when they occupy equal positions). Transl. Bury (1926)

<sup>271</sup> Allen (2003) 16-17: “In fact, the standard means of execution was not poison but a form of bloodless crucifixion in which the convict was (probably) fastened to a board with iron collars around wrists, ankles, and neck, and the collar around the neck was tightened to strangle the wrongdoer.”

<sup>272</sup> Stalley (1983) 122

<sup>273</sup> Plato *Republic* 592b2-5: Σωκράτης: ἀλλ’, ἦν δ’ ἐγώ, ἐν οὐρανῷ ἴσως παράδειγμα ἀνάκειται τῷ βουλομένῳ ὀρᾶν καὶ ὀρῶντι ἑαυτὸν κατοικίζειν. διαφέρει δὲ οὐδὲν εἴτε που ἔστιν εἴτε ἔσται: τὰ γὰρ ταύτης μόνης ἂν πράξειεν, ἄλλης δὲ οὐδεμιᾶς (“Well,” said I, “perhaps there is a pattern of it laid up in heaven for him who wishes to contemplate it and so beholding to constitute himself its citizen. But it makes no difference whether it exists now or ever will come into being. The politics of this city only will be his and of none other). Transl. Shorey (1935)

practically applied, Magnesia has a more pragmatic and practical orientation. Magnesia “is within the horizons of possibility”<sup>274</sup>. Whilst in the *Republic* there is the sovereignty of the philosopher king who is truly virtuous because only he has a thorough command of the Form of good, in Magnesia this is not the case. There are significant differences between these two works of Plato. The first one is that in Magnesia there are more people who participate in the political proceedings than in the *Republic*. A telling example is this of the law- guardians that can come from all the classes<sup>275</sup>. In Magnesia there are also many institutions that have to do with the ruling of the colony such as the the assembly, the council, the guardians of the laws, the country wardens. All these institutions would not be under the predominance of a philosopher king. In addition many times these institutions would be able to check other institutions<sup>276</sup>.

The second difference is that in Magnesia people are not excluded from approaching ἀρετή from the outset<sup>277</sup>. When the Athenian describes the road that people should follow to achieve πᾶσαν ἀρετήν through education there is no hint that there are people who cannot reach this goal<sup>278</sup>. In addition the Athenian refers to all the people who would reside in Magnesia<sup>279</sup>. On the other hand, in the *Republic* there is a detailed analysis of the education which guardians would undergo. As Aristotle stresses<sup>280</sup>, in the *Republic* Socrates does not refer to the education that the majority of people would receive but he analyzes only that of guardians. Therefore in the *Laws* there is an attempt to impart ἀρετή to all the citizens of Magnesia, whilst in Callipolis there is no clue about such an intention. Consequently the upshot of this comparison is that Plato did a curve from the quintessence elitism embodied in the philosopher king to a less elitist proposal as expressed in the institutions of the *Laws*, for instance the nocturnal council

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<sup>274</sup> Gottesman (2014) 181, 184: “ Magnesia is presented as one that is within the horizons of possibility.... *Republic*, in comparison with the *Laws*, is much less a blueprint for an ideal society than a sketch of one in the service of other ends”.

<sup>275</sup> Gottesman (2014) 188: “ Law- guardians are among the most important officials in Magnesia. They have broad responsibilities and powers and serve until age seventy. Law- guardians can come from any property”. For more information see Morrow (1960) 195-215.

<sup>276</sup> For instance the scrutineers (Plato ,*Laws*, 945b-948b) will be able to check the conduct in office of all officials and to impose penalties when appropriate.

<sup>277</sup> See 2.1.3. of this thesis.

<sup>278</sup> Plato *Laws* 644d-645c

<sup>279</sup> The fact that later in the dialogue there are some people supposed to be unteachable could not be a counterargument, as the Athenian in principle gives a chance to all the people to receive education. He does not exclude people from the beginning.

<sup>280</sup> Aristotle *Politics* 1264a11-15 : οὐ μὴν ἀλλ’ οὐδὲ ὁ τρόπος τῆς ὅλης πολιτείας τίς ἔσται τοῖς κοινωνοῦσιν, οὐτ’ εἴρηκεν ὁ Σωκράτης οὔτε ῥάδιον εἰπεῖν. καίτοι σχεδὸν τό γε πλῆθος τῆς πόλεως τὸ τῶν ἄλλων πολιτῶν γίνεται πλῆθος, περὶ ὧν οὐδὲν διώρισται, πότερον καὶ τοῖς γεωργοῖς κοινὰς εἶναι δεῖ τὰς κτήσεις ἢ καὶ καθ’ ἕκαστον ἰδίας, ἔτι δὲ καὶ γυναῖκας καὶ παῖδας ἰδίους ἢ κοινούς. (Moreover, the working of the constitution as a whole in regard to the members of the state has also not been described by Socrates, nor is it easy to say what it will be. Yet the general mass of the citizens of the other classes make almost the bulk of the state, and about these no definite regulations are laid down, as to whether the Farmers also are to have their property in common or to hold it in private ownership, and also whether community of wives and children is to apply to them or not). Transl. Rackham (1932)

### 3.3 Popper's approach to the *Laws*

At this point it would be helpful for a fruitful analysis of the *Laws* to adduce the opinion of Popper. Popper claims that Plato is an ardent enemy of individualism<sup>281</sup>. As far as his approach to the *Laws* is concerned he maintains that people in Magnesia are treated not as individual beings but as a totality, as a collective group. To prove his point, Popper refers to two passages from the *Laws*. The first passage is taken from the fifth book of the *Laws*. In this the Athenian Stranger claims that the best city is this that (739b8-e3):

πρώτη μὲν τοίνυν πόλις τέ ἐστὶν καὶ πολιτεία καὶ νόμοι ἄριστοι, ὅπου τὸ πάλαι λεγόμενον ἄν γίγνηται κατὰ πᾶσαν τὴν πόλιν ὅτι μάλιστα· λέγεται δὲ ὡς ὄντως ἐστὶ κοινὰ τὰ φίλων. τοῦτ' οὖν εἴτε που νῦν ἔστιν εἴτ' ἔσται ποτέ—κοινὰς μὲν γυναῖκας, κοινούς δὲ εἶναι παῖδας, κοινὰ δὲ χρήματα σύμπαντα—καὶ πάση μηχανῇ τὸ λεγόμενον ἴδιον πανταχόθεν ἐκ τοῦ βίου ἅπαν ἐξήρηται, μεμηχάνηται δ' εἰς τὸ δυνατόν καὶ τὰ φύσει ἴδια κοινὰ ἀμῆ γέ πη γεγονέναι, οἷον ὄμματα καὶ ὄτα καὶ χεῖρας κοινὰ μὲν ὄραν δοκεῖν καὶ ἀκούειν καὶ πράττειν, ἐπαινεῖν τ' αὖ καὶ ψέγειν καθ' ἓν ὅτι μάλιστα σύμπαντας ἐπὶ τοῖς αὐτοῖς χαίροντας καὶ λυπουμενούς, καὶ κατὰ δύναμιν οἵτινες νόμοι μίαν ὅτι μάλιστα πόλιν ἀπεργάζονται, τούτων ὑπερβολῇ πρὸς ἀρετὴν οὐδεὶς ποτε ὄρον ἄλλον θέμενος ὀρθότερον οὐδὲ βελτίω θήσεται. ἢ μὲν δὴ τοιαύτη πόλις, εἴτε που θεοὶ ἢ παῖδες θεῶν αὐτὴν οἰκοῦσι πλείους ἑνός, οὕτω διαζῶντες εὐφραϊνόμενοι κατοικοῦσι· διὸ δὴ παράδειγμά γε πολιτείας οὐκ ἄλλη χρὴ σκοπεῖν, ἀλλ' ἐχομένους ταύτης τὴν ὅτι μάλιστα τοιαύτην ζητεῖν κατὰ δύναμιν.

( That State and polity come first, and those laws are best, where there is observed as carefully as possible throughout the whole State the old saying that “friends have all things really in common.” As to this condition,—whether it anywhere exists now, or ever will exist,—in which there is community of wives, children, and all chattels, and all that is called “private” is everywhere and by every means rooted out of our life, and so far as possible it is contrived that even things naturally “private” have become in a way “communized,” —eyes, for instance, and ears and hands seem to see, hear, and act in common,— and that all men are, so far as possible, unanimous in the praise and blame they bestow, rejoicing and grieving at the same things, and that they honor with all their heart those laws which render the State as unified as possible,—no one will ever lay down another definition that is truer or better than these conditions in point of super-excellence. In such a State,—be it gods or sons of gods that dwell in it,— they dwell pleasantly, living such a life as this. Wherefore one should not look elsewhere for a model constitution, but hold fast to this one, and with all one's power seek the constitution that is as like to it as possible) .

Transl. Bury (1926)

<sup>281</sup> Popper (1945) 102: “an astonishing hostility towards the individuals”



*Prima facie*, the point of Popper seems to be true, as he is right when he claims that citizens in the *Laws* are not treated as individual beings<sup>282</sup>. The fact that the Athenian suggests that the ‘model constitution’ (παράδειγμα) for a city is this that its citizens see, hear and act in common and that there should be no room for private in people’s life (καὶ πάση μηχανῇ τὸ λεγόμενον ἴδιον πανταχόθεν ἐκ τοῦ βίου ἅπαν ἐξήρηται) amounts to an attack to individualism. However, it would be also useful for a critical viewpoint to this passage to take into account that in this case the Athenian talks about the ‘best polity’ (ἀρίστη πολιτεία), that as he himself says, it can only be applied ‘among gods or children of gods’. On the contrary, what the Athenian proposes for Magnesia is the establishment of the second best state (δευτέρα ἀρίστη πολιτεία). In addition, the Athenian underscores that had they themselves tried to approach this best state they would have not achieved this goal, but something very close to it and ‘second in point of merit’ (τιμία δευτέρως)<sup>283</sup>. Therefore, despite the fact that Popper’s argument is cogent, it would be also useful to have in mind that the Athenian himself admits that his ‘model constitution’ could hardly be applied in Magnesia, as it cannot be a perfect embodiment of this best state<sup>284</sup>.

The second passage that Popper uses in his argumentation is taken from the twelfth book of the *Laws* in which the military organization of the in speech colony is analyzed. Popper accuses Plato of being “a totalitarian militarist and admirer of Sparta”. Despite the fact that it has already been argued<sup>285</sup> that Magnesia cannot be seen as a commendation on Sparta it is useful to examine the context of this passage. Let us first adduce the original passage in question from the *Laws* (942a7-c4).

<p>μέγιστον δὲ τὸ μηδέποτε ἄναρχον μηδένα εἶναι, μήτ’ ἄρρενα μήτε θήλειαν, μηδέ τινος ἔθει ψυχὴν εἰθίσθαι μήτε σπουδάζοντος μήτ’ ἐν παιδιαῖς αὐτὸν ἐφ’ αὐτοῦ τι κατὰ μόνας δρᾶν, ἀλλ’ ἐν τε πολέμῳ παντὶ καὶ ἐν εἰρήνῃ πάσῃ πρὸς τὸν ἄρχοντα ἀεὶ βλέποντα καὶ συνεπόμενον ζῆν, καὶ τὰ βραχύταθ’ ὑπ’ ἐκείνου κυβερνώμενον, οἷον ἐστάναι θ’ ὅταν ἐπιτάτῃ τις καὶ πορεύεσθαι καὶ γυμνάζεσθαι καὶ λοῦσθαι καὶ σιτεῖσθαι καὶ ἐγείρεσθαι νύκτωρ εἰς τε φυλακὰς καὶ</p>	<p>(The main principle is this—that nobody, male or female, should ever be left without control, nor should anyone, whether at work or in play, grow habituated in mind to acting alone and on his own initiative, but he should live always, both in war and peace, with his eyes fixed constantly on his commander and following his lead; and he should be guided by him even in the smallest detail of his actions—for example, to stand at the word of command, and to march, and to exercise,</p>
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<sup>282</sup> Popper (1945) 100: “The term ‘individualism’ can be used (according to the Oxford Dictionary) in two different ways: (a) in opposition to collectivism, and (b) in opposition to altruism. There is no other word to express the former meaning, but several synonyms for the latter, for example ‘egoism’ or ‘selfishness’. This is why in what follows I shall use the term ‘individualism’ exclusively in sense (a), using terms like ‘egoism’ or ‘selfishness’ if sense (b) is intended. A little table may be useful : (a) Individualism is opposed to (a’) Collectivism

(b) Egoism is opposed to (b’) Altruism”

<sup>283</sup> Plato *Laws* 739e4-5 Ἀθηναῖος :εἴη τε ἂν γενομένη πῶς ἀθανασίας ἐγγύτατα καὶ ἡ μία δευτέρως- if it came into being, would be very near to immortality, and would come second in point of merit. (Bury proposes τιμία δευτέρως whilst John Burnet proposes ἡ μία, England also proposes ἡ μία; on this see England (1921) 516)

<sup>284</sup> For a detailed analysis of Popper arguments see Levinson R.B., 1953, 499-573

<sup>285</sup> See 2.3.1.The constitution of Sparta: Ideal description?

<p>παραγγέλσεις, καὶ ἐν αὐτοῖς τοῖς κινδύνοις μήτε τινα διώκειν μήθ' ὑποχωρεῖν ἄλλω ἄνευ τῆς τῶν ἀρχόντων δηλώσεως, ἐνὶ τε λόγῳ τὸ χωρὶς τι τῶν ἄλλων πράττειν διδάξει τὴν ψυχὴν ἔθεσι μήτε γινώσκειν μήτ' ἐπίστασθαι τὸ παράπαν, ἀλλ' ἀθρόον ἀεὶ καὶ ἅμα καὶ κοινὸν τὸν βίον ὅτι μάλιστα πᾶσι πάντων γίγνεσθαι.</p>	<p>to wash and eat, to wake up at night for sentry-duty and despatch-carrying, and in moments of danger to wait for the commander's signal before either pursuing or retreating before an enemy; and, in a word, he must instruct his soul by habituation to avoid all thought or idea of doing anything at all apart from the rest of his company, so that the life of all shall be lived en masse and in common).</p> <p>Transl. Bury (1926)</p>
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The military organization that is proposed is very fierce and it restricts the daily life of citizens in Magnesia as both in periods of war and peace they will lead the same frantic and demanding way of life. Magnesians will be deprived of the right personal freedom as it was in effect in democratic Athens<sup>286</sup>. However, as Stalley stresses, we should not abolish the fact that in the first book of the *Laws* there is an explicit opposition of the Athenian Stranger both to the strict militaristic systems of Sparta and Crete<sup>287</sup>. How could Plato reproach Sparta in the third book of the *Laws*, and in the twelfth to be an “admirer of Sparta”, as Popper claims? In addition to this, Morrow claims neither the *Republic* nor the *Laws* of Plato can be seen as an idealization of Sparta, as Plato did also criticize Sparta<sup>288</sup>. What I would also like to add is that the option of Popper to focus on this passage is not coincidental. In other words, a description of a military organization cannot have a democratic connotation as an inherent characteristic of army is the fierce hierarchy and obedience to the commander. Therefore, I submit that is in a way convenient for Popper to adduce such a passage in order to show Plato’s opposition to individualism.

### 3.4. Political color of Magnesia

After all, what would be the political color of Magnesia? Despite the fact that a sure and unclouded answer is very difficult to be given I propose that two facts could hardly be disputed. In this way we can approach the political background of Magnesia by making a *reduction ad absurdum*. Firstly Magnesia would not be a democratic society in comparison with democratic Athens as the elitistic

<sup>286</sup> See page 7 of the thesis where I analyze the right of personal freedom in democratic Athens.

<sup>287</sup> Stalley (1983) 182: “Anyone who thinks the passage is evidence of militarism should remember that the dialogue began with an attack on the militaristic systems of Crete and Sparta)” see also an interesting explanation about Popper’s critique to Plato p. 185 “ It is perhaps understandable that Popper, living under the shadow of Hitler, should have been obsessed by the threat of dictatorship and should have interpreted Plato accordingly”.

<sup>288</sup> Morrow (1960) 45-47: “Plato’s attitude was equally a mixture of admiration and criticism...But its citizens distrust intelligence and are inclined to war rather than peace (547de). They (Spartans) are covetous of money, and since they cannot indulge their desire openly, they acquire their treasures secretly and hide them away from the law, as children evade their fathers (548ab). Even if Plato had not explicitly mentioned Sparta, it would be clear enough what state he had in mind; the avarice of the Spartans and the great wealth of gold and silver accumulated by some of them, in spite of the prohibition in the law, made one of the juiciest of Plato’s time”.

background of Magnesia already analyzed is incompatible with classical Athens. This fact cannot be questioned. However Magnesia would be more democratic than the Callipolis of the *Republic* as more people will be able to actively participate in institutions and take decisions on political matters. In addition the fact that people from Magnesia would be sent abroad to see what was in effect in other societies may imply that Magnesia would not be a totally closed society, but open to new proposals which have already been applied in other cities. Therefore even if it sounds simple and not oversimplified, Magnesia in a way would be less democratic than classical democratic Athens and more democratic than Callipolis.

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