

On Reading the *Laws* as a Whole: Horizon, Vision, and Structure
Mitchell Miller

In *Plato's Laws: Force and Truth in Politics*,
edited by Gregory Recco and Eric Sanday,
Indiana University Press, Bloomington, 2013, pp. 11-30.

My project in this essay is to orient — or, both more precisely and more modestly, to mine the text in order to provide some suggestions as to how one might orient — a reading of the *Laws*. To that end, I will offer three sets of reflections, guided by these questions. (1) To begin from the negative, what fundamental dimensions and motifs does Plato *exclude* from the dialogue, indicating that they lie beyond the horizon of relevant possibilities for thought that delimits the Athenian Stranger's conversation with Kleinias and Megillus? (2) How, positively, does Plato define this horizon itself? That is, with what basic terms, in what basic relations — and conveyed by what allusions, in this case to his earlier major works on polity — does he have the Athenian establish this horizon? (3) Finally, what is the basic force he intends the text of the *Laws* to have, and what is the structure he has the Athenian Stranger give his discourse as a whole in order that it might have that force?

Trying to get such a holistic purchase on a text as monstrously massive as the *Laws* is a daunting, not to say hubristic, undertaking. On the other hand, its very massiveness makes the effort all the more, not the less important. If there is in the Platonic corpus a forest that is hidden by the heterogeneity and bulk of its many stands of trees, the *Laws* is it. Fortunately, there are several passages in the dialogue that seem intended to give us bearings, and we will pay close attention to these. But, of course, singling these out risks being just another way of losing sight of the forest. At the day's end I take solace in the thought that providing something that is at least worth disagreeing with will itself have some orienting power for those who share the ambitious project of taking the measure of the *Laws* as a whole.

I. What lies excluded, beyond the horizon ...

Asking what has been excluded must seem a peculiar way to begin. I am motivated by an experience that I suspect I share with many readers of the *Laws*, the mounting surprise, as one reads, at the fact that Plato does *not* invoke almost any of the motifs and projects that in earlier dialogues we have been led to think of as defining the depths of philosophy. He leaves un-introduced, seemingly beyond the reach of the Athenian Stranger, eros as the drawnness of the soul to the face of the beloved and the Beautiful — and, so, to the transcendental horizon of the forms — that we know from the palinode in the *Phaedrus* and Diotima’s ladder in the *Symposium*, respectively.¹ Nor is there any mention of the “greatest study,” the pursuit of the Good, that is the deepest project of the *Republic* and sets the goal of the “longer way” that proceeds through the development of dialectic in the *Sophist* and the *Statesman* and that climaxes, on my reading, in the *Philebus*.² (Nor, it goes without saying, is there any indication of the arguably still more basic notions of the One and of the Great and the Small.³) We *do*, however, get a reminder of the mathematical studies of *Republic* VII both at the end of the Stranger’s discussion of education in *Laws* VII and, albeit in very compressed form, in the discussion of the “more precise education” (965b) that the members of the Nocturnal Council will need — but this is one of those exceptions that proves the rule: the highest of the mathematical studies explicitly proposed for the members of the Nocturnal Council is astronomy, not harmonics — yet in the *Republic* it is especially the passage from the study of figure in the geometrical studies, including astronomy, to the study of ratio in harmonics that bridges the philosopher-to-be into dialectic;⁴ in the *Laws*, it seems,

¹ For the lover’s transformative sight of the beloved’s face, see *Phaedrus* 254b. For Diotima’s ladder, see *Symposium* 210a-212a.

² For the “study” of the Good, see *Republic* 505a and ff.; for the motif of the longer way,” see 435d and 504b-e. (I have tried to lay out the trajectory of this “way” as it leads from the *Republic* through the later dialogues in Miller 2003 and 2010.)

³ See Aristotle’s controversial introduction of these notions and his claim that Plato introduced them to explain “good and ill” in *Metaphysics* A6. For a sense of the variety of recent interpretations that take Aristotle’s report seriously, see Krämer 1990; Sayre 2005; and Miller 1995, 2003. Note also the intriguing, if gestural, remarks of Kahn 2001, 58-62.

⁴ See Robins 1995, Miller 1999.

astronomy, not harmonics and, so, also not dialectic, is the highest study projected for the members of the Nocturnal Council.⁵

But ought we to have been surprised to find all this — above all, the Good and the forms and the depths of *eros* and mathematics that open the soul to them — excluded from the world of the *Laws*? In fact, in the stage-setting opening pages of the dialogue, the text as much as tells us that precisely this is what, in setting its highest aim, it will leave out. There we learn that the elderly threesome are on a walk in the countryside, with lovely shade trees to provide places for rest and relief from the Cretan heat; thus, as in the *Phaedrus*, they are not only at leisure — they are also outside the city and free from the restraints that propriety puts on exploring the critical and unseemly and perhaps subversive; what’s more, the path ascends to a height, the recurrent Platonic symbol of the Socratic/Eleatic quest for the forms, the orienting bounds of the perceptual and political given; and at this height we will come to the sacred source of the laws and the state. But here, of course, is the manifold rub: the height we aim for is a *cave*, the site not of the light or ether of an upper realm but, rather, of the very lack of such light and clarity, and the source of the laws is the *birth*-place of, therefore, what is precisely *not* timeless, hence not the site of the forms and the Good but rather of what is in time and subject to cultural representation, namely, *Zeus*, the chief of the anthropomorphic Olympian gods. Thus the opening page gives fair warning, at least on reflection, that in the *Laws* we will be operating within the bounds of the sense of reality not of the philosopher but rather, at best, of the acceptant πίστις, the metaphysical “trust,” of the thoughtful citizen.

II. ... and what marks horizon: “the god” and the “first” and “second-best” cities

⁵ I say “it seems” advisedly. There is an intriguing exchange at the very close of the dialogue in which the Athenian, punning on *ἀπόρητα* and *ἀπρόσρητα*, “indescribable” and “imprescribable” in Bury’s deft retrieval in Bury 1926, points to the further studies that the Nocturnal Council members will need to undertake but declares it pointless to specify what they are until the Council members have studied deeply enough to understand the specification and take them up. Thus he places these unidentified studies beyond the horizon of his conversation with the quite non-mathematical Kleinias and Megillus.

“Is it [a] god or some human being (Θεὸς ἢ τις ἀνθρώπων), strangers, that you take to be the cause of the establishing of your laws?”⁶ With these, the opening words of the dialogue, the Athenian Stranger indicates the double boundary of this pre-philosophical sense of reality.

On the one hand, there is “god” or “the god.” This figure is left both indeterminate and fundamental: only loosely associated with both Zeus and Cronus (see (2) below), he is the presiding power in the world. In the opening words of his prelude to the assembled Magnesians the Athenian puts him first as the god who “holds the beginning and the end and the middles (μέσα) of all that is” (IV:715ef.); he “is always attended by Justice” (*ibid*); and he is the “measure of all things” and the being who, in order that we “become dear to him, [we must] do all in [our] power to become like” (IV:716c-d). These elevating references leave him shadowy, however. Only in the digression on atheism and the gods in Book X will he receive a sharper — and suddenly quite unconventional — portrayal as the good soul possessed of intelligence that, self-moving, sets all else, above all the sun, into motion.

On the other hand, there is the city that is ruled by law. Here we face a thicket of well-known — if not allusions, then at least — pointed resonances of the *Republic* and the *Statesman*, in the course of which the Athenian Stranger establishes the status of Magnesia as a “second-best” city. There are four passages to note.

(1) εἰς ταὐτὸν ... συμπίεση (“... coincide in the same ...,” 711e8f.) In a reflection on the interplay of god, chance, and art in Book IV, the Stranger argues that the conditions that would make for “the swiftest and easiest” (712a, cf. 710b, 711c) transformation of an existing city into “the best and with the best laws” would be the partnership of “a lawgiver who knows the truth” (709c) and a young tyrant of moderate character; still better is when these are one and the same man, “when the greatest power

⁶ The translations in this essay are my own. But I have consulted the translations of Bury 1926, Saunders 1975, and Pangle 1980, and I have learned a great deal, as always, from conversation with my Vassar colleague in Classics, Rachel Kitlinger.

coincides in the same [man] (εἰς ταὐτὸν ... συμπέση), one with intelligence and moderation” (711e8-a2). Can one who knows the *Republic* help but hear the resonance of Socrates’ paradoxical declaration that the “smallest change” (473b) that would allow his just city to be realized would be for “political power and philosophy [to come to] *coincide in the same* [man] (εἰς ταὐτὸν ... συμπέση)” (473d), the philosopher-king? But by the very association that Plato provokes in the *Laws* by his repetition of the language of the *Republic* he gives us occasion to notice that the Athenian hopes for something pointedly different from what Socrates did: the “truth” that the Athenian’s “lawgiver” “knows” is not what Socrates’ figure of the philosopher seeks, the Good and the forms, but rather “the best laws,” and so the tyrant the Athenian fantasizes, rather than becoming a philosopher, will make himself the agent who establishes those laws in his city; and since, as the Stranger argues, it is by the example the tyrant sets for his subjects that he can best bring about the transformation of his city, to establish the best laws requires that he begin by subjecting himself to them. Accordingly, while Socrates’ philosopher-king rules from above the law, the moderate tyrant brings it about that all, himself included, are subject to the rule of law.⁷

(2) ἐπὶ Κρόνου (“... in the time of Cronus,” 713b2). Only a few speeches later, at 713a-714a, the Athenian sets the stage for his prelude to the Magnesians by introducing the “myth” of the age of Cronus. Readers of the *Statesman* will recognize this as Plato’s return — but, again, with several interesting differences — to the great myth that he has the Eleatic Stranger present in that dialogue.⁸ Long ago, the Athenian now says, we humans lived under Cronus in a paradisiacal condition, free both from material scarcity and internal strife. How did Cronus manage this? He knew that, “human nature” being what it is, no man can be an “autocrat” over the rest without falling into “hubris and injustice,” and so just as we now put ourselves in charge of cattle, he put δαίμονες, “divinities” — that is, beings of a higher species — in charge of us; these divinities, in effect our shepherds, provided us “peace and good laws (εὐνομίαν) and

⁷ For discussion of these convergences and divergences, see especially Schofield 1999.

⁸ See *Statesman* 268d-274e, noting its references to the rule of Cronus at 269a, 271c, and 272b. For discussion, see Miller 2004, ch. III.A.

unstinting justice” (713e). “Good laws” and “justice” are absent in the *Statesman* myth, where human beings are earth-born and their lives are thoroughly pre-political. The Athenian Stranger, accordingly, is now reading the presence of “good laws” and the political justice they establish back into the time of Cronus. The general point of this adaptation, the Athenian makes plain enough. We humans can hardly gainsay the god’s knowledge of our nature. Accordingly, no one should risk trying to rule autocratically over the rest; instead we must all “imitate” the life we had under Cronus and his divinities by subordinating ourselves to that “within us that partakes of immortality,” namely to “the dispensation by νοῦς (mind) that we call νόμος (law)” (714a).

But if the general point is clear, in its specifics it sets the stage for the rest of the dialogue by raising big questions. Among them: what is it that the god knows about “human nature” that dooms to injustice any man’s effort to rule autocratically? What is the sense of “imitation” according to which, in resisting any such autocracy and holding to the rule of “good laws,” we are “imitating” the rule of Cronus and his divinities? In what sense is “[what] we call νόμος” a “dispensation by νοῦς”? And how may we get our bearings in order to attempt to achieve — and, now as we read the *Laws*, in order to determine how well the Athenian actually does achieve — this “dispensation”?

(3) ... ὅτι μάλιστα κοινὰ τὰ φίλων (“... as much as possible, ... things in common,” 739c1-2). We get some help with these questions from the third resonant passage, at 739cff. Here Plato has the Athenian’s words echo Socrates’ formulation of the principle of the best possible polity at *Republic* 423e-424a: where Socrates declares that the rulers of his just and good city “will easily discover ... how all ... must be governed as far as possible (ὅτι μάλιστα) by the old proverb (κατὰ τὴν παροιμίαν) that friends share things in common (κοινὰ τὰ φίλων),” the Athenian declares that “the first” and “best” city will be that in which “the ancient adage (τὸ πάλαι λεγόμενον) is realized throughout the city as far as possible (ὅτι μάλιστα), namely, that “friends share things in common” (κοινὰ τὰ φίλων)” (739c). And in his detailing of this sharing, the Athenian reiterates Socrates’ vision in each of its key aspects: women and children and “every sort of property” will be “common” — that is, there will be no private family or private

property —, and this will enable the extraordinary spiritual unity that Socrates celebrates⁹ in the *Republic*, the “community” of pleasure and pain: “everyone,” says the Athenian, will “praise and blame in unison, as much as possible delighting in the same things and feeling pain at the same things” (739d).¹⁰ As before, however, so here, and much more explicitly, Plato reminds us of Socrates’ city in the *Republic* in order to mark how the Athenian’s project differs from it. A city in which all things are “in common” would have to have, for its inhabitants, “gods or the children of gods” (739d); Magnesia, by contrast, is to be inhabited by human beings and so can only be the “second best” city.

This notion of “second-best” (739a, e) marks the aspiration as well as the limitedness of the city that the Athenian now begins to design, and this double aspect, this sense in which Magnesia is, while only *second*, nonetheless *second-best*, is the key to his notion that human polity must “imitate” the rule of Cronus and his divinities; now, however, it is the city of “all things in common” that he declares to be the “model” (παράδειγμα, 739e1) that we must “hold to” and “seek to realize as fully as possible.” Accordingly, even while the Athenian accommodates the humanity of its citizens, their non-divine “birth, nurture, and education” (740a), by accepting private property and separate family units, he also subordinates the private to the common. The land, he declares at 739e, must be divided into separate lots and farmed not in common but by different households; but it is family lines, not individuals, to whom the land is assigned, and this assignment is inalienable and inalterable “for the rest of time” (740b); “each man

⁹ I leave for another occasion the complex and controversial question of what irony there may or may not be in Socrates’ projection of this “community” and, indeed, in his denials of private property and family to the guardians.

¹⁰ Laks 2001, re-affirmed by Bobonich 2002 (482 n. 7), while stressing these resonances of the *Republic* in the *Laws*, argues that the “first” and “best city” posited in the *Laws* is not Socrates’ just city, for in the latter private property and the private family are abolished only among the guardians, not throughout the whole city. I don’t see this as a distinguishing point, for in both Socrates’ and the Athenian’s formulations, the principle of κοινὰ τὰ φίλων is to be realized only ὅτι μάλιστα, “as far as possible.” Thus Plato has the Athenian make the very same general concession, and in the same words, that Socrates did; accordingly, there is no reason to presume that the Athenian thinks that in the “first” and “best city” “friendship” will extend to all the citizens nor, therefore, that the sharing of everything can be realized among all the citizenry. The restriction of the sharing to the guardians in the *Republic*, then, should not be taken as a point of distinction of Socrates’ just city from the Athenian’s first and best city. Laks acknowledges the possibility of this reading but argues for a distinction between the grounds for the restriction of the principle of sharing in the just city of the *Republic* and in the “first” city in the *Laws* — see esp. p. 109.

who receives an allotment should deem it to be at the same time the common possession of the whole city” (740b), given in irreversible trust. Thus, in this and many other ways, the Athenian sets out to construct a mean, a political order that, even as it falls short, expresses the fullest possible human approximation of the divine.

(4) δίο δὴ τὸ δεύτερον αἰρετέον, τάχιν τε καὶ νόμον (“for this reason one must choose the second-best, ordinance¹¹ and law,” 875d3). At 874e-875d, Plato has the Athenian interject a reflection on the status of the rule of law that cannot help but remind one who has read the *Statesman* of the Eleatic Stranger’s subtle and dialectically balanced position on that question — but, again, with telling differences. The Athenian, about to turn to the class of personal injuries in all their inexhaustible empirical variety, acknowledges that law cannot, as true understanding can, address the specificity of each situation; it can only speak ἐπὶ τὸ πῶλον, addressing particular situations “for the most part” or “on average” (875d4). And just before saying this he declares that “no law or ordinance surpasses¹² knowledge, nor is it right that mind (νοῦν) be subservient or slave to anything else — on the contrary, it should rule over all things, provided it is genuine and really free to be itself.” On both counts he reiterates criticisms of the limitations of law that Plato has the Eleatic Stranger make in the *Statesman* — but with striking differences in each case. Whereas the Eleatic embeds his criticism of law’s directedness to the average within the context of endorsing its usefulness to the true or knowing statesman, the Athenian undermines this whole by his bottom-line declaration that “such understanding, genuine and really free to be itself, ... in the present day does not exist anywhere at all, except in fragment.” Thus he declares *as a basic truth* what the Eleatic instead *credits to the ruled*, the subjects of contemporary democracy and oligarchy alike, namely, the deep and pervasive suspicion that their rulers do not possess true knowledge of the ruling art and instead pursue their own interests. Accordingly, where the Eleatic, though hardly confident, nonetheless himself remains open to the possibility that a

¹¹ This is Bury’s translation of *τάχιν*. The more general “order” would be misleading, for “order” belongs to the rule of knowledge as well as to that of law.

¹² Plato has the Athenian say, “no law or any order is *κρείττων* than knowledge.” *Κρείττων*, the comparative form of *ἀγαθός*, means both “stronger” and “better.” My translation follows Saunders 1975 in trying to avoid choosing between these.

knowing statesman may appear, the Athenian is closed to it and concludes, without qualification, that “for this reason one must choose the second-best, ordinance and law.”

In noting these differences, I do not mean to beg the question of Plato’s position, nor do I mean, in characterizing the Athenian as closed, to suggest that he is dogmatic or unreasoning. On the contrary, in reaching his position he goes deeper than the suspicion of the ruled, and he provides the elements of a subtle psychological analysis. To the ruled, as the Eleatic reconstructs their position in the *Statesman*, their ruler or rulers lack knowledge *and instead* pursue their own interests; to the Athenian, by contrast, *even if one should somehow manage the immensely difficult task of achieving knowledge*, nonetheless, he should not be trusted to rule accordingly. For although he would know that “the common binds cities together whereas the private tears them apart” (875a6-7), “his mortal nature (ἡ θνητὴ φύσις) will always drive him towards getting more for himself and [advancing] his private interests (ἐπὶ πλεονεξίαν καὶ ἰδιοπραγίαν), causing him to flee pain irrationally and to pursue pleasure and to put both of these before what is more just and better” (875b6-8).

Earlier, reflecting on the Athenian’s tale of Cronus’ imposition of the rule of divinities, we asked what it is that the god knows about “human nature” that dooms to injustice any man’s effort to rule autocratically. In accepting private property and separate families, the Athenian appropriates the same divine knowledge — or, we could say equally well, in first crediting it to the god he declares as a noetic insight — that the community of pleasure and pain lies beyond our capacity as human beings. But while we cannot transcend the claim the private makes upon us in the form of the inescapable power of our own pleasures and pains, we can acknowledge this claim and attempt to put it in check. This brings us back to the double aspect of the idea of the “second-best.” For the Athenian Stranger, adopting the rule of law is itself the expression of this acknowledgment and, so — at least if we can follow through and craft good laws — “a dispensation of νοῦς.” Appreciating this should give us our bearings as, moving from tree to tree to tree in the forest of the *Laws*, we attend to the Athenian’s law-giving. In each case we need to try to ask: has he struck the mean between the divine and the

human, achieving the fullest possible internalization, in the order and life of our inescapably human community, of the rule of the god and the ethical priority of the common?

III. Towards an understanding of the force and structure of the text as a whole

Our third task, trying to grasp the force and structure¹³ of the text of the *Laws* as a whole, is forbiddingly difficult; doing it full justice in the space remaining is of course impossible. Nonetheless, there are at least two passages in which, however indirectly, the text itself seems to give us direction, and we can use these to make a beginning. Let me comment as succinctly as I can on each, then let them guide us in a first effort to make out the force and compositional structure of the Athenian's exegesis of the Magnesian constitution.

A. 811c-d: the poetic force of the discourse as a whole

The first to consider is the exchange at 811c-d in which the Athenian reports with a sense of delight that his speeches, considered in retrospect, suddenly look like divinely inspired poetry. Kleinias has just asked the Stranger what "model" (παράδειγμα) he might offer for the sort of "literature" (τὰ γράμματα) he would recommend for the young. Here is a translation of the passage:¹⁴

AS: It may well be that I've had a stroke of good luck.

K: In what regard?

AS: When I now look back at the reflections (λόγους) we've been working through from dawn to this very moment, and not, it appears to me, without some

¹³ For different approaches to the structure of the *Laws*, see Laks 2000, esp. section 2, and Voegelin 1957.

¹⁴ This passage provides a rich exhibition of the adage that translation is interpretation. Compare Saunders' alternative renderings of παντάπασι ποιήσει τιὸν προσομοίως as "just like a literary composition" and of οἶον ἀθρόους as "my 'collected works,' so to speak." Saunders' evocations of the literary and the editorial rather than the poetic at least open the way for the reading of the passage as Platonic irony on the Athenian's authorial pride that David Roochnik advances with such wit at the close of his essay in this volume.

inspiration from gods, they seem to me in every way to have been spoken like a work of poetry (παντάπασι ποιήσει τινὶ προσομοίως εἰρησθαι). No wonder, then, that a feeling of delight comes over me as I gaze at our own speeches (λόγους οἰκειούς) gathered, as it were, in close array (οἶον ἀθρόους); of all the many discourses I've listened to or studied, whether spoken in verse or in a free flow (χύδην) like ours, they appear to me the best measured, really (μετριώτατοί γε), and the most fitting of all for the young to hear.

What can the Athenian mean by his characterization of his λόγοι as “spoken like a work of poetry”? He is of course not referring to their diction, for he immediately contrasts them with λόγοι “spoken in verse.” If we focus just on content, we will be struck by the Athenian’s claim a bit later that “the [Magnesian] constitution is constructed as an imitation (μίμησις) of the noblest and best life, and this, we declare, is really the truest tragedy” (817b). But this, even while we will later see that the notion of the best life may indeed be relevant, is the wrong place to focus. In the passage itself the Athenian draws attention instead to the way, first, the discourses “are spoken” as, second, this presents itself in retrospect to him as, now, a reflective auditor; what’s more, he stresses that they now seem to have been “inspired by gods.” Shouldn’t this encourage us to think that Plato intends the written text to present itself with the force of good poetry, that is, as having the power to waken and inspire in its reader a certain vision that alters and reorients his sense of the way things are? But, to be stressed here, this force emerges *not* in the particulars — the syntax, for instance, or turns of phrase¹⁵ — of the Stranger’s speeches but rather *in the way, seen in retrospect, they fit together as a whole*; it is only when the Stranger steps back and lets the *full set of the day’s discourses come to view together*, “gathered, as it were, in close array,” that he is moved to appreciate their poetic force.¹⁶

¹⁵ Though taking this up here would lead us away from the focus the Athenian’s description of his retrospective experience suggests, the syntax and phrasing of the *Laws* are interesting topics. See Nails and Thesleff 2003 and, on the heavily periodic style of many of the “later” dialogues, including the *Laws*, that Thesleff calls *ongkos*, Thesleff 1967.

¹⁶ In the remaining reflections in this essay, I hope to contribute an idea that complements the arresting analysis of Nightingale 1993. She brings to focus the analogously unSocratic posture that the Athenian takes in addressing Kleinias and Megillus, that the legislator (as the Athenian portrays him) takes in addressing the Magnesians, and that Plato takes as he relates to the readers of the *Laws*: at each level the effort is not to liberate the one addressed for independent inquiry but rather to win his acceptance of the *quasi*-scriptural authority of the proposed laws. Though she recognizes the extensive stretches of argument in the *Laws*, she argues that they are meant to persuade, not to elicit the sort of destabilizing questioning so

B. 768d6-8: the interplay of structure and the process of understanding

If we are to share this appreciation, we too must try to step back and let the parts come together. But how? To see a text whole requires a recognition of the distinction and fit of its parts, and at least initially, the monstrous reach of the conversation resists such structural judgments, making them seem capricious. This difficulty makes the second of our two passages crucial: at 768d6-8, midway through Book VI, Plato appears to give us guiding language for the way the conversation, at least from the moment that the Athenian takes up the project of founding Magnesia, should be seen in its compositional totality. As we shall see, this language has a dynamism about it that makes it puzzling at first; but this dynamism, I will suggest, proves to reflect the phases of the process by which the text brings the reader to just that sort of visionary experience and retrospective understanding of the whole that the Athenian speaks of at 811c-d.

We should begin by locating 768d6-8 in its surrounding context: the Athenian has twice stressed that a constitution has two fundamental “aspects” (εἶδη), related as part and counterpart: the “offices” (ἄρχαί) of the state and the “laws” (νόμοι) by which the officers regulate the various practices that fall within their spheres. (See 735a and 751a.) The primary task of Book VI is to identify the “offices,” and at 768c he is nearing completion of this task; he has just given a sketch of the system of courts and is about to turn to “a sorting out of [the] δίκαι (suits and prosecutions)” that each will hear when he stops himself. Since δίκαι proceed on the basis of the “laws,” it would be better, he suggests, to suspend discussion of them until “the end of the law-giving.” He then gives us what I take to be the key sentence for identifying the dynamic structure of the *Laws* as a whole.¹⁷

often at the core of the dialogues. I suggest that this discursive work is consummated in, and the receptive reader’s grasp of it is oriented by, the visionary experience that, I will try to show, the *Laws* is structured to occasion.

¹⁷ I speak of “the structure of the *Laws* as a whole,” and not just of the discussion of the founding of Magnesia, because by having the Stranger focus on the latter in the key sentence that we will now consider, Plato marks off and includes what precedes the founding as a kind of stage-setting for it. Although I intend my remarks in Parts I and II of this essay as selective contributions to an understanding

In regard to each and all of the specifics of the entire constitutional ordering of the city, it isn't possible for the whole in its precise structure to become clear until our exegesis has proceeded *from [the] beginning* and, taking up *the things second in order* and *the middle things* and *all [of its] parts*, reaches *[the] end*.”¹⁸

On first hearing, the Athenian's designation of the parts through which one moves from the “beginning” to the “end” is puzzling. His phrase τὰ δεύτερα, “the things second in order,” suggests a linear movement “from the beginning” through enumerated stages — but if that were the whole story, we would expect to come next to the ‘third things,’ not to τὰ μέσα, “the middle things.” And again, τὰ μέσα suggests a three-fold composition, with the initial movement “from the beginning” to “the middle things” balanced by a final movement from “the middle things” to a final set of parts that compose “the end” — so it is a surprise to come, instead, to “all [the] parts,” not, that is, to a final third but, rather, to the whole *ensemble* of all the parts together.

What these moments of surprise give us occasion to recognize is that the Athenian, rather than simply distinguishing parts, speaks with reference to the process of moving through them. To mark the most obvious sense in which this is so: ἀρχή, “beginning,” connotes a source or what is primary, and a τέλος, “end,” is not just a terminal point but, rather, a goal or target that gives us a sense of direction along the way; to depart from an ἀρχή is to begin with an orienting sense of what is most important, and to move toward a τέλος is to approach completion or fulfillment. More deeply, the Athenian appears to be distinguishing the phases of this process by marking the changing sense or aspect under which the discourse itself and its contents will present themselves to us as we move through it. His language suggests we should expect two moments of transformation. In the first, as we move on from “the things second in order,” “the

of the context that Books I-III set for the discussion in IV-XII, I must leave for another occasion the task of a more comprehensive reading of the internal structure and content of I-III; following the lead of 768d6-8, I will concentrate instead on IV-XII.

¹⁸ Τὸ δὲ ὅλον καὶ ἀκριβὲς περὶ ἑνός τε καὶ πάντων τῶν κατὰ πόλιν καὶ πολιτικὴν πᾶσαν διοίκησιν οὐκ ἔστι γενέσθαι σαφές, πρὶν ἂν ἡ διέξοδος ἀπ' ἀρχῆς τὰ τε δεύτερα καὶ τὰ μέσα καὶ πάντα μέρη τὰ ἑαυτῆς ἀπολαβοῦσα πρὸς τέλος ἀφίκηται. (768d6-8) I follow Bury 1926 in preferring διοίκησιν, proposed by Ast and Schanz, over διοικήσεων.

beginning” and “the things second in order” together will be integrated as the first of the three, equally weighted and balanced moments of “beginning,” “middle,” and “end.” In the second, as, presumably, we move on from “the middle things” to the “end,” the latter will somehow give way to πάντα μέρη, “all [the] parts,” that is, again, the whole *ensemble* that the many “parts” make up together. Thus the Athenian points ahead to a moment when — to repeat for the moment his initially opaque phrase — τὸ ὅλον καὶ ἀκριβὲς, “the whole” and “[the] precise structure” of what it integrates, will first present themselves and “become clear.”

C. The structure of the “exegesis” and the vision of the whole that is its aim

Responding to the guidance of these two passages, 811c-d and 768d, we have two interrelated goals. First, can we discern in the Athenian’s “exegesis” of the Magnesians constitution each of the three phases that we have just distinguished? Second — and this will be to complete this first project —, can we identify the visionary experience of “the whole in its precise structure” that the Athenian aims the exegesis, “spoken like a work of poetry,” to occasion?

Let me begin by distinguishing the first two of the three phases. (1) *The nested hierarchy of movements from ἡ ἀρχή to τὰ δεύτερα, from the basic to the secondary.* We have already begun to see the sense in which a movement from ἡ ἀρχή to τὰ δεύτερα structures the first phase of the Athenian’s founding. As throughout the text, there are a number of digressions and, so, stops and “second starts” (723e) along the way, including, most notably, the reflection on preludes at 718a-723d; but this latter digression both provides the occasion for understanding the Athenian’s opening address to the assembly of Magnesians as itself a “prelude” to his law-giving (723d, 724a) and sets in relief the hierarchical structure by which, before and after the digression, he orders its content. He first works through a remarkable series of those others to whom virtue requires we attend, beginning with “the god” and “justice” (715e-716a) and descending in order from there through the Olympians, chthonic powers, δαίμονες, heroes, and ancestors to our parents (see 717b); then, resuming his prelude at the beginning of Book

V, he expands his focus to mark as “second” the soul (727a), as “third” the body (728d), and (presumably) as fourth, “money and property” (728e), and then, turning outward from children (as, presumably, one’s ownmost property), he moves from friends to fellow citizens to strangers, especially suppliants. Next, drawing on the superiority of the gods that he has just established, he moves from the “divine things” (732e), that is, those qualities of living — enumerated, once again, in a hierarchical series — that make for a virtuous life, to the “human things,” pleasure and pain and desire (732e), that should be subordinated to the divine, and he enumerates four pairs of lives, virtuous and vicious, that are and are not structured by that subordination. Finally, again characterizing this whole reflection as a “prelude” (734e), he turns to the material organization of Magnesia, offering a set of reflections on purges of the citizenry, division and allocation of the land, allowable ranges of private wealth, and so on. The whole complex of relations he has thus traced fits together, I suggest, as a kind of nested hierarchy, with the series of *relata* that begins from the god providing orientation for the turn from divine to human things, with this turn then providing orientation for the account of virtuous and vicious lives, and, finally, with this whole prelude on the subordinative order of moral and ethical life providing orientation for his turn to the material organization of the city.

(2) *Reaching τὰ μέσα, “the middle things”*: *the constitutional order of “offices” and “laws.”* The Athenian’s reflections on the material organization of the city, in turn, prepare the way for his exegesis of the two fundamental “aspects” of the constitutional order of the city, the “offices” (ἄρχαί) of the state and the “laws” (νόμοι) by which each group of officers is to govern in their designated domain. Under the heading of “offices,” the Athenian includes the caretakers of the legal order, at the level of the city as a whole the Guardians of the Laws and at the level of the tribes and classes the Council; the ranked hierarchy of military commanders; those charged with directing religious rites and festivals, the various custodians, priests, and mantics; those charged to monitor the several place-specific spheres of communal life, the Field and Market and City Regulators; and the Supervisor of Education. This first part of the exegesis takes up the opening section of Book VI, 751a-768d, breaking off with the Athenian’s decision at 768d to defer a full account of the δίκαι, the suits and prosecutions that will occupy the

courts, until “the end of the law-giving.” (For reasons we shall consider later, the Nocturnal Council is not introduced until Books IX and XII.) The exegesis of the “laws,” in turn, runs from that point on up to his promised return to δίκαι at the beginning of Book IX; by contrast with his treatment of δίκαι, which focuses on violations of the moral-ethical order and lays out negative laws and appropriate punishments, the exegesis of the laws in Books VI-VIII is essentially positive in character, laying out the normative practices in all the spheres of communal life — of education, religious ritual, military training, agriculture, the crafts and commerce, and so on — that the various officers have just been charged to oversee.

For a host of reasons, it seems evident that it is these exegeses of the offices and the positive laws in VI and VI-VIII that the Athenian has in mind in speaking of “the middle things” at 768d. As a balanced pair, they are a collective plural — hence τὰ μέσα, “*the middle things*.” As the positive core of the Magnesian constitution, they are central to the Athenian’s project, not “secondary” — indeed, they provide the specifically ‘political’ content of his exegesis and stand as the proper complement of the ‘moral-ethical’ content of the first phase. And, of course, they occupy the middle place in what they thereby mark as the three-fold unity of his full discourse, standing between the orienting ‘moral-ethical’ “prelude” and the treatment of δίκαι in (what, taking our cue from the Athenian’s deferral at 768d, he now appears to project as) the third and final part. In this final part we may expect to learn of the various violations of these normative practices and the juridical penalties by which potential violators are warned off and actual violators are corrected. Accordingly, whereas, on the one hand, the middle part’s detailing of the normative practices of communal life and its identification of those charged with directing and maintaining them fits together with the moral-ethical prelude as, roughly, a positive and specific explication with the general principles to be explicated, the middle part fits together with the (projected) treatment of δίκαι as, roughly, the positive and normative with its negation and restoration.¹⁹

¹⁹ Cf. Laks 2000, esp. section 6.

(3) *Remaining in step and/or breaking stride? The structural function of Books IX, X, and XI-XII.* Or so, certainly, it seems, as, following the Athenian, we move into Book IX. But we have already noted Plato's warning to us, through the Athenian's initially surprising language at 768d6-8, that the final phase of his exegesis will not just provide the last member of its three-fold unity but, beyond that, will in some way bring into view πάντα μέρη, "all [the] parts," and, so, "the whole in its precise structure." To put ourselves into position to see how this may be so, it is best to begin with a look at Books XI-XII, then return to IX-X.

[i] *Books XI-XII: the spheres of communal life, brought to view together.* We need to start by acknowledging a peculiar difficulty: interpreting the role of Books XI-XII in the *Laws* as a whole is complicated by the apparent fact that, at least up until the introduction of the Nocturnal Council at 960c, these pages not been subjected to a final drafting or even editing. The evidence for this is manifold: with the exception of a very few one-line utterances,²⁰ the text takes the form of straightforward expository prose, with no dialogue with Kleinias and Megillus and with none of the internal dramatization of the law-giver's address to the Magnesians that Plato has the Athenian make such frequent use of in I-X; nor is there any connective tissue to make for natural conversational transitions from the consideration of one topic to the consideration of the next;²¹ finally, at 953e-956b there is a veritable heap, seemingly random in sequence, of short declarative edicts on unrelated matters.²² This is not to say that there is no discernible order and grouping in XI-XII — on the contrary. But if it is true, as the state of the text up to 960c does suggest, that Plato never subjected them to a final drafting, then we have only that order and grouping, and none of the sort of rhetorical and dramatic cues that we do find everywhere else in the text (including, thankfully, in the

²⁰In Books XI-XII up to the discussion of the Nocturnal Council at 960c, Kleinias is given stand-alone one-line utterances at 918c8 and 951c5; a cluster of three one-line utterances at 931b1, b4, and d3; and a cluster of five one-line utterances at 922c6, c10, d3, d9, and e5. Megillus has no lines.

²¹ Detailing this would take the space of a full essay. But note the 28 two-line breaks that Pangle 1980 inserts throughout Books XI-XII in his translation.

²² The Athenian suggests codes addressing, in this order, pledging security, searches, statutes of limitations on claims, preventing a fellow citizen's appearances at trials and contests, receiving stolen goods, harboring exiles, making private war or peace, bribing officials, taxation, and votive offerings.

final section at 960c-end), to take our bearings from in seeking an understanding of how XI-XII fit into the *Laws* as a whole.

What, then, can we make out? There are two basic features to note. First, if we step back and survey the kinds and the sequence of the laws the Athenian proposes, we will see that he moves by family resemblance-style associations through four areas of communal life: at 913a-922a he lays out various principles governing *movable property and commercial “transactions”* (συμβολαίων, 913a), ranging from the prohibition of taking what belongs to another through restrictions on exchange and retail trade to the obligations binding craftsmen;²³ at 922a-932d, turning to the last important kind of “transaction,” wills (922b), he moves into *family law*, establishing rules of inheritance that preserve through death each family line’s allotment of land and various regulations for the associated matters of the treatment of orphans, the disowning of bad children and deranged parents, divorce, and the neglect and dishonoring of elderly parents; at 932e-938c he proposes laws in the area of *personal injury*, prohibiting and punishing poisoning, theft and physical injury, letting mad relatives run loose in the city, verbal abuse and ridicule, beggary, and — as interesting transitional cases into the next area — giving false testimony and hiring a professional orator as one’s advocate in court; and at 941a-953e he takes up a host of obligations that citizens have to the state when they operate as *its agents in official capacities* ranging from ambassador, herald, and soldier to officer and/or auditor of officers to attendant and performer at religious festivals to, finally, traveler abroad or receiver of visitors from abroad.²⁴ Second, this movement not only supplements the Athenian’s earlier treatments of production and commerce in Book

²³ His final topic is, strangely, the “wages” due to military experts as the “craftsmen [δημιουργῶν] of our security” (921d4) — namely, “honors.” (921d-922a)

²⁴ I deliberately forego further comment on 953e-956b and on the pages following this section and preceding the resumption of dialogue and introducing the Nocturnal Council at 960c. The former reads as a mere aggregate of items that are undeveloped in content and, so far as I can tell, not put in any significant order; I am tempted to think of this as, to resort to anachronism, a folder of items held in reserve for future consideration. The immediately following pages divide into short treatments of judicial procedure (including paragraphs on the three levels of courts, appeal processes, and jury selection) and funerals (958c-960b). The latter may be placed here in a playful mirroring of the life of the citizen with the trajectory of the dialogue itself; both are nearing their “ends,” their τελευτή (958d2) and their τέλος (960b5), respectively. But I wonder whether these sections shouldn’t be counted as two more items in the ‘folder’ of 953e-956b, which would then reach to 960b. Both passages lack dialogue form and any connective rhetoric that would link them and indicate a deliberate place in the flow of the text.

VIII, of the family in Books VI-VII, of bodily injury in Book IX, and of the duties of officers in Book VI — in doing so, it turns our attention back to these, and now, accordingly, not as regions of communal life to be grasped for the first time but rather, since we know them already, as aspects of this life to be considered in their interrelations.²⁵ Thus we pass from the sphere of material goods, craft production, and commerce, a sphere from which the citizens proper, denied participation in trade and the crafts, are largely banned, to the family, both the biological root of the citizenry and the legal bearer, in trust from the city, of the land as property, to the individuals who are materially supported and raised and nourished in the first two spheres; and here we move from the individual as patient, as the body and soul that must be protected from injury and insult, to the individual as agent of the community, exercising the duties of the various offices and so, in all the ways laid out in Book VI, taking responsibility for communal life itself.

Is it well-taken, then, to see in the grouping and sequence of topics in XI-XII the indication of Plato's plan to put "all [the] parts," πάντα μέρη, both of his exegesis and, correspondingly, of the city itself, before the reflective reader? But we should proceed slowly here; as consideration of Books IX-X and of the closing pages on the Nocturnal Council will bring to the fore, our picture is still incomplete in at least two crucial ways.

[ii] *Books IX-X: the god as measure of the city.* The first word of Book IX is Δίκαια. Thus the Athenian signals that he will now keep his earlier commitment to come back to a treatment of "suits and prosecutions" after having completed his exegesis of "offices" and the "laws" by which the various officers must govern. But this is not all. He begins IX with a discussion of "temple robberies" or — to give ἱερῶν ... συλήσεων (853e5-6) its more general sense — "plunder of the sacred," and he then devotes most of the book to the kinds of homicide; but as the Athenian makes clear in invoking the

²⁵ There is a further sense in which XI-XII may be seen as a kind of 'return.' As Eric Sanday shows in his illuminating discussion in this volume, the property-related crimes picked out by the laws in Book XI reflect a lapse or breakdown of the subordination of the private to the common, and the suits and prosecutions authorized on the basis of these laws aim to restore it. Analogous rhythms of lapse and restoration may be seen, I think, in the Athenian's treatments of family and of the person in Book XI and of communal agency in Book XII.

support of “mystery rites” and the traditional notions of pollution and purification at 870d-874d, homicide is a crime against the divine and, so, a class of impiety. Thus he sets the stage for Book X, the treatment of atheism in which he gives his extended proof for the existence of the gods. This proof is indeed, as Plato has Kleinias say, “a departure from the realm of law-giving” (νομοθεσίας ἐκτὸς ... βαίνειν, 891d7-8), but it is a departure that goes to the very heart of the Magnesian project; hence Plato also has Kleinias call the proof “just about the noblest and most excellent prelude our laws could have” (887b-c). The Athenian mounts a three-fold argument to show, first, that the gods exist — above all, that “soul which, availing itself of mind (νοῦν), [is] rightly a god to gods and guides all things to flourishing and what is right” (897b1-3)²⁶; second, that the gods “pay heed to” (φροντίζειν, 899d5) and “care for” (ἐπιμελοῦνται, 905d2) human affairs; and third, that they are “beyond being swayed” by special pleading in the form of sacrifices and prayers.²⁷ Thus he gives articulate content to the notion of “the god” that he began with in his first prelude to the Magnesians. In its care for all things, in particular all human things, and in its impartiality, this mindful soul is that figure of supreme goodness and justice, respectively,²⁸ that is therefore rightly the “measure of all things” (716c) and that, by the rule of law we institute for our communal life, we must “do all in [our] power to become like.”

²⁶ In fact, there is a dispute among editors about whether the phrase θεὸν ... θεοῖς, “a god to gods,” belongs to the original text or is a later revision; see the apparatus to the Oxford text, *ad loc.*, also Pangle 1980, p. 534, n. 22. I quote it here in order to provide occasion to acknowledge that there are a host of questions to be raised about the Athenian’s argument in Book X, with the relation of the soul that “avails itself of nous” to “the gods” only one among them. Others are: the sense of “virtue” as it applies to that soul; the distinction and relation of the astral gods and the Olympians who are the dominant figures in the ritual activities of the city and its twelve tribes; and the very senses in which, first, that soul may be understood to “care for” human affairs and, second, is available for prayers and sacrifices in the first place, in order to be beyond being swayed by partisan ones. Even while Plato has the Athenian formulate his arguments in ways that invite these and many other questions, he also has the Athenian ignore them, leaving them, as I put it in Part I, “beyond the horizon” of the conversation. Are they, however, beyond the horizon to which their “more precise education” will lead the Nocturnal Council? This is a question Plato seems to have the Athenian leave intriguingly open with his distinction between what “most of those in the city” and the members of the Nocturnal Council understand of the gods, at 966c, and with his closing deferral of a specification of the studies the Council members will pursue, made via his pun on ἀπόρητα and ἀπρόρητα, “indescribable” and “imprescribable” — see n. 5 above.

²⁷ See, for these three theses, 893b-899d, 899d-905d, 905d-907b, respectively.

²⁸ This is the significance of the second and third claims that Plato has Kleinias recognize and point out at 887b.

[iii] *Book XII, 960b-969d: the Nocturnal Council as “mind” and “sight” and “hearing” of the communal “animal” as a whole as, in turn, the likeness of the god.* If we now turn back to XI-XII, we can see the appropriateness of the Athenian’s ending with the presentation of the Nocturnal Council. In making his way through the regions of the life of the city, he has just reached the various ways in which its officers are the city’s agents, taking responsibility for its communal life. In the Nocturnal Council he reaches the epitome of this agency. But, strikingly, he leaves indeterminate the actions the Nocturnal Council may take, specifying instead the purpose and basis of its actions.²⁹ The Council is charged to be the “safeguard” of the city, making the rule of its laws “irreversible” (960d). The basis for whatever it may do to fulfill this purpose is two-fold. Its younger members will monitor present life in the city, serving as the “sight” and “hearing” (961d, also 964df.) for the elder members, who will provide “memories” (964e5) of its past. These elders, in turn, will be the “mind” (νοῦς) of the city, taking the lead in “deliberation” (βουλευέσθαι, 965a2) aimed at understanding, above all, the moral-ethical goal of the laws, the realization of virtue, and its religious basis, the gods (966c-d). To this end, the Council will receive a “more precise education” (ἀκριβεστέραν παιδείαν, 965b1) than the rest of the citizenry, focusing especially on the unity and diversity of virtue (965d-e) and on the arguments that establish the seniority and divinity of soul and the responsibility of “mind” (νοῦς) for the orderly arrangement of the heavenly bodies (966e).

These synoptic notes put us in position, at last, to appreciate the visionary experience that the Athenian aims the exegesis, “spoken like a work of poetry,” to

²⁹ This indeterminateness, combined with the Athenian’s failure to specify the institutional relationship of the Nocturnal Council to the “offices” laid out in Book VI, has allowed interpretation of the Council’s role in the city to vary widely. Bobonich 2002, 390-408, argues persuasively against seeing in the Council Plato’s last-minute re-instatement of anything like (to put this into my terms in Part II above) an autocracy of — thus read — the philosopher-kings of the *Republic* or the knowing statesman of the *Statesman*. This is too big a question to do justice to here, but a cautionary observation does seem timely: if one continues (as I do) to regard the *Laws* as setting these figures beyond the horizon of what is possible for its “second-best” city, then one must regard the Athenian’s recourse to the metaphor of the Nocturnal Council as “mind” and “sight” and “hearing” as part of his larger recourse to the metaphor of the city as an animal and, so, of his attempt to envision the unity of the city, and not an indication that the Council has absolute superiority over the city’s other organs and functions.

occasion. With his turn to the Nocturnal Council, he completes the gathering of “all [the] parts” of his exegesis and of the city. That he intends us to envision these *as* parts, he makes clear by his recourse to the metaphor of the city as an “animal” with “soul and head” — or, correlatively, “mind” and the faculties of “sight and hearing” (961d) — atop its “torso” (964d, 969b). And that he intends us to understand this living whole as aspiring for divinity, he makes clear by his specification of the aim of the studies that will occupy its “mind,” the understanding of virtue and of the cosmic soul and mind; accordingly, he calls the Nocturnal Council itself ὁ θεῖος ... σύλλογος, “the divine council” (969b2). Thus, first recalling us to the figure of the god in Book X and then gathering up the “parts” of the city in XI-XII, he invites us to experience “the almost completed waking vision” (σχεδὸν ὕπαρ ἀποτετελεσμένον, 969b5)³⁰ of Magnesia as a living whole that — in taking upon itself the work of caring for itself by the rule of law, hence with what is for human beings the fullest possible “mind,” goodness, and justice — strives to internalize the care and impartiality of the god. This pairing of the god and the law-governed agency of the community as measure and measured is the crux of “the whole in its precise structure.”

³⁰ Why does the Athenian say only *σχεδὸν ... ἀποτετελεσμένον*, “almost completed”? Because, presumably, he has not yet specified the studies that will constitute the “more precise education.” Note that Socrates in the *Republic* cites this notion of “precision” (*ἀκρίβεια*) numerous times as what distinguishes the “longer way,” the educational path of the philosopher-to-be — see 435d1 and 504b5, e1, and e3. The Athenian invokes the same notion seven times in distinguishing the understanding the members of the Nocturnal Council must, by their “more precise education,” achieve — see 965a6, b1, c1, c10, 967b2, and b3. Does Plato thereby point to the “longer way”?