
Ethics, Politics, and Criminality: Plato's Cosmological Perspective

Gerard Naddaf
York University

Abstract

In the Laws Plato argues that no one who believes in the gods would voluntarily commit a crime. Plato's view on the nature of the gods is radically different from the traditional Greek view which portrays the gods as human beings writ large. He advanced the opinion that the gods are not jealous, vindictive, greedy, and corruptible, but rather morally virtuous, incorruptible, and happy. This is reflected in Plato's law on impiety in Laws 10, which contends that any lawless, impious, or criminal act is due to one of three possible misunderstandings about the gods: 1. that the gods do not exist; 2. that the gods exist, but do not care for us; 3. that the gods are corruptible. While Plato is of the opinion that the third heresy is the worse of all, since the gods are (or must be) the models of virtue and happiness for the political community, he must first demonstrate that the gods exist and then that they care for us. The atheism that Plato confronts was a consequence of natural philosophy or more precisely, of the way it developed following the birth of philosophy. While the notion of divinity was inherent in the concept of "phusis" (nature) from the very first Greek cosmologies, the fact remains that for the "phusiologi" the order that makes our world a cosmos is natural, that is, immanent in nature, and thus explicable without recourse to an intentional cause. In the Laws, Plato asserts that atheism is a disease that recurs periodically and that afflicts a certain number of minds. The cause of atheism is not, according to Plato, the inability to master pleasures and desires but rather the "phusiologi" and their writings, which contend that the law and morality guaranteed by the gods do not exist by nature but derive from convention. An influential part of the intelligentsia seized upon these theories and concluded in word and deed that one's egoistic passions should not be restricted and that the behaviour of the gods of traditional religion did indeed constitute models to follow. In this article, an attempt is made to show how Plato's ethics, politics, and cure for crime in the Laws are grounded in his counter-cosmological perspective, which he feels is based on arguments that will be acceptable to all.

The *Laws*, Plato's last and longest work, has been called the "first work of genuine political philosophy in the Western tradition" in the sense that it combines "an investigation into the foundations of legislation with the concrete elaboration of detailed laws."¹ In contrast, in the *Republic* legislation is almost entirely absent and for good reason. The state of the *Republic*, Callipolis, is governed by the unfettered discretion of philosopher kings, who exercise direct and total political control contingent on expert knowledge of certain suprasensible, eternal, and immutable realities called Forms. The *Republic*, of course, is perhaps the most radical political system – from even a theoretical perspective – ever devised, and it is not surprising that little if anything has been retained in modern political theory and practice, at least in light of present-day democratic thinking.

The *Laws*, on the other hand, articulates for the first time a number of positive philosophical concepts that have proved of enduring value. These include the rule of law, the mixed constitution, the legislative preamble, punishment as a cure, and the notion that absolute power corrupts absolutely. It is not clear Plato ever realistically thought that the cure of human ills was contingent on philosophers becoming kings or kings philosophers. What is clear is that in the *Laws* the idea of a state governed by the unfettered discretion of philosopher-kings is treated as wishful thinking (712a, 739a-b, 875c-d; see also *Politicus* 293c-d, 301d).²

Plato calls the Magnesia of the *Laws* *deuteros timia* or "second best" in comparison to Callipolis, the ideal city of the *Republic*.³ What Plato understands by "second best" is a written code of laws. Thus in Magnesia the real hero is not the philosopher king wielding absolute power but rather the *nomothetes* or legislator,⁴ who in Plato's scheme abdicates after formulating the code of law. It is left to future administrators of the laws to work out the details of the laws' application through experience (772b2). After every detail has been worked out, Plato argues, the laws must be made immutable (*akineta*, 775c5, see also 798b1, 846c7, 890a-891b, 957b4).

The laws, in other words, must become as unchanging as the cosmic principle governing the movements of the heavenly bodies (822a).⁵ In this article, I want to follow Plato's thinking on this point and show how Plato's ethics, politics, and cure for crime in the *Laws* are grounded in cosmology. I wish to show that Plato's purpose in doing so is to ground law in the science of astronomy – that is, in information that, unlike the Forms which only a few elect philosophers can apprehend, is accessible to some degree to everyone.

Let's begin with the type of constitution that Plato proposes for Magnesia and then examine how Plato proposes to educate the citizens so that they conform to this model, then on to punishment.

The first word to appear in Plato's *Laws* is *theos*, or god, and it soon turns out to be the foundation of his legislation. Although Plato does not use

the word "theocracy" to characterize the constitution of Magnesia, it is clearly indicated in the following passage: "The state is named after the ruling class in each state. Now if that's the sort of principle on which your new state is to be named, it should be called after the god who really does rule over men who are rational" (*Laws* 4. 713a). What Plato understands by "God" here is *nous*, that is immortal "reason" or "intelligence." Humans meanwhile share in this divine reason, and "reason" we are told, is what distributes "law" to humans to enable them to run their states (law is thus the embodiment of reason). Whence this famous quotation: "We should run our public and our private life, our homes and our cities, in obedience to what little spark of immortality lies in us, and dignify this distribution of reason with the name of 'law'" (*Laws* 4.713e).

In his initial address to the future colonists of Magnesia (715e-718a), the legislator reminds them that "God" rather than "man" is the measure of all things (716c), and what "God" recommends first and foremost is the principle (*logos*) of moderation (*sophron*, 716d1). The principle of moderation is arguably the central virtue of Magnesia. However, from a political perspective, Plato argues that this principle of moderation can only be maintained in the context of a "mixed constitution," that is, one in which there is a judicious balance between the authority of the ruler and the liberty of the subjects (693d-e; 756e, 759b). Since rulers and subjects must see the political *metrion* as distinct from their personal wishes, the laws will be the real sovereign of such a state, for they express the conditions of the *to koinon*, that is, the "common good."

Human beings, unlike the God (or gods), are a combination of soul and body and, as such, are composed of both rational and irrational elements. Plato insists that man's holiest possession is his soul (5.726eff). Soul, our divine immortal element, is both stronger and superior to the body and is thus its master. There are "goods" proper to the soul and goods proper to the body, and the former must always be considered superior to the later. The legislator *knows* what these goods are and so his recommendations and advice *must* be followed (727c).

The legislator of the *Laws* is a political demiurge analogous to the craftsmen-demiurge who creates the world in Plato's *Timaeus*. In both cases, the craftsman has a model and fashions his materials so that they conform to it. In both instances, it seems that the craftsman knows his materials well, but, because the materials "pre-exist" the intervention of the craftsman, there is always a degree of recalcitrance or resistance in them. In response to the potential for resistance, the legislator-demiurge searches for institutions (such as assembly and council) which the future citizens of Magnesia find acceptable but which can be improved upon. As an example, Plato skilfully creates an acceptable political mediation by blending the democratic

institutions which assure the participation and representation of the entire citizen body with monarchical institutions which guarantee the exercise of competence. In conjunction with this, the vast majority of magistrates are selected through elections in which the entire citizen-body participates.⁶

The ultimate end of man and the state is *eudaimonia* or happiness and *eudaimonia* is dependent on *arete* or moral virtue. Indeed, for Plato the highest good is to become and remain as virtuous as possible, that is, as godlike as possible (707d). This is the case for the entire citizen body, and not just, as in the *Republic*, for the philosopher kings. The primary object of legislation is thus the moral education of the citizens (*Laws* 631a).⁷ Indeed, the real task of the legislator is not to make laws but to educate the citizens (see 857c-e). The minister of education is to be the most important magistrate in the state (765e), and the laws themselves will be the primary educational text. But how does the legislator-demiurge propose to do this?

Plato contends that "when men investigate legislation, they investigate almost exclusively pleasures and pains as they affect society and the character of the individual" (*Laws* 636b).⁸

Education is first and foremost about "control" of pleasure and pain.⁹ Indeed, Plato is quite explicit that it is through pleasure and pain that virtue and vice enter the soul, and since these are the earliest sensations to which a child is exposed (653a), education is the correct formation of pleasure and pain (653c). Education is thus a matter of channeling pleasure and pain in the correct direction before a child can even understand the reason why (653b), and when he does understand, reason and emotions must agree in telling him that he has been properly trained with the inculcation of the appropriate habits (654b). Consequently, virtue is characterized as a concord of reason and emotion. We have been correctly educated when we hate what we ought to hate and love what we ought to love, that is, what the legislator endorses from beginning to end (653c).

Plato compares man to a marionette (*tauma*, 644d). In the famous analogy, pleasure and pain, that is, our irrational impulses, are presented as rugged and inflexible iron-like cords that pull us in all directions. However, there is also the "golden cord" of reason (*logismos*), that Plato identifies with the "common law" (*koinos nomos*) of the city. Since the "golden cord" is gentle and nonviolent rather than tough and inflexible, it needs assistants or servants (*huperetai*) so that "the gold in us may prevail over the other substances" (645a). In other words, for the citizens to be motivated to accept the "rational principles" on which the laws are based, and consequently to follow the laws themselves, their feelings must be aligned to assist their laws, so that all the cords, as it were, pull in the same direction. This is one of the primary functions of the legislative preamble (to which I will return), but he also has other devices in mind.

Plato contends that the best way to ensure that pleasure and pain are experienced in relation to the appropriate objects is through song and dance (653e-656b). All young things find it virtually impossible, Plato notes, to keep their bodies still and their tongues quiet (644e; 789c-d).¹⁰ However unlike other animals, humans can translate this natural restlessness into a sense of order through rhythm and harmony, which he sees as a gift of the gods. Song and dance are thus natural.

As I noted at the beginning of this paper, for Plato, all laws must become immutable like the unchanging movements of the heavenly bodies. Because such immutability depends upon writing, all laws must be "written laws." It is not then surprising that Plato insists that the future citizens of the state must learn to read and write when they are children (810b). Reading and writing will help the children to "memorize" the code of "written laws" (see *Protagoras* 325e-326c). They also assure that there is *no* room for improvisation (722c, 798a-c). But what is surprising is that Plato then insists that the written laws must be set to music – a music that, like the laws themselves, must *never* be changed – and not only sung but also danced to in a chorus with the accompaniment of the lyre, which is compulsory for all (812a-e). In other words, the written laws must be poetized and set to music and therefore "performed" in a fashion reminiscent of Homeric oral poetry.¹¹ Songs and dances are so important as an instrument of education that Plato defines the educated man as one who has learned to sing and dance well (654b).

Plato informs us that the inspiration behind his "innovation" of setting law to music is Egypt – we thus have an African connection here – where political and moral stability are intimately connected with the fact that the Egyptians displayed in their temples the musical *and* political laws (*nomoi*) to which the citizens had to adhere (656d). Plato clearly wants to follow the Egyptian model (657b). He is convinced that there ought to be an intimate connection between the laws of a people *and* the songs that it sings (722d-e, 799e, 800a). Thus at *Laws* 800a, the legislator says: "Let's assume we've agreed on the paradox: our songs have turned into 'nomes' (or laws) ... let's adopt this as our general agreed policy, no one shall sing a note, or perform dance-movements, other than those in the canon of public songs, sacred music, and the general body of chorus performances of the young – any more than he would violate any other 'nome' or law."¹²

As I noted above, one of Plato's positive lasting ideas is the legislative preamble, that is, the notion that each and every law proper must be preceded by a preamble. Contrary to the law which constitutes a command or a prohibition, preambles, which are meant to defend the prescriptions, are explanatory and their language is meant to be informative and persuasive.¹³ Although Plato often employs the word "enchantment" to

characterize this type of "persuasion," in the final analysis there is a fusion, as Morrow notes, between rational insight and emotion.¹⁴ The preambles constitute a compromise of sorts between the rational and irrational elements (Laks 277). There are, to be sure, other forms of enchantment in the art of leading the souls (*psuchagogia*) toward a virtuous and happy life. These include (but are not restricted to) the effective use of public repudiation (or shame), praise, blame, myths, and both argumentative and non-argumentative forms of discourse.

One can get the impression that the citizens of Magnesia are so thoroughly conditioned by education and training that they would never commit an injustice. However, although Magnesia is in a sense an "idea," it is nonetheless realistic and practical and it can thus anticipate having crimes and criminals. The state thus requires a penal code, and Plato devotes a considerable amount of space to this enterprise.

I would like to focus briefly on Plato's innovative approach to punishment. The purpose of punishment for Plato is not primarily to deter the offender by the prospect of further suffering but to cure him of a "psychic" injustice, a "disease" that like a medical disease he cannot have chosen to contract.¹⁵ For bad moral states, like bad physical states, are disadvantageous to their possessors; therefore, "no one is evil voluntarily" (860d, 734b, 731c).¹⁶

The Magnesian jurors must always ask with regard to a convicted offender: "What does the damage or injury tell us about the state of his soul and what penalty does he deserve to undergo to cure it?"¹⁷ Despite the forward looking, medically inspired language of cure that permeates the penal theory, to cure the offender, *any* measure, whether painful or not, may be used.¹⁸ Moreover, some crimes are seen as so abominable, such as temple robbing (854a-855c), that the crime is seen as "incurable" and thus merits the death penalty.¹⁹

The worse crime which Plato's medical penology seeks to deter is atheism, for atheism by definition contests the very essence of a theologically based legislation. This brings me to Plato's cosmological perspective.

In *Laws* 10, Plato contends that people would never *voluntarily* commit any lawless or impious act unless they held one of three possible misunderstandings about the gods: (1) that the gods do not exist; (2) that the gods exist, but do not care for us; (3) that the gods are corruptible. While Plato is of the opinion that the third heresy is the worse of all, since the gods *are* (or must be) the models of virtue and happiness for the political community, he must first demonstrate that the gods exist and then that they care for us.²⁰ Plato explicitly notes that "such a demonstration would constitute just about the best and finest preamble our penal code could have" (887c).

According to Plato, atheism is a disease which recurs periodically and which afflicts a certain number of minds (*Laws* 888b). The cause of atheism is not the inability to master pleasures and desires (*Laws* 886a-b) but rather the ancient and modern speculative theories to which the atheists appeal. According to these theories, law, morality and the gods are in no way natural, but merely the products of human convention (888d-890a).

In other words, atheism is not so much a sign of moral failure as it is of intellectual confusion. It is therefore necessary to persuade and to teach the atheists by means of sufficient proofs (*tekmeria ikana*) that the gods exist (*hos eisi theisi*: *Laws* 885d2-3).

Before beginning his demonstration, Plato briefly explains the position of his adversaries in the form of an *historia peri phuseos* (an account which describes and explains how the present order of things, that is, the world, humanity, and society, originated and developed from a primordial state, see *Laws* 888d-890d).²¹ According to his adversaries, whom he considers atheistic materialists, the present order of things emerged by chance (*tuche*) from four primary *inanimate* (*apsucha*) elements or principles: earth, air, water, and fire (889b). This is what the materialists understand by *phusis* or nature (891c). In order to demonstrate divine existence and providence – the true guarantors for the State and its laws – Plato has recourse to versions of two famous arguments, the cosmological and the physico-teleological, both of which are needed to defend his position.²² Plato employs the cosmological argument to show that the soul (*psuche*), which his adversaries hold to be a product of the four elements, is in fact prior to them. Indeed, Plato connects *phusis* more with soul than with the four soulless (*apsucha*) elements. Soul is movement that moves itself, and only such a movement can be the primary source of generation; for it is prior, in existence and in dignity, to the series of movements transmitted by bodies. Consequently, if the universe was really generated, it is impossible according to Plato that the present order of things was able to emerge from its initial state without the initial impetus of a moving principle, a principle which is identified with *phusis* as *arche* (or nature as principle) and which, if it were to cease to act, would bring about the end of the universe (*Laws* 895a5-b1). In short, without soul, the primordial state of things would forever remain inert.

However, this first argument is not sufficient, for soul is not the supreme principle that Plato has in mind when he thinks of God. Indeed, soul is neutral and as such it is susceptible to good or evil depending on the circumstances. Now since God or the divine is by nature good, Plato must determine which principle will assure the goodness of the soul. This principle is obviously *nous* (reason or intelligence), which is exhibited in the harmony it establishes and sustains in the visible motion of the natural world (see *Laws* 966e).

This, however, remains to be demonstrated, and doing so is precisely the aim of the physico-teleological argument. This demonstration depends essentially on one thing: its ability to prove that the movements of the heavenly bodies are of the same nature of those of *nous*, that is, circular, uniform, and constant (898a-b). But how does one go about this? Plato supposes that a simple observation of the heavenly bodies will suffice to convince one that their movements and those of the intellect are identical and, consequently, that it is the *ariste psuche* or the "best soul" (identified with God) which cares for the entire universe (897c; 898c).

However, in reality, the demonstration is much more complex. Observational astronomy reveals that the movements of the heavenly bodies are not regular, but wandering. Mathematical astronomy, on the other hand, can show that the heavenly bodies move in circles or, what amount to the same thing, intelligently. Indeed, in *Laws* 821e Plato affirms that the paradox of the irregular motion of bodies has only recently been resolved and that astronomy can now be considered as a science which is "noble, true, beneficial to society and completely acceptable to God." Mathematical astronomy successfully demonstrates that each planet has a geometric trajectory that corresponds to the movements determined by observational astronomy. In the final analysis, it is astronomy which enables the physico-teleological argument to prove that the soul which animates the heavenly bodies is necessarily good, something the cosmological argument could not successfully prove.

Astronomy now confirms the conviction of those who believe that the universe as a whole is the product of a rational design. Once this demonstration is assured, Plato can affirm, as he did in the *Timaeus*, that the rule of life consists in imitating, as perfectly as possible, the sensible world that surrounds him. In sum, the human soul must imitate the movements of the world soul, which are manifested in the form of the perfectly circular and uniform movements of the heavenly bodies: the visible gods.²³ This is also what the legislator-demiurge is endeavoring to do in the *Laws* through education.

Plato meanwhile is not convinced that his arguments for the immortality of the soul and for God's existence suffice to demonstrate divine providence. He feels that another argument is needed to account for the relation between the universe and ourselves. This argument is dependent on the cosmological (and teleological) argument.

Plato begins with the reminder that the argument that the *ariste psuche* or "best soul" takes care of the universe (900d) demonstrates, on the basis of empirical evidence, that there is a divine providence, and that the gods are good (*agathoi*) and necessarily virtuous. As for shameful and impious acts, these can only be attributed to humans. But we still do not know if the

gods neglect small things (i.e., us) in favor of big things (i.e., the heavenly bodies). We do know, he contends, that the gods by definition know, see, and hear all things. Consequently, if the gods were to neglect the little things, this could only be due to negligence or indolence; but these are qualities that are unworthy of gods; they must therefore take care of the little things. Moreover, he continues, just as a mason knows that big stones don't fit well without little stones, the neglect of small things by the gods would lead to a failure of the whole. We can thus conclude that the gods do indeed care for us.

The same ideas are found in the eschatological myth which follows these arguments (903b-905d). Indeed, the myth is an integral part of this preamble and is again grounded in Plato's cosmological perspective. While the previous arguments are meant to appeal to the rational element of the human soul, the myth is meant to appeal to the emotional/irrational element. The myth begins with the reason for which the gods *must* take care of us: each part, as insignificant as it might be, is made with the perfection of the whole in mind and, by virtue of our common origin, each one of us is part of this whole (903d2-3; see also 902b4-5). Consequently, just as the State does not exist for the sake of the individual, but the individual for the state, the whole does not exist for the sake of its part (or of the individual), but the part for the sake of the whole (903c5). Humans therefore have no privileged place in the universe. From this perspective, a sort of providential determinism (or rigorous necessity) governs the universe. God is described as having a synoptical vision of what is best for the universe as a whole (904a).²⁴ Thus, according to Plato, providence has taken steps in deciding the sort of position (*poian hedran*) and in what regions (*tinias topous*) our souls should reside after death in order that the victory of good and the defeat of evil will be assured throughout the universe (904b).²⁵

Providence does not, however, prevent each individual from being responsible for his or her voluntary actions (*tais boulesesin*, 904c1). Thus, during terrestrial existence, individuals must learn to dominate the mortal parts of their soul that determine their character. Likewise, the relocation of souls is always determined according to the quality or character of the soul at the time of death. Souls automatically move about according to the order and law of destiny (904b7; 903e1). According to the description that Plato provides, the soul moves to that area of *physical space* that corresponds to the character for which it has assumed responsibility during its life (904e6-905a1).²⁶ Punishment and destiny are in a certain sense natural (904e7) and thus an integral part of the cosmological perspective.

This in a nutshell is what I understand Plato's cosmological perspective to be. It is this grounding of ethics, politics, and criminality in cosmology that

is of paramount importance to our comprehension of what I consider Plato's most original work on political philosophy.

In guise of a conclusion, I would like also to respond to Father Smangaliso Mkhathshwa's challenge in his opening remarks with regard to how the participants in this congress (in particular, I assume, those working in the area of ancient Greek philosophy) can go beyond the normal esoteric theoretical discussions and actually influence in a positive and practical way, the politics, ethics and behaviour of the citizens of Africa in general and South Africa in particular. More precisely how can the average citizen in an impoverished country profit from this congress. For the case at hand, I can only talk for myself.

Plato is too often associated (sometimes exclusively) with the ideal state of the *Republic* in which the state is governed, as I noted above, by the unfettered discretion of philosopher kings who wield absolute political power based on expert knowledge of immutable realities called Forms. What can be more esoteric! Indeed, the *Republic* is often portrayed as defending a totalitarian regime and given the socio-political structure that it advocates, it could be interpreted as supporting a regime that has similarities with the apartheid past of South Africa. There is however a tendency to ignore that Plato himself suggests that the people are correct (and history is on their side) to assume that absolute power corrupts absolutely.

Plato strongly advocates – and this is accessible to the population at large – that the rule of law is the only fair and reasonable solution in a country or a world in which no individual can be entrusted with unfettered absolute power whatever their credentials. Plato associates “law” with the dispensation of “reason” and “reason” is a faculty in which “all” human beings participate. In conjunction with this, Plato argues (from historical experience) that the most important political virtue is “moderation” and that the best constitution is the one that blends the democratic and monarchical institutions so that while the entire citizen body is represented and participates in the political process, the magistracies which are elected and not appointed, will fall to those who have demonstrated the highest moral integrity and intellectual competence. As Plato notes, this is only achievable if *all* the citizens have access to the same and best possible political and moral education. This is not a piece of “esoteric” advice! In fact, when I read over and ponder Father Smangaliso Mkhathshwa's opening remarks I am struck by the surprising number of overlapping fundamental practical applications for the African experience that are found in Plato's *Laws*. Plato and Father Mkhathshwa both put the accent on the common good; both see injustice is a disease of the soul; both agree that the accent must be placed on communal rather than individual existence; both agree (or would agree) that song and dance are crucial educational devices; both would agree that

an imbalance in the distribution of wealth is a recipe for disaster and so on. In fact, I am confident that they would both agree that the rhythms of nature are testimony to a special guiding power. But on this important point, I am purely speculating! In any event, I agree with Father Mkhathshwa that learned papers can and often do turn out to be esoteric theoretical discussions in particular as they concern the average citizen. This was certainly not Plato's intention in the *Laws* and I hope, for my part, to have also avoided the pitfall.

Endnotes

1. See André Laks, "The *Laws*," in *The Cambridge History of Greek and Roman Political Thought*, ed. Christopher Rowe and Malcolm Schofield (Cambridge: Cambridge University Press, 2000), 258.

2. Plato also contends that Callipolis has *nomoi aristoi* (739b8-c1) or the "best laws." This seems odd if we consider, as noted above, that legislation in the *Republic* is almost nonexistent due to the unfettered freedom of the philosopher kings (*Republic* 4.425a-427a).

3. *Laws* 739a4; 739b3; 739e4; 875d3; it is also noted in the *Politicus* (297e and 300c) that a good code of laws is the "second best" form of government.

4. Even when the well-behaved *turannos* was in power, the legislator was to be his guide (*Laws* 710c-711a).

5. In the *Politicus* (293e, 297c, 301a) we are told that laws are to be imitations of truth that is, of the best constitution and as such they should not be changed. Plato's *Politicus* has in fact prepared us somewhat for the shocking novelty of the *Laws* in which law is to supreme. The person with expert knowledge of the political art (that is, the philosophical statesman) would always be justified in overriding a code of law because laws lack the necessary flexibility to cater properly to the multifarious conditions of human life (as an analogy, Plato uses the example of doctors and steermen and the consequences were they to operate solely by the book). However, if there is no true and expert statesman available to revise a code of law, it is best to maintain and enforce without any variation the existing code, that is, the code that preserves the "traces" of the expertise of the philosophical statesman (*Politicus* 301e). My interpretation, which draws its inspiration from Rowe ("The *Politicus* and Other Dialogues," in *The Cambridge History of Greek and Roman Political Thought*, ed. Rowe and Schofield, 246-50; see also J. B. Skemp, *Plato: The Statesman* [London: Routledge 1952], 49) is that unless the imitation draws its inspiration from the best and thus the expertise of the philosophical statesman, it is difficult to reconcile the notion of an imitation of the best with those who lack the necessary expertise (see *Politicus* 300c-e).

6. A notable exception is the famous Nocturnal Council. For a discussion see, Luc Brisson, "Le Collège de veille (*nukterinos sullogos*)," in F. Lisi, ed., *Plato's Laws and its Historical Significance: Selected Papers from the I International Congress on Ancient Thought* ([Salamanca] Sank Augustin: Academia Verlag, 2000), 161-77.

7. In the *Republic* human happiness or *eudaimonia* is contingent on possessing virtue or *arete*, and to possess virtue requires knowledge of its Form, which, in turn, is a philosophical activity. (Ditto for the "ideal ruler" in the *Politicus*.) Morality and politics are

thus dependent on philosophy. There is a sharp difference, as Trevor Saunders correctly notes, in the *Laws* ("Plato's Later Political Thought," in *The Cambridge Companion to Plato*, ed. R. Kraut [Cambridge: Cambridge University Press, 2002], 465).

8. "Pleasure and pain," he continues, "flow like two springs released by nature. If a man draws the right amount from the right ones at the right time, he lives a happy life; but if he draws unintelligently at the wrong time, his life will be rather different. State and individual and every living being are on the same footing here" (*Laws* 636d-e trans. Saunders).

9. Plato characterizes pleasure and pain as "a pair of witless and mutually antagonistic advisors" and connects them with "confidence" and "fear" respectively (*Laws* 644c-d).

10. This is also found in the *Timaeus* (42a-b, 43a-d, 44a-b), where the same theme is again related to pleasures and pains. The initial state of a child's soul is not unlike the state of the universe before the intervention of the demiurge.

11. For the details, see Gerard Naddaf, "Literacy and Poetic Performance in Plato's *Laws*," *Ancient Philosophy* 20(2000): 339-50.

12. Musical compositions were originally called *nomoi* in ancient Greece.

13. As André Laks ("The *Laws*," 277) notes: "law is [thus] a form of violence imposed by reason on the irrationality of the desires."

14. Glen Morrow, *Plato's Cretan City: A Historical Interpretation of the Laws*. Princeton: Princeton University Press, 1960, 557-58.

15. As Trevor Saunders shows in his seminal *Plato's Penal Code: Tradition, Controversy, and Reform in Greek Penology* (Oxford: Clarendon Press, 1991), the aim of punishment is to make the criminal a better man, that is, to change the criminal's conduct and character. There are no restrictions on the appropriate measure to attain this end; they include: honor, gifts, speech, suffering, and disgrace.

16. The famous Socratic paradox "no one does wrong willingly" depends on two assumptions: (1) that doing wrong is less advantageous to the agent than doing right; (2) that the state of mind that leads to wrong action, therefore, cannot have been chosen by him. Any wrong act that he commits is therefore involuntary, in that it springs from a state of mind that has been acquired against his will, i.e., his "real" will (or soul) as it would have been if he had *known* that that mental state was not in his interests. I borrow here Saunders's succinct summary (*Plato's Penal Code*, 143).

17. Saunders, *Plato's Penal Code*, 473.

18. Plato borrows much from contemporary Attic law and so the penalties are at times not exactly forward looking. For the details, see Saunders, *Plato's Penal Code*.

19. The source of this incurable sacrilege is connected with an unjust act that occurred in a previous life and remained unexpiated (854b-c). Indeed, given the education that a citizen would have enjoyed, Plato believed that it is inconceivable that he/she could commit such a crime. It is precisely because slaves or foreigners would not have enjoyed the same education that they are not condemned to death (854d).

20. Given the amount of social control in Magnesia, it is unclear how atheism (or even agnosticism) would have been able to germinate. But since Plato's state is contingent on a belief in a wholly good providential God, Plato may have felt compelled to demonstrate it with acceptable arguments. However, as we shall see, it is also true that

astronomy (a study of which is mandatory to some degree for all), will replace dialectic as the discipline par excellence.

21. On the meaning of *historia peri phuseos*, see Gerard Naddaf, *The Greek Concept of Nature* (Albany: State University of New York Press, 2005). I develop in detail what follows in another forthcoming book on Plato and the concept of nature. A taste of this can be found in my recent "Plato: The Creator of Natural Theology," *International Studies in Philosophy* 36, no. 1 (2004): 129-54.

22. In the final analysis (as we will see below), Plato wants to demonstrate two doctrines which encourage the belief in god and which are summarized in *Laws* 12 966e: (1) that the soul is older than any created thing, and that it is immortal and controls the entire world; (2) that reason (*nous*) is the supreme power in the universe.

23. The structure of city of the *Laws* is circular because it is based on the movements of the celestial bodies and therefore on the cosmological model (*Laws* 745b-e).

24. He is called the king (*basileus*, 904a6), checkers-player (*petteutes*, 903d5-6), world supervisor (*ho tou pantos epimeloumenos* 903b3-4).

25. Plato summarizes at 904c the three positions he defends in this myth: (1) all things that have soul change; (2) the cause of this change resides in our choices; (3) in changing, the soul moves in conformity with the ordinance and law of destiny (after death).

26. Judgment after death is in fact eliminated, for the "mover of the pieces" or checkers player. (*petteutes*, 903d5-6) merely weighs the souls (P.-M. Schuhl, *La fabulation platonicienne* [Paris: Alcan, 1947], 105-108). But how does the soul move in space (*chora*) after death? If, during its earthly life, the soul has only experienced minor character changes, it will move horizontally. If it led a truly unjust life, it will set out on the path to the depths of Hades, that is, in the lower regions (*topoi*) of the universe (904d). Alternatively, if it led a life of divine virtue, it will follow a holy path to a higher or superior region (*topos* 904d8; see 904b).