**Justice In The *Laws*, a Restatement: Why Plato Endorses Public Reason**

In the *Laws*, Plato argues that the legislator should attempt to persuade people to voluntarily obey the laws. This persuasion is accomplished through use of legislative preludes. Preludes (also called preambles) are short arguments written into the legal code, which precede laws and give reasons to follow them. In this paper, I argue that Plato’s use of persuasive preludes shows that he endorses the core features of a public reason theory of political justification. Many philosophers argue that Plato’s political philosophy is deeply at odds with contemporary liberal political philosophy.[[1]](#footnote-1) While Plato certainly does not affirm (and even rejects) some of the main features of liberalism, if it could be shown that he endorses some account of public reason (which is a liberal idea to its core), this would suggest that there is more in common between Plato and liberalism than many philosophers think. Furthermore, if combined with the work of philosophers, like C.C.W. Taylor,[[2]](#footnote-2) this could form a cumulative case against those who argue that there is little in common between Plato’s political philosophy and liberalism. In short, by showing that Plato endorses the core features of public reason, I endeavor to show that there is more in common between Plato and liberalism than is often thought.

Additionally, in the literature on the, *Laws*, nobody has argued that Plato endorses public reason. Some philosophers have gestured at something similar to my claim, but they have not developed it into a full account of public reason in the *Laws*. For example, Bobonich claims that the legal principles of Plato’s state will satisfy a Rawlsian publicity condition on evidence (378); but, this is not the same as arguing that Plato endorses public reason. Additionally, Schofield briefly mentions public reason in reference to the *Laws* (175). But, Schofield mentions this off-hand and does not develop it into a full theory of public reason in the *Laws*. Beyond these two authors, no other connections have been made between the *Laws* and public reason. Essentially, although a few authors have gestured at the presence of public reason in the *Laws*, none have developed a full account of it. This paper endeavors to fill that gap.

In section I, I explain Plato’s argument for the use of preambles in legislation. In section II, I define the central tenets of public reason theory. In section III, I argue that Plato is committed to the central tenets of public reason theory. In section IV, I address objections.

Before proceeding, a clarification must be made. The development of public reason as a theory came in the later work of John Rawls, long after Plato’s death. So, I do not argue that Plato is a public reason theorist in the sense of explicitly endorsing this view, as he could not have done so. However, I do argue that Plato is committed to the central tenets of public reason, even though this term would have been foreign to him.

**I: Plato’s Argument In Favor Of Preambles**

The *Laws* is a later Platonic dialogue which is comprised of a conversation between an Athenian stranger (who functions as Plato’s mouthpiece), a Spartan named Megillus, and Cretan named Cleinias. In the dialogue, the characters discuss how to construct a new city called Magnesia.

In this section, I explain Plato’s argument for the use of preambles in legislation. However, before explaining this argument, I must make an exegetical point. There is a debate in the literature on the *Laws* about whether the preambles are meant to be rational arguments or non-rational exhortations to obedience. Bobonich argues the former, while others, including Popper, argue the latter.[[3]](#footnote-3) It is beyond the scope of this paper to contribute to this interpretive debate. The exegetical debate about the nature of the preludes is too large to address in this paper, and doing so would distract from my intentions. For the purposes of my argument, I assume that Bobonich has the correct interpretation of the text. So, the reader should be aware that my argument is contingent on Bobonich’s view being correct. Specifically, Bobonich argues that “when Plato in the *Laws* insists that the laws try to persuade the citizens what he has in mind is rational persuasion: the citizens are to be given good epistemic reasons for the true beliefs that they are to adopt and for the course of action they are to follow” (369).

While discussing the process of founding a new city called Magnesia, the Athenian argues that the laws of the city should attempt to persuade the people to voluntarily follow them and that the state should only use coercion to enforce the laws when people are not persuaded. As he says, “using persuasion, or-for characters on whom persuasion has no effect-coercion and just punishment, they [the laws] can…make our city blessed and happy” (718b).[[4]](#footnote-4) Or, as Saunders puts it, for the Athenian, the people “must not be browbeaten into obedience;” rather, “the legislator must explain and justify his laws [to the people]” (132). Thus, argues the Athenian, the legislator should try to persuade people to obey the laws and should only use coercion when persuasion fails. The Athenian argues that the laws should achieve this persuasive effect through the use of preludes, which are short, written arguments that precede laws and which offer reasons to follow the laws. Specifically, the Athenian holds that “the lawgiver, at the beginning of all his laws, should make sure they are not lacking in preambles, both to the laws in general and to each individual law” (723b).

Thus far, the Athenian has argued that the legislator should attempt to persuade the people to voluntarily follow the laws and that this persuasion should be achieved through the use of preludes. Now, the Athenian poses an analogy which contrasts two kinds of doctors with the goal of illustrating the superiority of laws that include persuasive preludes against those which lack preludes.

The Athenian describes two different kinds of doctors and the methods used by each. Specifically, there are slave-doctors and free-doctors. The slave-doctors “acquire their skill by heeding their masters’ instructions, by watching them, and by trial and error” (720b).These slave doctors lack comprehensive knowledge of medicine and are contrasted with free doctors, who do possess this comprehensive knowledge (720b-d). The slave doctors treat slaves and, according to the Athenian, the slave doctor never “gives any explanation of the particular disease of any particular slave-or listens to one;” rather, “all they do is prescribe the treatment they see fit, on the basis of trial and error” (720c). As Baima puts it, the slave doctor “does not listen to the particular needs and desires of the patient, nor does he give an account…of the treatment or the nature of the disease;” rather, the slave doctor orders a treatment and “quickly darts off to examine another sick slave” (118). In contrast, the free doctor “spends most of his time treating…the diseases of the free-born,” and “he investigates the origin of the disease…taking the patient and his friends into partnership” (720d).Ultimately, the free doctor “teach[es] the invalid,” and “he prescribes no treatment without first getting the patient’s consent” (720d).

The Athenian then explains the conclusion of the analogy. He asks, “is a doctor who heals in this way a better doctor? Or the other way?...Should he get it to complete its exercise by this dual method, or in the simple way-the less good of the two, and the one which makes the patient more hostile?” (720e). In this question, the Athenian introduces a distinction between the double/dual-method and the simple/single-method of treating patients. As he suggests, free doctors use the double-method while slave doctors use the single-method. In response to the question, Cleinias says, “the dual approach…is by far the better” (720e). Having established that, in medicine, the double-method is superior to the single-method, the Athenian applies this conclusion to legislation. In the context of legislation, the single-method involves laws which contain commands and corresponding penalties for violating these commands, much like how the slave doctor merely gave advice to patients without explanation or attempt at persuasion. In contrast, the double-method includes the commands and penalties of the single method, but it adds a persuasive prelude before the command and penalty (721a-e), just as the free doctor attempted to persuade his patients.

In total, the analogy illustrates that, in medicine, the double-method, which uses persuasion, is superior to the single-method, which uses only coercion. This same intuition is meant to apply in the case of legislation, indicating that the double-method, which involves the use of persuasive preludes, is better than the single-method, which uses no preludes.

After using the doctor analogy to establish the superiority of laws that use persuasive preludes, the Athenian offers a concrete example to illustrate the difference between legislation that uses preludes and legislation that uses only coercion without preludes. For his example, the Athenian chooses marriage law, and he outlines what this law would look like according to each method of legislation. On the single-method, the marriage law is the following: a man “is to marry between the ages of thirty and thirty-five. And if he does not, the penalty is be to a fine and loss or rights” (721b). This law states a command with an attached punishment, without any attempt at persuasion. Then, the Athenian states the double-version of the marriage law. This law contains the same content as the single-version, but it also includes a prelude (721b-e) which attempts to convince the people to voluntarily obey the law.

The Athenian suggests that, upon hearing these two versions of the marriage law, we will intuitively distinguish which is superior. As he says, “comparing this law with the other, you can make up your mind in any particular case, whether laws need to be at least twice as long, combining deterrence with persuasion…,or whether they should be simple-using deterrence alone” (721e). In response, Megillus says, “if I were asked to judge between these enactments, and say which of the two I would want enacted in my city, I would choose the longer version…[and] for any law which followed this pattern, offering two forms, I would make the same choice” (721e-722a). The Athenian echoes this when he claims that the double version of the law is “twice as good” as the single version (722b). Thus, upon examining both the single and double-versions of the marriage law, the Athenian argues that we intuitively judge the double-version to be superior. This conclusion is then generalized to all laws.

Overall, the Athenian takes himself to have established the necessity of using persuasive preludes. As he says, “the lawgiver, at the beginning of all his laws, should make sure they are not lacking in preambles, both to the laws in general and to each individual law” (723b).

**II: The Central Tenets of Public Reason**

In this section, I explain the central tenets of public reason. In the next section, I argue that Plato’s discussion of preludes from Section I commits him to a public reason theory.

A theory of public reason justification has three central tenets: (1) it affirms the justification-to condition, (2) it distinguishes between public and private evidence, and (3) it uses idealizations about the legitimation constituency (the people to whom justification is owed). Any theory that includes these three elements is a public reason theory. I explain (1) - (3) in the coming paragraphs.

*II. 1: The Justification-To Condition:*

The central claim of public reason is that, “for a state [or any coercive state policy]…to be legitimate, its authority must be justifiable to each of those subject to it” (Enoch 116). Or, as Quong puts it, “public reason requires that the moral or political rules that regulate our common life be, in some sense, justifiable to or acceptable to all those persons over whom the rules purport to have authority.” I henceforth refer to this claim, using Enoch’s term, as the “justification-to condition” (116). Obviously, laws are coercive state policies, meaning that laws must be justified to the people over whom they have authority. I will continue to use the term ‘coercive state action,’ but it will be used with laws in mind.

*II. 2: Public vs. Private Evidence:*

For a coercive state action to be justifiable to or acceptable to all people over whom it has authority, it must be justified using reasons and evidence that are accepted by all those over whom it will be enacted. As Rawls says, “our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions” are such that “we…reasonably think that other citizens might also reasonably accept those reasons” (1997, 771).

This prompts the question: what reasons and evidence can be accepted by all people affected by a state policy? According to the public reason theorist, the evidence and reasons that are acceptable to all people must be public and accessible to all of these people.[[5]](#footnote-5) As Rawls says, “public reasoning aims for public justification. We appeal to…ascertainable evidence and facts open to public view, in order to reach conclusions about what we think are the most reasonable political institutions” (1997, 768). Or, as he says elsewhere, those engaged in public reasoning should “appeal only to those public or political ideas that…can be assumed acceptable to all persons as reasonable and rational” (1993, 217). This means that public reason should include only “plain truths now widely accepted, or available, to citizens generally” (1993, 224-225). Ultimately, this entails that the evidence which is public and accessible to all is evidence which all people affected by a state policy agree with or accept. Given this definition of *public* and *accessible* evidence, it follows that any evidence which is not agreed upon by all people affected by a state policy is *private* and *inaccessible*. This private evidence is inadmissible in the court of public reason and cannot be used in a public justification of a state action. As Rawls says, public reasoning “will thus eschew appeals to religious ideas or other controversial claims over which reasonable persons are assumed to disagree” (1993, 217).

Public reason theorists disagree on what kinds of reasons ought to be included within public reasoning. There is a debate is between convergence and consensus views of reasons. As Vallier puts it, a convergence view of reasons “only requires that individuals accept laws and political proposals for their individual reasons,” while a consensus view of reasons holds that “laws and political proposals [must be] accepted by reasons that have some common epistemic property like shareability” (2011a, 263). For example, a convergence view holds that, so long as Christians and atheists reach the same conclusion, P, regarding some public issue, it does not matter if they each used reasons that are private to their own comprehensive doctrines. On a consensus view, this is not permissible; the Christian and the atheist must each use the same reasons for endorsing P.

Furthermore, it is worth noting that post-Rawlsian public reason theorists have altered the requirements on what kind of evidence ought to be used in public reasoning. For example, philosophers have argued that the evidence which we ought to use in public justifications must be sharable, intelligible, etc.[[6]](#footnote-6) to all affected parties. For my argument, these more fine-grained distinctions will not be relevant, as I will argue that Plato endorses a straight-forward accessibility understanding of public evidence.

Given all of this, public reason is the view that coercive state actions are justified IFF they can be justified to all parties affected by them using evidence that is public and accessible to all of these parties. A coercive state action is unjustified if it fails this test.

*II. 3: Idealizations About the Legitimation Constituency:*

As articulated thus far, public reason faces an obvious problem: it entails anarchism. Public reason claims that coercive state actions are legitimate IFF they can be justified to all people affected by them according to reasons that those people accept. However, modern societies contain wide diversity of beliefs and intractable disagreements about nearly everything. Given this, there is likely no coercive state action which can be justified to all people affected by it using reasons that they all accept. For example, anarchists do not even accept justifications of the state. If there are no state actions which can be justified to all affected parties, then no state actions are legitimate, and “anarchism follows” (Enoch 116-117).

To avoid anarchism, nearly all public reason theorists use idealizations about the people to whom justification is owed, also referred to as the legitimation constituency.[[7]](#footnote-7) The idealizations used by public reason theorists alter the legitimation constituency in order to make the justification-to condition easier to fulfill (Enoch 118). As Enoch says, public reason theorists employ two methods of idealization. The first method involves “excluding the unreasonable” (Enoch 117). This entails “restricting the scope of the relevant constituency (those to whom public justification is owed as a necessary condition for legitimacy)-so that what’s needed for legitimacy is not justifiability to all, but, say, to all the reasonable” (118). This means that it is not necessary for the state to justify its policies to unreasonable people. Put simply, the reasonable are owed a justification from the state while the unreasonable are not owed a justification. Obviously, this method requires the public reason theorist to define ‘reasonable’ and ‘unreasonable.’ Rawls offers the most influential, and perhaps most infamous, definitions of these terms.[[8]](#footnote-8)

The second method of idealization involves “going hypothetical” (117). On this method “those engaged by the justification-to requirement are not people as they actually are, but some hypothetical, idealized version thereof” (118). For example, a public reason theorist might say that if people were “placed in the right hypothetical conditions” (such as being fully informed, fully rational, etc.), then they *would* see that the coercive state action in question is justifiable to them. This hypothetical consent is taken to be sufficient to ground the legitimacy of this state action (127).

With these idealizations, public reason is the view that coercive state actions are justified IFF they can be justified to all of the reasonable and/or hypothetical people affected by these actions based on evidence that is public and accessible to these people.

**III: Plato Endorses Public Reason**

In this section, I argue that Plato is committed to the central tenets of public reason theory.

*III: 1: The Justification-To Condition:*

Plato endorses the justification-to condition. Recall that the justification-to condition “requires that the moral or political rules that regulate our common life be…justifiable to or acceptable to all those persons over whom the rules purport to have authority” (Quong). The preludes are meant to rationally persuade the people that they should follow the laws. The Athenian repeatedly describes them as having the intent to persuade, and he even refers to them as being “designed to persuade” (723a). And, as the Athenian says, “the idea is that the directive-i.e. the law-should be accepted willingly…by the person to whom the lawgiver is addressing the law” (723a). As Bobonich says, “although we cannot expect the preludes to offer full-scale philosophical arguments for all of their conclusions, Plato clearly requires them to offer good reasons and recommends that they use arguments that ‘come close to philosophizing’” (373). And, as Baima notes, “although scholars disagree on how to interpret the preludes’ persuasion, they agree that the preludes instill true beliefs and give citizens good reasons for obeying the laws” (117). Essentially, the preludes are meant to rationally persuade people by offering them reasons to follow the laws. To offer a persuasive prelude that aims to convince people to voluntarily follow the laws is the same thing as attempting to justify the laws to the people who are subject to them. Simply put, given their persuasive character, the preludes are meant to show the people that the laws are justifiable to them. Additionally, the text indicates that there is a sense in which the citizens are entitled to a justification of the laws; as Schofield says, the “the preludes…are regarded as satisfying the citizens’ entitlement to persuasion” (86). This is apparent with regard to religious laws in Magnesia. In Magnesia, it is illegal to be an atheist. In Book X of the *Laws*, a hypothetical atheist is given a public justification of the existence of God. In this passage (beginning at 885c), there is a sense that the atheist is, in an important way, *entitled* to a justification of the state’s religious laws. Thus, the preludes show both Plato’s desire to persuade citizens to follow the laws and his commitment to the view that the citizens are entitled to such a justification. Hence, the preludes show that Platoisattempting to fulfill the justification-to condition.

*III. 2: Public vs. Private Evidence:*

I argue that Plato has a notion of public evidence. This can be seen in two features of Magnesia’s education system. In Magnesia, (1) everyone will be educated, and (2) the education system will teach each person to affirm a common set of beliefs, which constitute a publicly accessible pool of evidence.

There is evidence that Plato is committed to both (1) and (2). In support of (1), the Athenian argues that “education must be, as far as possible, compulsory for everybody” (804d). The evidence of Plato’s commitment to (2) can be seen in numerous places. The Athenian argues that “education is the process of attracting or guiding children towards correct reason, as defined by law, and ratified-as genuinely correct-by the experience of those who are most advanced in age and moral qualities” (659d). Essentially, the purpose of education is to teach students to believe a set of moral principles. The Athenian suggests that these principles will include the content of the *Laws* itself, including the preludes (811b-812a). Simply put, the Athenian holds that the *Laws* will be taught to all students. For example, in 811c-812a, the Athenian suggests that the dialogue which comprises the *Laws* should be taught to students in the public education system.[[9]](#footnote-9) As Stalley says:

“In the case of literature [that is taught to students] the basic text will be the *Laws* itself-the Athenian seems to have in mind particularly the preambles to the laws. Teachers will learn these by heart, and the Minister of Education will use them as a guide in deciding what other forms of literature are to be taught (811c-812a)” (133).

Thus, as a result of the education system, the teachers and the students will know the *Laws* (and thus the preludes) very well. After several generations of this style of education, the preludes will be so widely known and accepted that they constitute a public pool of evidence that is accessible to all people in Magnesia. As Bobonich says:

“By using the *Laws* as a school text, Plato ensures that the citizens will receive a public statement of how their freedom of inquiry has been limited and of the reasons for this limitation: in fact, the entire basic social structure and the justification of these institutions…will be given a frank public account” (377).

Additionally, the citizens of Magnesia will be educated to affirm the preludes through a system of civic engagement.

In total, the education system in Magnesia educates citizens to hold a common pool of public beliefs. Bobonich argues that this creates a situation in which “the basic political principles of the *Laws*…will be known to all the citizens and will be given a public justification;” he even goes as far as to say that “the political principles of the *Laws*…will pass rather strict twentieth-century constraints on the openness of moral principles, including John Rawls’ ‘publicity condition’” (378).[[10]](#footnote-10) This suggests that Plato endorses a consensus view of reasons, as all of the citizens will have nearly identical pools of evidence. However, not all citizens will have identical reasoning in support of their beliefs. In Magnesia, individuals differ greatly in their intelligence, which entails that some people will have more sophisticated reasoning in favor of the preludes than others will. In that manner, not all citizens will have identical reasoning, but they will all be working with nearly identical evidence.

Given the argument thus far, the following is clear: the preludes constitute part of the pool of public evidence, and the laws are justified to the people using the preludes; from this, it follows that the preludes involve a justification of state actions to the people subject to these actions, using evidence which is public and accessible to all. This is the heart of public reason.

*III. 3: Idealizations About the Legitimation Constituency:*

I argue that Plato uses an idealization about the legitimation constituency in Magnesia. Specifically, he uses a distinction between reasonable and unreasonable people. The reasonable people are entitled to a justification from the state, while the unreasonable are not.

Although he does not explicitly make a distinction between reasonable and unreasonable people, there are several instances in the text where this distinction is clearly implied. For example, the Athenian says, “using persuasion or-for characters on whom persuasion has no effect-coercion and just punishment, they [the laws] can…make our city blessed and happy” (718b). The description of “characters on whom persuasion has no effect” indicates that there is a group of people who are not reasonable enough to be persuaded by the preludes. Later, the Athenian says that “provided the advice [of the preludes] is not being offered to people with the souls of complete savages, [it] might be of some benefit in getting them to listen” (718d). The mention of “people with the souls of complete savages” indicates that, by some deficiency of their own, these people resist persuasion. Or, perhaps most viscerally, the doctor analogy (720a-e) suggests that the slaves who are patients of the slave doctors are not owed a justification/explanation of their prescription, while the free patients of the free doctors are owed such a justification. These passages paint a picture of a group of individuals who, for numerous reasons, are not owed justification of state actions; in public reason terminology, these individuals constitute the unreasonable.[[11]](#footnote-11)

Later, the Athenian seems to offer this description of reasonable people: “I would want people to be as open to persuasion as possible where goodness is concerned. Clearly, this will be what the lawgiver is trying to bring about in all his lawgiving” (718c).[[12]](#footnote-12) Importantly, it does not matter if Plato endorses a particular conception of reasonability; all that is required for him to endorse a conception of reasonability is that he divides the members of the public into a group that is owed justification and a group that is not owed justification.

In total, Plato attempts to justify the laws in Magnesia to the people using arguments that are based on public evidence, and he indicates that this justification is owed only to those who are reasonable in the face of persuasion. I conclude that Plato endorses the three central tenets of public reason theory.

With all of this being said, it is important to acknowledge the limitations of this argument, so that it is clear what I am *not* claiming. As I have argued, Plato endorses the key tenets of public reason; however, there are important ways in which Plato is completely unaligned with the project of public reason liberalism. The Platonic and public reason projects have different methodological starting points and different views on the meta-ethical nature of justice and morality. Plato regards the lawmaker as having moral expertise and as having knowledge of objectively true principles of morality and justice. With these assumptions, the lawmaker in Magnesia uses the preludes to convince the people to consent to laws that reflect this objectively true moral system, with the assumption that those individuals cannot, on their own, possess the expert moral knowledge of the ruler. In the public reason project, the lawmaker does not start with knowledge of objectively true principles of justice and morality. Rather, the project of the political liberalism developed by Rawls begins with a lack of such knowledge and derives it from an overlapping consensus of what the citizens believe. In this system, the lawmaker looks at what all of the reasonable citizens agree on and bases the principles of justice on this overlapping consensus. Additionally, public reason is not meant to generate a system of objective principles about morality; rather, public reason is interested in *justified* principles and makes no claims about the truth of these principles. In total, the Platonic lawmaker begins with objective moral knowledge and convinces the people of the Platonic moral system; in public reason, the lawmaker starts with the people, finds what they agree on, and shapes the principles of justice on the basis of this agreement. Thus, these projects entirely switch the ordering of political justification, as well as the nature of the principles of justice. In addition to these differences, the government in Magnesia has certain highly illiberal features; for example, it is illegal to not be married after a certain age, it is illegal to be an atheist, etc.

These differences between Plato and public reason liberalism show that my conclusion is limited in the following way: I do not claim that Plato’s project is identical with that of the public reason liberal; instead, my claim is that there are important similarities, not identity, between Plato and public reason. This acknowledgement does not undermine the importance of my claim. If it is true that Plato endorses the central features of public reason, despite having very different methodological and meta-ethical assumptions, this is still sufficient to show that Plato is not illiberal to the degree that many philosophers have argued.

**IV: Objections:**

*Objection 1: Is Plato Advocating Propaganda?*

One might argue that, rather than advocating the use of public justifications, Plato endorses a form of state propaganda. Popper argues that “by ‘persuasion’ of the masses, Plato means largely lying propaganda” (270). And, as Stalley says, it’s not clear if the preambles use “the kind of persuasion effected by rhetoric, which results merely in belief” or if they use “the kind which produces genuine knowledge” (43). As Baima argues, “for citizens who lack rational self-governance, the prelude functions as a ‘noble lie’” (117). If the preambles are a form of propaganda, this would be far from the spirit of public reason.

Propaganda involves the state mis-portraying information in order to achieve persuasion by means of deception and manipulation. If the preludes are a form of propaganda, then it follows that they must not be rational arguments which treat citizens as intelligent and worthy of being persuaded. Thus, if this objection is to succeed, it must be the case that the preludes are meant to be non-rational attempts at persuasion rather than rational arguments. Hence, this objection is successful only if Bobonich (et al.) has the wrong interpretation of the preludes. However, in this paper, I have assumed, so as to avoid a large exegetical debate, that Bobonich is correct in claiming that the preludes are rational arguments. Hence, the objector who advances this argument misses the presuppositions of the paper.

However, if this response is unsatisfactory, I believe that even if the preludes are non-rational arguments (meaning that Bobonich is wrong), it is still the case that the preludes are not a form of propaganda. Essentially, even if the preludes were non-rational arguments only aimed at achieving the mere belief of the people, this would not make them propagandistic. Even if they are non-rational, the preludes do not attempt to deceive or manipulate the people, which is an essential feature of propaganda. A thorough reading of the *Laws* shows that none of the preludes contain deception. Stalley corroborates this when he says that “there is nothing in the *Laws*, apart from the suggestion that poets should say that justice and happiness coincide even if this were not the case (663d-664a), [[13]](#footnote-13) to support Popper’s allegation…that by ‘persuasion’ Plato means largely ‘lying propaganda.’” (43). Morrow and Lay Williams echo this interpretation.[[14]](#footnote-14)

*Objection 2: Is Plato Advocating Indoctrination?*

The objector might press this point again, but in a slightly different fashion; perhaps Plato’s state is not advocating propaganda, but it is indoctrinating its citizens to believe only its laws. Propaganda and indoctrination are slightly different; whereas propaganda is the intentional mis-portrayal of the facts with the goal of deception, indoctrination is a process which creates a situation in which the citizens believe only what the government wants them to believe. Indoctrination need not be deceitful, while propaganda is essentially deceitful. For example, I can be indoctrinated into believing only true claims. The objector might argue that the education system in Magnesia indoctrinates the citizens to believe the preludes. If this is true, then we should question the moral legitimacy of persuading citizens to follow the law using only evidence that they were indoctrinated to believe by the very state which is trying to justify itself to the citizens. As Schofield says,

“How truly voluntary is the consent of the ruled in either *Republic* or *Laws*? Does it fail the test of the Critical Principle? This is the principle that ‘the acceptance of a justification does not count if the acceptance itself is produced…by the coercive power which is supposedly being justified’” (83).[[15]](#footnote-15)

And, as Klosko puts it:

“It is also unclear whether the subject’s assent could be said to be given freely. From before birth, he is intensively conditioned to hold specific moral views. In light of his having been ‘moulded like wax’ for many years, it does not seem that he would be able to not consent. The preambles represent a codification of what the subject has always been taught to believe” (2011, 245).

Roughly, this objection argues that the citizens of Magnesia are indoctrinated into believing the content of the preludes, meaning that a justification of the laws that is based on the preludes does not secure the genuine consent of the citizens, because, due to their indoctrination, they could not have done other than to consent.

I have several responses. First, it is important to note that the first generation of people who live in Magnesia are from a variety of different cultures and all voluntarily chose to come to a the city, meaning that they could not have previously been indoctrinated into believing the preludes. As I argue, these first settlers in Magnesia genuinely consent to the laws of the state. Cleinias describes the new settlers as a pluralistic group; as he says, “it will be drawn from Crete as a whole. And from the rest of Greece…they will be accepting colonists mostly from the Peloponnese…we do have colonists from Argos, including the most notable of the nationalities in Crete…that of Gortyn” (708a). In response, the Athenian says that “the cities aren’t going to find the business of settlement quite so straightforward. It’s better when it’s a single nationality…doing the settling, coming from one single country” (708b). Plato acknowledges that, given this pluralism, the settlers could not be indoctrinated into believing the laws, because they already have diverse beliefs about morality. As a result, he outlines a speech that would be delivered to the new colonists (715e-718a). Although the first settlers have no say in determining the constitution that will govern them, they have still, in a certain sense, consented to it. These settlers voluntarily came to Magnesia and are not being forced to stay against their will. Thus, upon hearing the constitution, they could leave Magnesia without having to leave their homes, social networks, etc., because they do not as yet have homes or a social networks in Magnesia. Given this, if the new settlers hear the initial address and the content of the laws, and if they choose to stay, then they have given their consent to the laws. Thus, the first generation of settlers, without indoctrination, consents to the laws.

However, the objector might respond that the subsequent generations of Magnesians have been indoctrinated into believing the laws, because (unlike the first settlers) they did not voluntarily immigrate to Magnesia, nor do they have feasible exit options. Thus, their consent to the laws is not morally legitimate. Yet, even in liberal democracies, children are raised in a school system which teaches them to affirm certain core principles of government which are put beyond question. It seems to me that the reverence given to the Constitution in the American education system is not very different from the reverence which Plato’s educators give to the preludes. American students, and students in other liberal democracies, learn about their own history, political principles, and founding documents in a way that puts these features of their own state above reproach.

In fact, there is a strong similarity between the education system in Magnesia and the progression of moral education that Rawls envisions in his liberal state. A significant portion of *A Theory of Justice* is dedicated to Rawls’ theory of how the citizens of a liberal democracy develop a sense of justice.[[16]](#footnote-16) A sense of justice is “a skill in judging things to be just and unjust, and in supporting these judgments by reasons,” accompanied by the “desire to act in accord with these pronouncements” (1971, 46). Citizens develop a sense of justice through moral education. As Rawls says, “the sense of justice is acquired gradually by the younger members of society as they grow up” (1971, 462). A key mechanism in this moral education is the public school system; as Rawls says, children’s “education should also prepare them to be fully cooperating members of society…it should also encourage the political virtues so that they want to honor the fair terms of social cooperation in their relations with the rest of society” (1988, 464).

Rawls considers a similar objection about indoctrination; he says, “here it may be objected that requiring children to understand the political conception in these ways is in effect, though not in intention, to education them to a comprehensive liberal conception” (1988, 464). Or, as Parry puts the point:

“The liberal state cannot be neutral about its own neutrality. It must seek to instil respect for its fundamental principle in its future citizenry. The problem posed by this requirement is that neutralist liberalism may, in its education programme, be less accommodating than it claims toward those who wish to bring their children up to share their own non-liberal doctrines” (33).

Essentially, Rawls is aware that his education system teaches children to develop a sense of justice which is liberal in nature and teaches them to reject non-liberal views of justice. This seems like the very kind of indoctrination with which the objector is concerned.

Rawls responds to this objection by arguing that, even though his education system places liberal values beyond question, his education program is not indoctrinating students. As he argues, the liberal principles that students are taught to believe are those that they *would* affirm in the Original Position. In reference to an individual who was educated in his system, Rawls says this:

“His moral education itself has been regulated by the principle of right and justice to which he would consent in an initial situation in which all have equal representation as moral persons…the psychological processes by which his moral sense has been acquired conform to principles that he himself would choose under conditions that he would concede are fair” (1971, 514-515).

From this, Rawls concludes that “no one’s moral convictions are the result of coercive indoctrination,” and “a person’s sense of justice is not a compulsive psychological mechanism cleverly installed by those in authority,” because “we can say that by acting from these principles persons are acting autonomously; they are acting from principles they would acknowledge under conditions that best express their nature as free and equal rational beings” (1971, 515).

I see no reason that Plato cannot respond in the very same way to the indoctrination objection. Like Rawls, he can claim that his education system does not indoctrinate students, because the principles of the *Laws* are the principles that these students would agree to in an idealized rational choice situation, like the Original Position. In fact, in *Phaedrus* 248e Plato claims that every human soul sees the Forms every 10,000 years and that, consequently, every human innately knows all of the Forms. Thus, Plato would likely agree that humans would endorse the true principles of justice if they were in an idealized choice situation. Thus, if the indoctrination objection is successful against Plato, then it is successful against liberal democracies in general and against Rawlsian liberal democracies. Since it is clear that liberal democracies do not indoctrinate their citizens, it follows that Magnesia does not indoctrinate its students.

In general, I see no reason to regard the principles of moral education that are used in Magnesia as any different from those used in most democracies. Morrow puts this point well when he says that “the methods [Plato]…advocates for moral instruction-the training of the feelings, the discipline of the passions, the formation of habits to supplement the teaching of principles-are precisely those used in all ages by teachers who take seriously the training of character” (559). Rawls echoes this very sentiment when he says that “the necessity to teach moral attitudes…to children is one of the conditions of human life” (1971, 462). Thus, the accusation that Plato advocates indoctrination is misguided. From this, it follows the consent of the citizens in Magnesia is given in the absence of indoctrination.[[17]](#footnote-17)

One might still object that Plato endorses indoctrination, because he rejects the right of free speech and bans numerous false beliefs from being declared in Magnesia. As stated, I claim that there is similarity, not identity between Plato and public reason, and I do not claim that Plato is a liberal, only that there is more similarity between Plato and liberalism than is often thought. So, I admit that Plato rejects certain liberal forms of free-expression. However, based on the preceding discussion, it is clear that Plato does not endorse outright indoctrination.

*Objection 3: Does Plato Really Endorse the Justification-To Condition?*

According to public reason, fulfilling the justification-to condition is a necessary condition of the legitimacy of *any* coercive state action. Here, the objector claims that (1) Plato tries to fulfill the justification-to condition for pragmatic, not moral, reasons, and (2) Plato does not endorse the justification-to condition as a necessary condition for the legitimacy of state actions. If either claim is true, then Plato does not endorse the justification-to condition.

In (1), the objector points to the fact that Plato seems to endorse the justification-to condition, because it creates a more stable state, which is a pragmatic reason, not a moral one.[[18]](#footnote-18)

However, there is textual evidence which suggests that Plato regards the justification-to condition as morally, not just pragmatically, important. Essentially, Plato thinks that there are moral reasons to justify laws to the people. As Bobonich says, “in the *Laws*, Plato holds that the ultimate end of all laws and social institutions is the production of the greatest possible happiness…for the citizens” (378**)**. This can be seen repeatedly in the text. In reference to the laws of the Cretans, the Athenian says, “they get it right because they bring happiness to those who live under them, providing them with everything that is good” (631b); at 743c, he says, “the fundamental aim of our laws was for our people to be as happy as possible;” and at 715b, he adds, “nor are they proper laws if they were not made for the common good of the city as a whole. Where laws are made for the benefit of one group only…The ‘justice’ proclaimed by these laws is nothing but words.” Essentially, the point of the law is to help the citizens achieve happiness and be virtuous. Bobonich also argues that, on Plato’s view, “rational persuasion helps to make the citizens virtuous because having a rational justification for one’s true ethical beliefs is necessary for virtue” (384). In short, Plato thinks that the purpose of the laws is to help citizens become virtuous, and he also believes that rationally persuading the citizens to follow the law is necessary for them to be virtuous; this suggests that Plato tries to persuade citizens to follow the laws out of a consideration for their virtue, which is a moral, not merely pragmatic, concern.

Additionally, one might argue that pragmatic considerations of state stability are also moral considerations. Surely a state which is stable is better able to protect the rights of its citizens. Rawls himself endorses a similar line of argument when he states that “it is evident that stability is a desirable feature of moral conceptions. Other things equal, the persons in the original position will adopt the more stable scheme of principles” (1971, 455). Given this, even if Plato affirms the justification-to condition purely on the basis of state stability, this constitutes a moral reason for affirming the justification-to condition.

In (2), the objector argues that Plato regards the justification-to condition as something which, if fulfilled makes the state more stable, but which is not a necessary condition of the legitimacy of any state action. This suggests that, for Plato, the state could be legitimate even if it did not fulfill the justification-to condition. In short, the objector argues that Plato would not regard a state action as being rendered illegitimate if a citizen rejects it. If this is true, then he does not genuinely endorse the justification-to condition. Klosko advances such an argument:

“If some subject were able to withhold assent, it seems unlikely that he would be allowed to do so…There are important differences between Plato’s system and what political theorists generally regard as theories of popular consent…it seems that the primary function of consent [in the *Laws*] is contributing to respect for the laws, and so consent should be looked at primarily as a mechanism for inculcating temperance. It is towards this end that Plato discusses it and writes preambles to the laws, not because he recognizes an inherent right of consent” (2006, 245-246).

And, Kraut puts the point forcefully:

“No careful reader of Plato believes that in the *Laws* he comes to believe that political authority derives from the consent of the governed. In this work…what makes it the case that some should have more political power than others is the good that is done by giving them this authority” (65-66).

Although this argument is plausible, it is surmountable. For Plato, the point of the law is to produce happy citizens. Essentially, the purpose of the laws is to help the citizens be virtuous. If Bobonich is correct that, for Plato, “rational persuasion helps to make the citizens virtuous because having a rational justification for one’s true ethical beliefs is necessary for virtue” (378), then it follows that persuading the people to obey the laws is *necessary* in order for the state to fulfill its moral purpose of making the people virtuous. This entails that the state is morally required to persuade the people to follow the laws.

Also, it might be the case that, for Plato, it is impossible for reasonable people to fail to consent to state actions, assuming that the state is justly governed, as he believes it is in Magnesia. Given Plato’s strong understanding of rationality, it might follow that, if a person is reasonable, then it is impossible for her to fail to consent to reasonable laws.[[19]](#footnote-19) If this is true, then, for Plato, the question of citizens not consenting does not even arise, because reasonable citizens would always consent to reasonable laws. This suggests that Plato endorses a strong notion of what it means to be a reasonable citizen, wherein reasonability is a matter of never failing to consent to reasonable laws. If this is true, then the objection does not get off the ground. Further evidence for this argument comes from the education system in Magnesia. Plato seems to suggest that, if properly educated, citizens will not fail to be virtuous. As he says, “the finest life…for anyone prepared to try a taste of it…[is] the winner in terms of what we are all looking for, which is finding a greater quantity of enjoyment and a smaller quantity of pain, throughout our lives. That this will be evident to anyone who goes about tasting it in the correct way, will be readily and abundantly apparent” (732e-733a). And, as he adds later, “a human being is a tame animal…[and] he is generally the nearest to god and the tamest of animals if he gets the right education and is fortunate in his natural endowment” (766a). All of this suggests that the citizens can reliably become noble and virtuous through education. And, if they are virtuous, then they will be rational and will obey the laws. Thus, if the citizens are properly educated, then they will want to follow the laws, meaning that the possibility of them choosing to not follow the laws is unlikely if not impossible.

However, even if Plato does think that fulfilling the justification-to condition is not necessary for the legitimacy of state actions, this is not a damning objection. At worst, the objector will have shown that Plato’s view is not *identical* with the justification-to condition; however, it is clear that his view is nearly identical to the justification-to condition. This alone is sufficient to respond to philosophers who argue that Plato’s political thought is deeply at odds with liberalism.

*Objection 4: Do the Preludes Use Public Evidence?*

Public reason theorists often use religious reasoning as a paradigm example of evidence that is private and inaccessible. However, the preludes often use explicitly religious reasoning. If religious reasoning is private evidence, then Plato’s preludes do not use public evidence, meaning that he does not endorse a public reason theory.

This objection misunderstands public evidence. The contingent features of a society determine whether a piece of evidence is public or private. A piece of evidence E is public in relation to a coercive state action A IFF E is accepted by all people affected by A. Thus, if all people affected by a law accept the religious premises that are used to justify this law, then this religious reasoning is public. For example, in Amish communities, religious evidence is public evidence. In Magnesia, all of the people accept the religious reasoning that the preambles use; thus, the preambles use public evidence.

*Objection 5: What About the Nocturnal Council?*

In Magnesia, a group of individuals, called the Nocturnal Council, holds an important role in the governing of the city. On some interpretations, the Nocturnal Council represents a resurgence of the Guardian class from the *Republic*, meaning that it ultimately has all of the political authority. And, on other interpretations, the council occupies something closer to an advisory role in the politics of Magnesia.[[20]](#footnote-20) One might argue that, if the Nocturnal Council truly acts as philosopher kings, then this would severely diminish the plausibility of my argument, as all of the supposed concern for public justification in Magnesia would be a cover for an autocratic and esoteric group that truly controls the city.

In response, I argue that this philosopher king interpretation of the Nocturnal Council does not fit with a holistic reading of the *Laws*. For example, in reference to politicians, the Athenian says this:

“If I call those who are usually known as rulers ‘servants’ of the law, this is…because I think it is on this, more than anything else, that the safety, or otherwise, of the city depends. In the kind of city where law is subordinate, and lacks authority, I see disaster just around the corner. Where the law is master over the rulers, and rulers are slaves to the law, there I see salvation, and all good things the gods can grant to cities” (715c-d).

This passage suggests a strong endorsement of the rule of law over and above the rule of human authorities. Clearly, if the Nocturnal Council exercised ultimate authority over Magnesia, the rulers would have put themselves above the law, which would contradict Plato’s statement above. I lack sufficient space to launch a full-scale exegetical argument for this position. But, I will note that my interpretation of the Nocturnal Council is prevalent, if not dominant, among scholars of the *Laws*. In fact, the philosopher king interpretation of the Nocturnal Council is controversial. Many have argued that that the council “is intended to play an advisory role, with only limited formal political power” (Klosko, 1988, 74). For example, Morrow, Kahn, Stalley, and more endorse this interpretation. Furthermore, Klosko states that, “since the publication of Glenn Morrow’s *Plato’s Cretan City* in 1960, something of a consensus has emerged” (1988, 74) that this interpretation of the council (as only an advisory body) is correct. If these philosophers are correct, then this objection fails to undermine my thesis. And, given that I do not have space to launch a full scale exegetical discussion of the council, I see no problem in assuming the truth of the dominant interpretation among scholars of the *Laws*.

**Conclusion**:

I conclude that Plato’s use of preludes in the *Laws* shows that he endorses the central tenets of public reason theory. When combined with the work of C.C.W Taylor, this can form a cumulative case which shows that Plato’s political philosophy has much more in common with contemporary liberalism than many philosophers think.

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1. See Popper (270), Klosko (2006, 245-246), Schofield (83), and Kraut (65-66). [↑](#footnote-ref-1)
2. Taylor (1986) critiques Popper’s claim that Plato’s *Republic* advocates a proto-fascist totalitarian government. Taylor outlines several forms of totalitarianism: (1) a system where the good of the state is paramount and in which individuals are merely a means for the state; (2) a system where the good of the individual is paramount and in which the good of the state is to create the most good for individuals; and (3) a system in-between (1) and (2). In each system, individuals are subject to totalitarian authority, but for different ends. Taylor argues that Popper interprets Plato as endorsing (1) when Plato actually endorses (2). [↑](#footnote-ref-2)
3. Bobonich (366) and Schofield (319) argue that the preludes are best understood as rational arguments, while Laks (289), Popper (270), and Annas (75-76) argue that the preambles are not meant to be rational arguments. [↑](#footnote-ref-3)
4. All references to the *Laws* are to Griffith’s 2016 translation. [↑](#footnote-ref-4)
5. For an argument that public reason should not include an accessibility requirement, see Vallier (2011b). [↑](#footnote-ref-5)
6. For a summary of these distinctions, see Vallier (2011b, 367). [↑](#footnote-ref-6)
7. As Enoch says, “all public-reason accounts must involve some idealization-because there is pretty much nothing citizens in modern societies all agree on” (113). [↑](#footnote-ref-7)
8. See *Political Liberalism* 48-61. [↑](#footnote-ref-8)
9. Stalley confirms this when he says that the Athenian “suggests that the *Laws* itself should be the major textbook used in the education of the young. Schoolmasters must be compelled to learn it, and any similar works, by heart and to teach them to their pupils” (42-43). [↑](#footnote-ref-9)
10. Although Bobonich mentions Rawlsian publicity, he does not advance a public reason interpretation of the *Laws*. [↑](#footnote-ref-10)
11. Others have confirmed this. See Bobonich (375), Klosko (2006, 246), and Schofield (82). [↑](#footnote-ref-11)
12. Plato seems to suggest that differences in education explain why some people are reasonable and why others are unreasonable in the face of persuasion (722b and 765e-766a). Also, Plato’s endorsement of natural differences in people’s intellectual abilities in the *Republic* andthe *Statesman* suggests that biology plays a role in determining who is reasonable and unreasonable. [↑](#footnote-ref-12)
13. Bobonich argues that the situations in which “Plato thinks that lying to the citizen body would be permissible…are not actual” (382). [↑](#footnote-ref-13)
14. Morrow confirms this when he states that “the charge that Plato advocates indiscriminate lying and deception rests more on suspicion than on Plato’s text” (557). [↑](#footnote-ref-14)
15. Schofield’s reference to the Critical Principle is to Bernard Williams (6). [↑](#footnote-ref-15)
16. See *A* *Theory of Justice* Chapter VIII (The Sense of Justice) and Chapter IX (The Good of Justice). [↑](#footnote-ref-16)
17. One might wonder if I have missed the spirit of the indoctrination objection. For example, Plato argues that Magnesia should be highly isolationist in foreign policy, thus limiting citizens’ contact without outside ideas. Perhaps this is the thrust of the indoctrination objection. In response, I point out that this objection can also be applied to liberalism. For example, Rawls and Dworkin suggest that, in their ideal theories of justice, there will be no immigration and that society is a closed system (see Rawls 2009 and Dworkin 2000). [↑](#footnote-ref-17)
18. See 722b and 723a. [↑](#footnote-ref-18)
19. In the *Laws*, Plato claims that “anyone who lives in an undisciplined way is, necessarily, not doing so from choice: it is either ignorance or weakness of will (or both)” (734b). As Stalley says, Plato means to say that “no one willingly does wrong” (51). So, although in the *Laws* Plato seems to admit that weakness of will is possible, he still maintains a very strong conception of rationality. [↑](#footnote-ref-19)
20. For a discussion of these interpretations, see Klosko (1988). [↑](#footnote-ref-20)