AN INTERPRETATION OF THE LAWS: PLATO’S SONG AND DANCE
'Twas a good Fancy of an old Platonic: the Gods which are above Men, had something whereof Man did partake, an Intellect, Knowledge, and the Gods kept on their course quietly. The Beasts, which are below Man, had something whereof Man did partake, Sense and Growth, and the Beasts lived quietly in their way. But Man had something in him, whereof neither God nor Beast did partake, which gave him all the Trouble, and made all Confusion in the World; and that is Opinion.

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Every Platonic dialogue represents the relation being has to soul. The disparity between what something is and how an opinion or opinions about it show up in someone of a particular character is always the engine of any Platonic argument. Glaucon's request to Socrates, that he show what justice and injustice severally are and what power each has in the soul, can be said to be paradigmatic for every dialogue, even if the issue is not stated with such clarity everywhere. Glaucon's question ultimately takes the form of the relation between being and the good, but it is of the greatest importance that Glaucon did not know that that question lurked behind the difference between his table of goods and his account of justice and injustice (cf. Republic 504e7-505a4). The question what is being and nonbeing, to which the Eleatic Stranger comes after Theaetetus has not discerned the difference between Socrates, the sophist noble by descent, and the sophist he is to
discover in his separateness from the philosopher, turns out to be inseparable from the question of soul and mind, even though it seems that the Stranger intends to lead Theaetetus to the problem of being without inducing in him the experiences of deception and enlightenment (Sophist 234d2-e6). The question, what is the holy, which Socrates discusses with Buthyphro, cannot be separated from piety, and hence from the power the holy has on the soul, even though the word "soul" never appears in the Euthyphro: the self-righteous, funny, and mystical Euthyphro makes up for its absence. Timaeus's cosmology has psychology at its core no less than the Republic's psychology has ontology. At first glance, the Laws seems to be an exception to this general rule. In the Minos Socrates says at the beginning, "Law wants to be the discovery of what is," and at the end he is ashamed to confess he cannot answer this question: "What in the world are those things that make the soul better when the good legislator and shepherd [distributor] distributes them to it?" (Minos 315a2-3; 321d1-3). The Laws seems to be the answer to Socrates' question, but without subscribing to or explicating Socrates' definition of law. The Laws certainly proposes a psychology for the interpretation of law, but ontology is conspicuously absent. The self-motion of soul, which is at the core of the Stranger's theology, is independent of the being of the beings, and nothing is said to be superior to the priority of the becoming of soul. The primary purpose of this book on the Laws is to try to uncover its concealed ontological dimension and explain why it is concealed and how it comes to light. The first sign of its presence is that Clinias implies through his experience of the laws of Minos that war is the king and the father of all things.

The Republic, however, as it seems to make the Laws superfluous, blocks the way to any ontologic import of law. Once the philosopher-king is in place, law could only be an obstacle to his rule, for it would set its own willfulness, which is deaf to reason, in opposition to the free exercise of wisdom (Statesman 294a10-c6). Even though Socrates proposes that the philosopher could frame laws in light of the beings that he
alone knows, he never suggests what a single law would look like if it were to be deduced from knowledge of the beings (Republic 500e5-501c2), for surreptitiously Socrates has replaced the philosopher who knows his own ignorance with the simply wise man whose comprehensive knowledge of the beings and their relations with one another would presumably supply him with a way to translate that knowledge into lawful opinion. Insofar as there is law in the best city in speech, it is no more than a safety net, designed to make up for the possible failure of the education of the guardians. Just as the institution of the communism of property, women, and children guarantees a transparency to the actions of the guardians regardless of whether their souls are properly ordered or not, so law would transform through habit the virtue of soul into "so-called virtues of soul" that are properly to be ascribed to the body (Republic 518d9-e2). The opacity of meaning that invariably accompanies such a transformation gives law its strength and makes it indifferent. Nothing shines through the law. It is just the way of a people from which they cannot be dislodged without ceasing to be what they were. The sacrifices to which Cephalus feels obliged to attend represent all that must be set aside of the law if nothing is to hamper the discussion of justice. Socrates prepared for Cephalus's departure by omitting obligatory sacrifices to a god as part of Cephalus's understanding of justice (Republic 331b2-c3); and when the sacred does return in the argument about holy matrimony it is strictly identified with the most useful (Republic 458e3-4).

Plato's gentle way of setting the condition for political philosophy has its counterpart in the violence that prepares the way for the discussion of regimes in Herodotus. The coup against the false Smerdis, which required for its success that the Persian law to tell the truth be abandoned (Herodotus 3.72.4-5; cf. 118.2), incited the Persians to kill all the priests they could find. Only after that did the conspirators deliberate about all matters (περὶ τῶν παντῶν πρᾶγματων), and "speeches were spoken, unbelievable to some of the Greeks, but all the same they were spoken" (3.79.2-80.1; cf. 6.43.3). Whereas Plato dismisses Cephalus and all he stands for at the
beginning of the Republic-- truth-telling is dropped as soon as his son Polemarchus takes over--, Herodotus does not get around to his small equivalent to the Republic until the middle of the third book. He arranged for this Persian achievement not by sidestepping the issue of law but by first confronting it head on. It is therefore worthwhile to examine both how he came to that issue and how he got around it. His experiential procedure will offer us a way to understand why Plato had to return to law in the Laws despite his easy way out in the Republic: Cephalus left with a laugh.

Herodotus begins with a Persian rationalization of Greek myths. The heroes of old were just traders or pirates and the heroines willing victims of rape (1.1-4). In leaving us in doubt whether he accepts this Persian version, Herodotus introduces the principle that governs the nondigressive portion of his Inquiries: human happiness has its necessary condition in the injustice of imperial expansion, in which the freedom and greatness of one city entails the enslavement of another (1.5.3-6.3; cf. 9.122). This principle shows up in the two portions of the first book: the fall of Lydia after its expansion in the time of Croesus (1.6-94), and the rise of Persia with the accession of Cyrus (1.95-216). The law plays a minor role in Herodotus's adoption of a hyper-rational version of the Persian viewpoint. Just as the story he chooses to tell of Cyrus's birth is the Oedipus myth stripped of the fateful and the holy, so the account he gives of Persian laws is explicitly stated to be a digression (1.140.3). What puts a stop to a straightforward continuation of his own principle is Egypt.

Egypt forces Herodotus against the drift of his own logos to swerve aside into divine things (2.3.2). These things, about which he holds that everyone knows equally about them, cast doubt on the very assumption behind the necessary connection between happiness and injustice, for the Egyptians replace the just with the holy and question what constitutes the human. The holy replaces the just in the Egyptian story of Helen. Whereas the attendants of Paris speak of his injustice, both the Egyptian governor and the king speak of his unholy deeds (2.113.3; 114.2-3; 115.3-4).
The Egyptians' identification of the unjust with the unholy--Herodotus says they are excessively pious (2.37.1)--implies that everywhere else the holy, though being but part of the just, has shaded it and checked the apparently self-evident equation of the unjust with empire (cf. Euthyphro 12c10-d3). The human, on the other hand, ceases equally to be self-evident when the presumably inhuman or the bestial is elevated beyond the human and coincides, for some of its range at least, with the divine. Once Egypt makes the human itself problematic, it can only return in the form of an image: Stesichorus says that Helen herself stayed in Egypt throughout the ten years of the war and only her phantom was at Troy, and even Homer has the Trojan elders admit that Helen merely looked in all her terribleness like the deathless goddesses (Iliad 3.158; cf. Herodotus 7.56.2).

The elevation of the bestial at the expense of the human and its partial coincidence with the divine point to suicide as the truth of the human good: Herodotus first breaks his vow not to speak of divine things when he turns to the beasts the Egyptians worship and reports the suicide of cats (2.65.2; 66.3; cf. 7.46.3-4). Suicide had first become an issue in the story of Adrastus, which Herodotus put immediately after Solon's visit with Croesus as an illustration of "nemesis from god," for, "to the extent that one can make an image of it" (ως εικασαι) Croesus had thought himself the happiest of all men (1.34.1). Adrastus had been the innocent agent of two deaths, his brother's and of Atys, one of Croesus's two sons. Croesus had purified him of the first deed by established law (1.35.2), and forgave him for the second death, but Adrastus still slew himself over the tomb of Atys because "he acknowledged (συγγινωσκοµενος) himself to be the most doomladen of all the human beings he knew (ηιδεε)" (1.45.3). The story of Adrastus seems to confirm the moral of the story of Cleobis and Biton. Solon had told that story to Croesus as illustrative of whom he regarded as the second in happiness, but he had given first place to Tellus the Athenian (1.30-33). Croesus had asked Solon, who had gone abroad "for the sake of sight-seeing" (θεωρη), and in order not to be forced to alter the laws he had laid down for Athens, whom of those he
had seen (εἰδεῖς) was the happiest (ολβιωτατος). Athens was prospering at the time that Tellus had beautiful and good children, all of whom had children who were still alive, and Tellus himself was, for an Athenian, well off, and the end of his life was most brilliant, for he routed the enemy in a battle, died most beautifully, and was buried at public expense on the spot where he fell. Croesus then asked him whom had he seen (ιδων) second in happiness; and Solon said it was Cleobis and Biton: they were Argives, with an adequate livelihood, both prizewinners in contests of strength, and it is reported (λεγεται) of them as well, when their mother had to be present at a festival to Hera-- she must have been the priestess-- and the oxen were not available, her sons yoked themselves to her cart and brought her forty five stades to the sanctuary, "and the god showed in their case that it was better for a human being to be dead than alive" (1.31.3). The Argive men blessed the strength of the boys, the Argive women their mother, who, standing before the statue of Hera, asked that the goddess grant her sons "what is best for a human being to obtain." The sons fell asleep in the temple and did not rise up again; and the Argives made two statues and dedicated them at Delphi, "on the grounds that they had proved to be the best men." As Solon separates an eyewitness account from hearsay, so he separates the beautiful from the good; he assigns one to the city, the other to the gods, and he warns Croesus not to confuse them and expect that a god would grant a request for the good in the form of the beautiful.

Solon's first answer agrees perfectly with Herodotus's own principle, for it is wholly within a political perspective and lacks only the indispensable ingredient of injustice that had made Herodotus indifferent to the difference between large and small cities. Solon's second answer, however, had not affected Herodotus's own narrative; it seemed to peter out in the heavily poetized story of Adrastus and be disconnected from Croesus's sudden realization of the truth of Solon's words. Croesus recalled them only when he had lost his empire; they had not registered either at the time of
Solon's visit, when he had already discounted his deaf and dumb son, or later when he had lost Atys for whom he mourned for two years (1.86.3).

The divine perspective enters Herodotus's narrative only when it gets embodied in Egypt and forces him to question his right to impose on events a principle not manifest in the understanding of the people themselves (cf. 2.15.2). Cambyses' conquest of Egypt would presumably allow Herodotus to use Cambyses as his own agent in re-rationalizing Egypt and turning it right side up (3.3.3; cf. 2.35.2): Herodotus refers to oracles and divines far less often in the third book than in any other, and Cambyses, to whose epilepsy "some give the name 'sacred disease'" (3.33), kills a god and the priests are forced to bury him in secret (3.27.3-29). Herodotus, however, stands back from Cambyses' action and cites his mockery of sacred things as a proof of his madness. He thus shifts from the moderation of indifference, with which he started, to moderation as sanity. No one, he says, should he be given a choice among all laws would prefer any but his own as the most beautiful (3.38.1). When it comes to law, no one is like Candaules and demands a Gyges to confirm him in his erotic belief, for the law is a covering of man's nakedness that no one ever discards.³ Most, Herodotus implies, would draw the line at incest-- Cambyses married his own sisters-- and all would balk at exchanging their funeral customs for others', least of all for money. Money, which equalizes the unequal, cannot find a measure for the sacred. The sacred is a lawful currency (νοµισµα) that is not fungible. Cambyses, then, almost represents the necessary consequence of Herodotus' own principle of narration, but even Cambyses cannot permit cannibalism (3.25.7). Cambyses discovers through the guileless Ethiopians, who outdo the Persians themselves in truthfulness, and whose ways pretend to be of a complete transparency (3.20.2; 24.3), that there are limits beyond which the human, if it is to remain human, cannot go. Herodotus thus returns to the political in a modified way. Herodotus had prepared the ground for the conspirators against the false Smerdis to discuss regimes freely by virtually ceasing to use the word "priest" after 3.37.3: when the word recurs twice more in the sixth book
it concerns the beating a king of Sparta had inflicted on the priest of Hera (6.81). Herodotus marks the return to the political by citing Pindar's "law is the king of all" with approval and then plunging into the story of the tyrants Polycrates and Periander (39-60). He juxtaposes all that Antigone represents with all that Creon believes he does and leaves us to compose the single plot to which they both belong. It is in a speech of a Persian, in response to Xerxes' joy and subsequent tears, that he himself finally unites these two strands and reveals that suicide is the necessary consequence of imperial expansion as well (7.45-6). The return to the political is not after all an escape from the divine law. Just as "iron," which occurs most frequently in the first book, symbolizes the triumph of the political, so the reemergence of the heroic age at the very end of the Inquiries, despite the fact that at the beginning the Persians had rationalized it away and the iron age had literally buried it (1.68), indicates the ineradicable presence of the holy in right (9.116-120).

That the Athenian Stranger has to appeal twice to the Egyptian practice of consecration suffices to show that Plato follows in the footsteps of Herodotus (Laws 656d1-657b8; 799a1-b8). He is as aware that priests no longer have the same hold on Athens as they do on Egypt as that Socrates had to answer to the charge of impiety and injustice before the King Archon, who, Aristotle says, "manages virtually all the ancestral sacrifices," and "even now" the wife of the King Archon meets and marries Dionysus (Ath. Pol. 3.5; 57.1). The Laws, one might say, explicates an enigmatic remark of Aristotle, who, in listing the parts of a city without which it would not be a city, says, "First and fifth is the care of the divine, which they call the priesthood" (Politics 1328b11-13). How the Athenian Stranger finds his way through the sameness of and the difference between "the care of the divine," which is the first thing, and "what they call the priesthood," which is the fifth, constitutes the action of the Laws. What brings the Stranger face to face with what Herodotus arrived at through his confrontation with Egypt is the experience he undergoes in the seventh book (803b3-804c1). Midway to that
experience was the Stranger's imaginary address in the fourth book to the future inhabitants of Magnesia, when he translated his original understanding of the divine (το θειον) into a twofold understanding of god (θεος) (715e7-718b6). He had then first mentioned sacrifice (716d6); but in the seventh book, in adding sacrifice there to song and dance so as for the three of them together to comprehend the rightness of play, the Stranger suddenly discovers the difference between the holy and the divine. He is brought to that discovery through his abandoning at a stroke an ambiguity that he had systematically exploited up to that point (799e10-800a4). The word for law (νοµος) also means a musical tune, and all of the Stranger's efforts had been to supplement laws with preludes, or threats with persuasion, and lull us into the illusion that "holiday" was the original and "holy day" the derivative, and Songs no less than Laws could just as rightly translate Plato's Nomoi (cf. Minos 318b1-c3). Here again he follows Herodotus, who has Arion escape from his lawless crew by singing a νοµος in the middle of the sea and being rescued on the back of a dolphin (1.24). Philosophy is the Stranger's song, the Laws his dolphin.

1The structure of Thucydides' first book is comparable. He ends the "Archaeology" with the assertion that the ἀληθεστατὴ προφασις for the war was the fear the Spartans had of the growing power of the Athenians (1.23.6); but as this was least spoken about, he proceeds to give the charges (αιτιαι) each side brought against the other. Corcyra and Potidaea were the two primary points of contention; but the last Spartan embassy to Athens ordered them to expel the curse incurred at the time of Cylon's seizure of the acropolis (1.126). This sequence-- Athenian imperialism, justice, and the holy-- matches Herodotus's way.

2Cf. Sextus Empiricus Pyrrhoniae hypotyposes 3.231.
Proclos, son of Philosophos asked Rabban Gamaliel in Acre while he was bathing in the bath of Aphrodite a question about the law, and "he answered, 'One may not make answer in the bath'". The Mishnah, tr. by Herbert Danby (Oxford 1933), 440. Danby's note 11 runs: "It is forbidden to speak words of the Law while naked."

Herodotus's citation from Pindar seems at first to be unrelated to what we know followed it: Callicles quotes the passage in the Gorgias and interprets it in light of Pindar's evidence, Heracles' theft of the cattle of Geryon without either asking or paying for them but rather "justifying the most violent" (Gorgias 484b4-9). Herodotus, however, does seem to allude to what he does not quote (cf. 4.8.1), for his citation follows on Darius's question to Indians and Greeks, for how much money they would adopt the funeral customs of the other. That Herodotus immediately shifts to a discussion of tyranny seems to be equally an allusion to the poem, for Pindar comprehended under the "all" of "Law is the king of all" "immortals" no less than "mortals." "Of mortals" points to tyranny, "of immortals" to divine law. One has to recall as well that the god Cambyses killed was a calf.

Cf. Statesman 290d5-e8; Sophist 235b8-c2.
Once the Stranger alludes in a cryptic way to the prohibitions of incest and cannibalism, it is inevitable that the issue of unwritten law arise, and the question how writings, even if they do not carry sanctions with them, can penetrate as deeply as customs and ways that hardly anyone is inclined to resist, but whose significance hardly anyone is aware of or can express. In going back to the beginning, the Stranger has uncovered a layer of law and order that he needs but cannot reshape so as for it to conform perfectly with what his written laws are to induce. He wants to rewrite unwritten law. What has made man man antedates what is to make man capable of being informed by the eidetic structure of the good. Book VII represents the issue structurally in the following way. The end (πέλας) of education is stated twice. The first comes after the mathematical training culminates in a true astronomy, and the Stranger says, "Well, then, we must at this time declare that the lawful ways in regard to education in matters of learning [mathematics] are complete" (ηδη τοινυν χρη φαναι εχειν τα ρ επαιδειας μαθηµατων περι νοµιµα) (822d2-3). The second comes shortly afterwards when the Stranger has treated hunting at some length: "Now, then, we must at this time declare that all the lawful ways in regard to education are complete" (νυν ουν ηδη παντα χρη φαναι περι εχειν τα ρ επαιδειας περι νοµιµα) (824a20-21). This doublet looks at first as if it represents the duality of soul and body that originally showed up in the eidetic structure of the good; but the measured praise of hunting is designed to have hunting make (αποτελει) souls better or perfect them (822d3-5). Nothing is said about the body. Hunting is not only the completion of all educational laws and not just a supplement to them, but it is meant to illustrate as well unwritten law, which goes beyond obedience to the law and reveals which citizens deserve perfect praise (τελεος επαινος) in point of virtue (822e4-823a6). The Stranger, then, ends Book VII with the same theme with which he began it. Even though it looks as if the course of education is ascending from gymnastic to the highest kind of music, it is rounded off by something that brings us back to the beginning. The beginning concerns the motions
of body and soul, and the end deals with two kinds of motion: the first is about the real regularity of apparent irregularities in the movement of heavenly bodies, the second is about the hidden tracking of the irregular motions of beasts (cf. 763b7). Hunting is the first topic that articulates the law perfectly. It consists of three parts: a partial discovery of what there is, a praise and blame of certain kinds of hunting or prelude, and a law with prohibitions and permissions. Since its divisions include man among the hunted, it fulfills the aim of the unwritten law in presenting in its prelude an understanding of the bestiality of man as hunter and hunted, and attaches that aim to the highest sciences of being. The second completion of education is all of education; but since this law carries no penalties, its completeness makes, as the Roman jurists would say, for a lex imperfecta.¹

The Stranger begins with the obstacle private life puts up to the prevalence of the public law. Small and frequent departures from the intent of the legislator, which are not manifest to all, make it as impossible as it would be indecent to apply to them the penalties of the law; but since men get gradually accustomed through them to transgress the written law, the legislator has no choice but to speak about them by way of instruction and admonition. The Stranger himself imitates the obscurity of these experiential deviations from the law. What he has said so far, he admits, looks like things spoken in darkness; but he wants to make them plain by bringing specimens (οἱον δειγµατα) into the light (788c2-4). Such exposure is contrary to the very nature of unwritten law. Since its formation is imperceptible and nonuniform, it shows the degree to which, before it comes to light as a custom, the common opinion about the good and bad of pleasure and pain, to which the Stranger had given the name of law, has been violated in the darkness of individual experience. From this point of view, written law, no matter how detailed it is, is always in outline, and the colors have to be applied, not by the successors to the first legislator, but by the people themselves. They do not, however, correct and restore, but botch and alter the picture. The apparent stability of tradition is a perspectival illusion: if the legislator stood next to his painting he would see nothing but indistinct and indefinite shapes that were always on the verge of smudging the lines he had drawn so carefully.
The Stranger wants to add a proto-gymnastic that begins in the mother's womb to the proto-music that nurses already practice. This proto-gymnastic presupposes that the right upbringing would try to make bodies and souls as beautiful and good as possible (788c6-d2); but the Stranger's own prelude had recommended that for the body a mean be struck between health and sickness, strength and weakness, beauty and ugliness, for otherwise the extremes would foster either reckless vanity or illiberal humility in the souls of the young (728d6-e5). The right upbringing must violate the true policy, for if the Stranger is right, present-day practices, through negligence, are closer to the true policy than his own recommendation. What looks rational from the beginning is from the end contrary to reason. The Stranger's recommendation could become the fashion if the "right" people took it up, and nurses followed suit out of snobbery. Unwritten law operates initially by way of emulation. It thus differs from preludes, whose persuasiveness is backed up by the threat in the law. Unwritten law, as the Stranger presents it, requires at the start a doubly correct insight: the indissoluble connection between the right conduct of private life and the stability of legislation, and the strict deduction from that principle to the Stranger's proto-gymnastic (790a8-b6). The Stranger does not say whether the fashion can be sustained once it becomes custom and the masters cease to understand why it was originally instituted. He had observed at the start that people in Athens, with nothing better to do, carry around fighting cocks under their armpits or in their arms, and had inferred that all bodies, provided they are suspended at their ease, are benefited by motion, regardless of whether they are carried on horseback or on ships. At the beginning, strong nurses, without a thought in their heads, would be carrying their charges on long walks. If the weaker nurses came to use baby-carriages instead, would anyone realize that it was not just the constant motion but the cradling in the arms that made a difference?

The extension of a proto-gymnastic to a proto-music has already been anticipated. Mothers quiet restless babies not by stopping all motion but by rhythmically rocking them, and as they do so they sing to them (790c5-e6). In the lullaby, "Rockaby, baby," the action of the singer reproduces the words of the song: as the bough breaks and the cradle falls in the song, so the baby in deed is suddenly
dropped and as suddenly caught. A regular motion and song are imposed on the irregular motion and wails of the baby, and they induce in turn a real terror from without from which the baby is at once relieved. Even for older children there is the same kind of enactment. One sometimes says to a child, "I am going to eat you up," and goes through the motions of total consumption. The fear of vanishing into nothing is thus allayed. Behind the Stranger's argument is the thought that the self is the self through the insideness of mind (ἐν-νοεῖν), or the awareness that mind depends on the outside. The Stranger therefore connects lullabies with Corybantic cures, in which the sounds of flutes from the outside dominate the sounds of flutes heard within. The terror within is a madness that consists in the disappearance of any difference between inside and outside: one loses one's mind or is outside oneself (ἐξω εαυτου) when there is nothing outside but everything is within. One becomes sane or is restored inside oneself (ἐν εαυτου) when there is again a distinct inside. The restoration to the world and its security is made through a shaking (σεισµος) that pulls the ground from under one's feet. It induces the feeling of security precisely because the insecurity is outside. The terror, then, is that there is no ground for one's being, for the annihilation is coming from within. The cure consists in attaching the terror outside oneself to a god to whom one can sacrifice and appease. The god then proves to be gracious through the alteration of disordered motions and cries into ordered dances and songs. The child's prayer, "Now I lay me down to sleep," is based on a similar kind of original terror and offers as solace the same kind of Corybantic relief.

After the suggestion of how a gymnastic in motions would induce a proto-courage in very small children, which would contribute greatly to a part of virtue of soul, the Stranger turns to peevishness or irritability (το δυσκολον) or its absence as another not small part of the bad or good condition of soul (ευψυχια). He observes that luxury is commonly believed to produce in men an ill-tempered disposition, with a hair-trigger on their anger, which exceedingly trivial occasions set off; but an exceedingly strict and savage enslavement perfects in men a humility, illiberality, and misanthropy that make them unsuitable partners in a common life (791d5-9). It utterly baffles Clinias how the city could nurture those who do not yet understand language, and, when the Stranger explains, he chooses complete indulgence of
the baby's whims. The Stranger appeals to the way in which nurses figure out what a baby hates and desires through its tears and cries, and infer that they guessed well from whatever brings silence. The Stranger opposes the cheerful (ιλεως) to the peevish and mournful (θρηνωδης), who is full of lamentations (οδυρµοι) more than the good man should be (792a8-b2; 947b5); and he remarks that everyone by a kind of divination addresses the disposition of god as ιλεως (792c8-d4). What in a god is graciousness is in him who is to be divine (θειος) cheerfulness. What no one would call the peevishness of a god if he does not support a human request, is precisely to be said of anyone who flies off the handle at the slightest frustration of his will. The Stranger does not have a way to hit upon the mean between gentleness and savagery, but he playfully suggests that women are to maintain a graciousness (ευµενης), serenity (ιλεων), and gentleness (πραιον) throughout their pregnancy (792e2-7). The unenforceability of his suggestion makes it playful.

What the Stranger prescribes for the good condition of soul, neither to be precipitous toward pleasures nor to live on the assumption that one will ever be free from pains, has no counterpart in any practice or exercise. Like any other mean, it is easier to formulate than figure out what counts as excess or defect. Unwritten law has set up a manifold of norms that seems to embed the mean in the way of life of a people without there being any ground for it except its antiquity. The Stranger, in connecting his theme with unwritten law, is forced to confront the difficulty that if a novel code of laws needs the support of unwritten law, it is relying on the ways of the fathers, whose customs are the old mortar that must and cannot bind together the spanking new bricks of the regime (793a9-d5). On the front line stands the harshness of law itself, behind it the apparent rationality of persuasive preludes, but below the preludes and out of sight lies a complex set of ways, which cannot be either uprooted or reshaped. That there seems to be a difference between the left and right hand is emblematic of what the deceptive reasonableness of unwritten law can accomplish. We have become lame in our hands, the Stranger says, by the folly of mothers and nurses (794d8-e2). His remark brings us back to the criticism he had leveled against the comparable lameness in Spartan and Cretan law, which failed to balance training in aggressive courage with training in defensive moderation (634a1-4). The Stranger is
now once more at the beginning, but at a more literal level. Ambidexterity comes up as an issue immediately after a lack of balance can be discerned between the way in which babies are habituated against terror and improperly inured to discontent. The ancient ways of Greece are out of kilter. Despite the Herodotean claim that the Greek polis has melded Scythian freedom with Asiatic art, and the Homeric gods strike a mean between the rationality of Persian impiety and the excessive religiosity of the Egyptians (cf. Cicero de re publica 3.14), the Stranger seems to be demanding a new blending of foreign ways. Scythian ambidexterity and Sauromatian equality of men and women are to enter into a reconfiguration of unwritten law. This revision requires as well an appeal to an Egyptian art (799a1-2), and later to a version of the cosmic gods of Persia, so that one begins to wonder whether the Stranger is setting out to propose a total rebarbarization of Greece in order that the foundations of law can accommodate an entirely new project of laws in an adequate manner: the laws are to be outside of any historical or geographical horizon. When Socrates asked his nameless comrade, "What is law?", or, "What is the law?", he added a so-called ethical dative ηµιν (for us), which indicated that a horizon-free definition of law was scarcely possible (Minos 313a1). The laws are always going to be our laws. The Stranger does not so much disagree with Socrates as raise the question what would be entailed if law were to start off on the right foot.¹

¹Cf. Ulpian liber singularis regularum 1.1 in I. Baviera, Fontes iuris romani antejustianiani (Florentiae 1940), 2; see further David Daube, Ancient Jewish Law (Leiden 1981), 78-92.

²The verb the Stranger uses for this kind of terror, δειµανειν, is frequent in tragic poetry but never occurs, for example, in either Xenophon or Aristotle. In Plato, the verb and cognate noun are distributed unevenly: once in the Phaedrus, four times in the Republic, eight times in the Laws. Cephalus says the old are full of terror (δειµος), and that if one of them finds many injustices in his life, he wakes up often in the middle of the night, as children do, in terror (δειµανει) and lives in evil hope (Republic 330e2-331a1); and the Stranger later says that the story goes that a man killed violently, if he had lived in the pride of freedom, gets angry when he is newly dead at the doer, and with himself filled with fear and terror (δειµος) on account of the
violence of his own experience, when he sees his killer occupying his own customary haunts, he is afraid (δειµαινει), and in his own distraction, with the killer's memory as his ally, distracts as far as he can both the doer himself and his actions (865d6-e6; cf. 933c2). In the phrase μνηµην συµµαχον εχων, England (407) says, "there is the germ of tragedy." Δειµα occurs twice in Thucydides, first about the matricide Alcmeon, to whom an oracle hinted that there was a possible release from his terrors (2.102.5), then about the fears and terrors that befell the Athenians on their retreat from Syracuse (7.80.3). One might add that in Galen δειµα and δειµαινειν each occur once, and on both occasions he is discussing the melancholic, who according to Hippocrates desire to die and fear death (de symptomatone causis [203 K]; de locis affectis [191 K]).

3In King Lear, Edgar cures his blind father Gloucester of despair by persuading him that he has survived a suicidal leap off a cliff. Edgar tells him that the "poor unfortunate beggar", as Gloucester calls him, who parted from Gloucester at the top of the cliff was "some fiend; therefore, thou happy father,/Think that the clearest gods, who make honours/Of men's impossibilities, have preserv'd thee." Gloucester then says: "I do remember now; henceforth I'll bear/Affliction till it do cry out itself/' Enough, enough,' and die. That thing you speak of/I took it for a man; often 'twould say/`The fiend, the fiend.'" (Act IV, Scene vi, 73-79).

4For the double meaning of ευψυχος see Aristotle Topics 112a32-35.

5The Stranger's description recalls what the nurse, in Aeschylus' Choephoroi (749-760), says of the baby Orestes, when she was a soothsayer of his needs and he was a senseless thing (το μη φρονουν) and could not speak (ου γαρ τι φωνει).
2 Consecration

When there has not yet been any socialization outside the family, there are still elements of gymnastic and music in the first three years of a child's life. Once the children gather in the twelve villages, they spontaneously invent games, which the nurses supervise, while other officials supervise them. Here begins some form of punishment (κολαζειν), designed to check insolence, but, just as in the case of slaves, mild enough not to impart resentment. From the age of six, the girls and boys are separated and, though both are given over to lessons (μαθηματα), the boys get a complete course of military instruction, and the girls only if they like (793d7-794d2). Here begins the Stranger's gradual incorporation of the female population into the city. The female represents in his discussion all that no one knows about human nature before the law has concealed it. A variety of customs suffices to cast doubt on the naturalness of one's own, but it does not suffice to decide whether a Scythian custom, which teaches one how to shoot the bow with either hand, is not as much a distortion as the asymmetry inbred among the Greeks. The advantage ambidexterity brings is of the same order as the advantage the legislator derives from not keeping half the population out of political life (805a4-b2). Everyone over time becomes comfortable with the ways of his tribe, and, just as in the case of a change in diet, the initial disagreeableness of new ways shortly disappears (797a9-798b4). Unwritten law, then, seems indifferent, unless one insists on calculating everything in terms of utility. It would make no difference whether, in Amazons taking to the field or in Spartan women fleeing panic-stricken to temples (814b4-5), the female was better revealed for what it was, unless the city must require that no one be a hindrance to its defense. Greater efficiency in the use of the city's resources decides policy but settles nothing. Just as the fact that a poor country is compelled to execute thieves, whom a richer country might readily let off with a lighter sentence, and that a populous country might be able to afford to ignore conscientious objectors, tells us nothing about just punishment, so the greater arc in open country that Scythian archers
on horseback can cover by the use of both hands does not explain why it should serve as
the model for the handling of the bow among Cretans, who on their terrain have not much
use for horses. The Stranger recommends ambidexterity for hoplite fighting, but it
would seem to be a piece of useless virtuosity: how could a hoplite detachment switch
their shields and spears in the midst of battle without exposing themselves to the
greatest danger?¹

The difference between the left and the right hand, as it is now
maintained in Greece, shows up in the words used for the right and left. The word for
the right (δεξιος) means dexterous and clever, and the Stranger had spoken of the
incapacity of Spartan and Cretan courage to stand its ground against the dexterity of
seductive pleasures (προς τα δεξια και κομψα και θωπευτικα) (634a1-4). The right has a single
name, the left many. It recalls the difference between the singularity of αρετη and the
many words for vice. The three most common words for the left are αριστερος, ευωµενος,
and σκαιος. The first is a compound of the superlative of "good" and the comparative
suffix -teros, which indicates a separative difference. It is clearly a euphemism for
the sinister character imputed to the left. The second term announces itself as a
euphemism, for ευωµενος means "with a good name." The third also means ill-omened,
unlucky, and awkward, and in prose hardly ever is to be taken literally.² The
consequence, then, of the cultivation of the right hand at the expense of the left has
been its transference into language. The Stranger himself had used "left" to designate
things connected with the chthonic gods (717a8). He had done so at the very moment he
spoke of them first but declared them second. If, then, the Scythian practice of
ambidexterity gets installed in Clinias's city, the language of things must change.
The awkward and ill-omened must be given new labels. No longer could it be said of
Ajax that had not a god afflicted him he would not have gone leftward (επ' αριστερα) in
his mind (Sophocles Ajax 182-3), and the sinister meaning of Laius's name-- λαιος is
another word for "left"-- would disappear. It is in language, then, that the unwritten
law most comes to light, and nowhere more so than in everything that pertains to men
and women.³ If the Stranger has his way, the manly (ανδρειον or ανδρικον) would lose the
entire range of its extended meaning, and the Stranger himself, under the new customs,
would not be able to speak of "the womanish and slavish ways of nurses" (790a6; cf.
221

935a1; 944d3-e2; 949b3).

His proposal to distinguish between songs appropriate to females and males would have to be entirely rephrased, since the orderly and moderate would no longer characterize the female once training had canceled entirely or blurred sufficiently their supposed differences (802e8-11). The Stranger, then, uses the issue of ambidexterity to get at the broader question whether all habits and ways can be neutralized, so that no biases that could skew the higher education of body and soul would show up in the initial colorlessness of unwritten law. Such a neutralization would amount to hindering, as far as possible, the accretion of superfluous beliefs around the ways of a people. Burial would then not give rise to stories about ghosts and the terrors of graveyards; but the Stranger admits that it would be a hopeless task to persuade men, abashed in their souls by waxen figures hung at their parents' tombs, to ignore them (933a5-b5). The majority of human beings, he says, live in terror (δειµανοντας) (933c2).

Apart from the possibility that the Stranger is hinting at the rationalization of all unwritten law, his isolation of a custom from the way of life of which it is a part poses the following difficulties. Can the alien be grafted successfully onto a native growth, and, even if the graft took, would it not change the fruit in an unknowable way? Are not ambidexterity and the equality of men and women of a piece with nomadic conditions and the non-division of the arts? The experientially seamless web of custom can in this way be picked apart, but the nest of the magpie is still a jumble. The Stranger seems to be intent on making his task hopeless, for the more he cuts away from the way things are, peers more deeply into the unregulated, and uncovers there the endlessness of change, the more he makes the exceedingly strange and noncustomary (το γε σφοδρα ατοπον και αηθες) the basis for the unchangeable law. Everyone, and not just infants, are to live "as if they were always sailing" (790c8-d2; cf. 813d3; Timaeus 89a5-8). Everything has to be shaken up for the sake of settling down. It is the undiluted application of the symposium in speech to law. The flooding in of the theme of unwritten law (ο επιχυθεις λογος) brings on a constant flow (επιρρεοντα) of stable (µονιµα) habits that are to be altered and rearranged (793b2, d5). The Stranger's attempt to stabilize the written law through the writing up of the unwritten law is not only paradoxical in itself but contrary to his own concession that his
survey of the laws will keep him from the small things; but now nothing is too small for him even if it is an obstacle to maintaining a synoptic view of law (793c5-d5). A sign of the instability the Stranger has deliberately introduced is his declaration at one point that gymnastic, which had been postponed since the end of Book II, is now perfectly complete (παντελης), only to announce much later that gymnastic has then absolutely achieved its limit (παντως ηδη περας εχει) (796d6-8; 834d8-e2). The first declaration leads to an admission that, though he believed he had said everything there was to say about the gifts of the Muses and Apollo, still he had not said what should have been stated first to everyone: games belong to music (796e4-797a9). The subsequent revision of music leads to a return to gymnastic, under which there then falls tragedy and comedy (813b1-817e3). These crossovers, with which the changing status of the female is connected, culminate in the double ending of education, where hunting crowns astronomy and advanced mathematics.

The Stranger's new account of play is not without its puzzles. He had noted earlier the spontaneity in the invention of games when children get together (794a2); he now argues that revolution begins in the playground, when everything old-fashioned is disparaged, and only if the same people are always playing at the same things in the same way and enjoying the same games (παιγνια), can the lawful ways laid down in earnest (σπουδηι) remain at rest (797a7-d2). The young (οι νεοι) are susceptible to the new (το νεον), and regardless of whether the innovator proposes a change in color or shape, the result is always harmful to the city. It would seem, then, that the Stranger must be proposing that το αρχαιον νοµιµον can and must be taken literally: it does not mean "the old and lawful way," but "the lawful way of the beginning (αρχη)," for the conservation of everything old, just because it was old, would doom the Stranger's project from the start. Clinias certainly takes it in this way (797d1-6); but the Stranger goes on to describe how any departure from the usual, whether it be in climate, diet, thoughts, or natures of souls, has a way of becoming in time the usual again, and it is characteristic of every soul, if the laws remain unchanged, and every memory is lost of things ever being different, to revere them and fear to alter anything of what has once been established (797d9-798b4). Any conservatism is built on change, and there never is a state that is good because it always was. The brevity of
the Stranger's account of gymnastic, which he finished off in less than two pages, is now easily explicable. The longer account was Book III, in which the history from the cataclysm to the collapse of the Dorian dream showed that the beginning was destined to be always a defective beginning, and one never starts from scratch. In returning to that argument, the Stranger takes back the strict conclusion one could draw from his present condemnation of novelty in children's games, and restricts its applicability to songs and dances that imitate better or worse human beings (798d1-e7). The Stranger has brought us back again to the beginning.

It is not immediately obvious why the Stranger took the long way around through children's games to link up with his earlier citation of the Egyptian way of consecration. The return, however, involves an innovation that leads to a crisis in the Stranger's endeavor. This crisis elicits from Megillus a protest on behalf of the human race, but neither he nor Clinias experiences the crisis itself. The Egyptian solution provokes the crisis. It provides for all songs and dances to be consecrated, first with an arrangement of the festivals throughout the year, and to what individual gods, children of gods, and daimones they ought to be dedicated; then certain officials are to arrange what song must be sung at the several sacrifices (θυματα) of the gods, and with what kind of choral dances they must celebrate the sacrifice (θυσια) at the time; finally, all the citizens, in performing a common sacrifice (θυσανας) to the Fates and all the other gods, must, in pouring a libation, consecrate the songs to each of the gods and other divinities (799a4-b4). The Stranger has never mentioned libations before, and sacrifice rarely; neither had occurred in his first account of Egyptian ways. He used θυειν first in Book IV (716d6), and in Book V θυσια and θυμα (738e3, 741c3); but on no occasion before now were sacrifices assigned in principle to definite gods. Only by such an assignment can the charge of impiety be brought against anyone who, after introducing a non-sanctioned song or dance, refuses to accept his official banishment from holy places. Impiety is now mentioned for the first time. Piety was the target one would hit if one were to distribute honors rightly to the Olympian and chthonic gods (776a6-b2); but no distribution had then been made that declared which gods were to receive which honor at which time and which place. Consecration puts an end to generality. If the pyrrhic dance is to be
sanctioned, then Athena, with the full panoply of the hoplite, comes along with it as its sponsor and the universal object of emulation (796b6-c4; cf. Critias 110b5-c2). In Socrates' myth in the *Phaedrus*, Hestia is the only god who has never seen the hyperuranian beings; she is still a god despite the fact that nothing connected with a logos has informed her (247a1-2). There is no "idea" of "this place." The holy is an immobile this. Euthyphro, then, was right, after all, to answer Socrates' question about the holy and the unholy in just the way he did: "I am saying that the holy is just the same as what I am now doing" (*Euthyphro* 5c8).

In one sense, the Stranger's survey of the laws is now at an end. "Gods" have functioned up to now as beings over against human beings, just as "divine" had started out as distinguishing goods of the soul from human goods. One could appeal to gods and the divine as long as one did not link them to any ceremony in which it had to be stated to whom one was praying and sacrificing (cf. 871c3-d2). The verb "to sacrifice" belonged to definitional law and implied that there were beings of a certain kind before whom other beings of a different kind performed certain actions on other beings of a certain kind; but with the consecration of each song and dance to a certain god, the definitional law takes on its particular form that fuses together "human being" and "of this tribe." It is for this reason that the Stranger had just implied that "the natures of souls" were no different from bodies, and they underwent the same distress at any change but then settled down and conformed with whatever customs lasted long enough to wipe out any memory of another way of life (797e2-798b4). What had been a speck on the horizon, when the Stranger urged that whatever holy places and rites were already in place should be left undisturbed (for he could make use of them for fostering the friendship of the new settlers), has now blotted out everything that lets itself be formulated. The holy is the content of the unwritten law, and it forbids the determination of the human apart from the ways it has prescribed. Aristotle illustrates the lawfully just of political right with several examples. One of them is the sacrifice of a goat but not two sheep, another is the sacrifice to Brasidas (*EN* 1134b22-3; Thucydides 5.11.1); but Aristotle does not add-- and this is decisive-- there is no sacrifice at all unless it is of something to somebody. The poet, who the
Stranger imagined objecting to his first prelude because his prescription of the measured lacked a number, knew what lay in store for the Stranger.

At exactly this point in the argument, though Clinias does not object to the extension of the charge of impiety, the Stranger urges them to "experience what we deserve" (παθωµεν το πρεπον ηµιν αυτοις). He likens their experience to a man, whether alone or with others, whether young or old, who on coming to a crossroad would not rush down one path without first questioning himself and everyone else where the road was leading. So too they must pause and confirm the present solution to their perplexity; but they do not have the time, for they must now go to the end (τελος) of the laws and not be thwarted from attaining the limit (διαπερανασθαι) that the order of the present laws requires: "Perhaps, if a god should be willing, this survey (διεξοδος) too as a whole, once it reached its end (τελος), would indicate adequately the present perplexity" (799e1-7). Let us delay the answer to the question, Where does the Stranger come to the end and resolve the perplexity?, and ask first, What is the perplexity? The Stranger states it in the fewest number of words: "Let this oddity, we say, have been passed as a common opinion: Songs (ωιδαι) have become for us laws (νοµοι)" (799e10-11). At the very moment this resolution is decreed, the Stranger has destroyed at a stroke his entire project. If songs are now laws, if, that is, the pun in νοµοι has ceased to be a pun, but νοµος has become univocal, and it is no longer possible to speak of political laws as "really and truly" (οντως) being laws (722e1), then unwritten law is now as much law as the written law, and everything else that formerly did not belong to the system of threats in the law is the law. Persuasion has vanished into terror. Nothing does not have its assigned penalty. Everything is now part of the canon. The Stranger's attempt to make "holiday" the original of which "holy day" would be the copy has failed. Punishment prevails everywhere. "Let no one," he says, "utter a sound (φθεγγεσθω) contrary to the public songs, sacred rites, and the entire choral song and dance of the young any more than [anyone is to contravene] any other law whatsoever" (800a4-6). The Stranger's failure to insert an equivalent to the words in brackets amounts to the cancellation of the Dorian law of laws, which gave permission to the old, out of the hearing of the young, to speak against the law (634d7-e6). There are now no longer any preludes.
The total silence imposed on any dissonant voice anywhere has the effect of making everything in the city of deadly earnest. There is to be no play in the law. The Stranger could not avoid starting this discussion of the Egyptian art of consecration with children's games if he were to face the paradox of Hestia who, as if she were also elsewhere, was one of the three gods on the city's acropolis (745b7). The Stranger has allowed himself to go on, even though he is either still stuck at the crossroads or else has come to the end, because he has not stated what the songs and dances are and to which gods they are to be consecrated; but this is only a smokescreen, for once the real founders settle these issues, they have settled everything else and left no room for the Laws. He had granted a triple role to the unwritten law: it provides the clamps between the laws, the central supports of the laws, and the envelope of the laws (793b4-c3). Now, however, that it has taken over all of the law, he is out of room and out of time. His solution is to restrict his reforms to six templates (ἐκμαγεία) that are directly related to the gods; but no sooner does he declare that the arrangement is at an end than he plunges once more into the crisis that he had only put off (802e11-803a1). The first template effectively gets rid of tragedy (800b8-801a4). Tragedy is silenced once the Stranger counters it with auspicious speech (εὐφηµία). Auspicious speech is to surround a sacrifice when the sacred victims are burnt in accordance with law. A son or brother who spoke tragedy's kind of blasphemy on such an occasion would spread despair (αθυµια) and evil forebodings in his father and relatives; but now publicly, in virtually all Greek cities, after a magistrate has sacrificed, a number of choruses come, "and standing not far from the altars and sometimes right next to them, they drench the sacred victims with every kind of blasphemy, harrowing the souls of the audience with the most mournful (γοωδεσται) words, rhythms, and harmonies, and whoever best succeeds in making the city, which has just sacrificed, burst into tears, that chorus carries off the prize of victory." The Stranger allows that if the citizens have need of this kind of expressions of pity (οικτοι), then they should be restricted to unclean days, and choruses ought to be hired from elsewhere, just as now there are professional mourners who accompany the dead "with a Carian Muse" (cf. 947b3-6).
The Stranger once more proposes the rebarbarization of Greece. He wants to break the connection between the pity of tragedy and the gods (cf. 960a1-2). He had been after tragedy from the beginning of Book VII, where he had juxtaposed the lullabies that calmed the terrors of babies with their threnodies of discontent that nurses learned only how to indulge, and the Stranger himself had nothing to offer except the measure of the mean. That childish frustration of the will now comes back in the form of tragic pity. It is directed against the gods and expresses the necessary consequence of their serene existence: "It is best not to be born." The innermost terror of tragedy is suicide. It is no wonder, then, that the Stranger wished pregnant women to be serene. He was not joking. He now wants to separate terror from pity, by restricting the latter to funereal songs that do not intrude on public celebrations. Such an anti-tragic separation, however, breaks the continuous linkage he had forged in the first prelude between the Olympian and the chthonic gods. The Stranger wants to quit speaking of burial practices as quickly as possible. He does not want to regulate them at the same time that he is concealing their experiential deviation from the law. Once he had introduced consecration as the universal cure against change, he let in the holy in its haecceity, and that meant the songs and dances of tragedy, whose burden contradicts the intention of his own laws. He can clean up the sacrifices and put out of sight the tears of things to which tragedy gave a final form, but he cannot either overcome those tears, as his dismissive indulgence of them admits, or seemingly invent on the spot a superior form for them. The sign of the Stranger's perplexity is that his formula for the first template is "ευφήμια," and the genus of song is to be absolutely ευφημον; but ordinarily the formula would mean "Silence," and the genus of song "silent." Inasmuch as the second template is assigned to "prayers to the gods to whom we on each occasion sacrifice" (801a5-6), in what can the auspicious and non-whining speech of the first song or law (νομος) of music consist (cf. 821d2-4)? From the prohibition of oaths in all cases where a great profit is thought to be at stake (949a5-b4), are we to infer that in the first template there is to be no swearing by the gods? Silence before the gods means that the gods do not have to be named.
The third song or law of music adds a further difficulty (801a8-d7). Poets must realize that prayers are requests from gods, and they should particularly make sure that they never unwittingly ask for what is bad as if it were good. Who makes up the second song if not the poets, and how do those prayers differ from the third? Now Clinias too has some trouble in following the Stranger; and only on his third attempt does the Stranger clarify his meaning: the poet is not to make anything contrary to the lawful things of the city, whether they be just, beautiful, or good. The Stranger thus puts together the good of the eidetic structure of the good with the beautiful and just of the genetic structure of law. He implies thereby that the second template consists solely of the goods of the eidetic structure, and the third template either combines or identifies them with the morality of the law. The poet, then, can commit one of two grave faults: he might either separate morality from the good or reassign the goods of either the second or third templates to the fourth, in which hymns and praises of the gods are sung (801e1-2). If the poet follows the Stranger's own lead and interprets "divine goods" as "goods of the gods," he cannot interpolate into the second song any request from the gods that would be suitable for a human being to utter. He might even declare that only the heroes, who along with the daimones are in the fifth template, are properly praised, inasmuch as they alone are endowed with both divine and human goods; but he could not then couple those praises with prayers (801e2-4). Though he reminds Clinias that neither silver nor golden wealth (πλουτος) is to dwell and be established in the city (801b5-7), he fails to remind him that wealth was a good only in the eidetic structure of the good, and the separation of body and soul, to which he now alludes in the word "established" (ιδρυµενον) and later confirms when he has Plouton be the god of the twelfth month, was the principle of the eidetic structure of the good and not of the genetic structure of law.

The sixth template is reserved for songs in praise of the dead (801e6-802a3); but while the Stranger's first formulation is free of ambiguity-- the songs are for those citizens who have the end (τελος) of life-- his second is not: "To honor, moreover, the living with praises and hymns is not safe (ασφαλες), until someone runs through his entire life and puts on it a beautiful end (τελος)." As England says, "We must imagine a pause or break of some sort after ασφαλες," if we are "to save the
author. . . from saying 'we must not praise living people before they are dead.'"

There is, however, no pause or break, and the living are to be praised when dead. It is entirely in accordance with Solon's dictum, "Call no one happy before he is dead," since that too denies the possibility of the knowledge of happiness to whoever lives a happy life. The continuity between immortal and mortal that the Stranger had proposed in his first prelude, so that there was hardly a break between the chthonic gods, the ancestral gods, and dead parents, seems to have taken on another guise. The Stranger, in any case, within a very short interval revises his statement about those who are to be praised. They are at first those who, having proved to be obedient to the laws, have accomplished in their lifetime beautiful and laborious deeds, whether of body or soul; but in the second formulation their end itself must be beautiful, and they themselves conspicuously good men or women.12 "Good" now seems to have resumed its older sense of "brave" (cf. 922a1-5).

The Stranger concludes the order of his musical laws in utter confusion (8028-e11).13 He demands that songs suitable for females and males be distinguished-- and thus increases the number of templates from six to twelve-- but he declares that the orderly and moderate (το κοσμιον και σωφρον) is the natural inclination of the female, and should as such be transmitted lawfully and rationally (εν τωι νοµωι και λογωι). If the primary intention of the law is already manifest in the nature of women, then he cannot go on to recommend a uniformity in the education of girls and boys, for the law if successful would diverge from reason, and if reason prevailed, with the support of nature, the law would become a dead letter. The Stranger himself must be puzzled, for though he proposes to explain next how the tradition and instruction of music are to be handled (803a1-3), he is diverted, and when he gets back on track, he first says that the gymnasia and schoolhouses in the city and areas for field sports outside have already been laid out, only to take it back at once and say they are now to be stated lawfully and rationally (τωι λογωι μετα νοµων) (804c2-8). That the problem women pose has thrown him off course he indicates by making equality in the education of male and female his next law (804d6-e4). The woman-question, however, seems to trigger the Stranger's erratic course rather than
suffice by itself to be the sole cause of his distraction. He introduces it with a simile:

"Just as the shipwright, at the beginning of his building, lays down the keel (τα τροπίδεια) and outlines the shapes (σχηματα) of boats, so I too, in trying to articulate the shapes (σχηματα) of lives in conformity with the ways (τροποι) of souls, appear to myself to be doing the same thing, really and truly (οντως) to lay down their keel (τα τροπίδεια), rightly considering this: if we live in what manner and with what ways (τροποι), shall we best carry on our life (βιος) through this sail of life (ζωη)? Well, then, though the affairs of human beings do not deserve much seriousness (σπουδη), still all in all it is necessary to be serious; and this is not a lucky thing (ευτυχες)" (803a3-b5).

The Stranger puts himself on board a boat he has not built and has no intention of building. In his case, the boat has long been launched and is sailing to an unknown destination. He is at the sunset of life. As for everyone else, he is going to stop at the keel. The Stranger is concerned only with the ways of souls and not with the shapes of lives. He is not the captain of anyone's life. He had started the seventh book with the building of the house of the law whose supports the unwritten law was to supply. Now he is at sea, and has no intention of making life watertight. He is concerned only with the beginning. At the beginning is play or παιδια. His proposal to consecrate play turned play into its contrary. He was compelled to be serious (σπουδαζειν) and eliminate play (παιζειν). Now he takes it all back:

"I assert that there should be seriousness about the serious, not about the not serious, and by nature god deserves all blessed seriousness, but a human being has been contrived to be, as we said before, a kind of toy of god, and really and truly (οντως) that has been the best part of him. So every man and woman must go along this way, and, in playing the most beautiful possible games, live through his life, with a conception contrary to what they think now. Clinias: How? Stranger: Now they believe no doubt that serious affairs are for the sake of games, for they believe they must arrange well the things of war, which are serious, for the sake of peace. But, as I now realize (αρα), that which we claim to be the most serious thing-- it is play (παιδια) -- has not been, is not, and will not be by nature in war, nor does war ever contain an education (παιδεια) worthy of our regard" (803c2-7; cf. Epistle 7, 344c1-d2).
The most important things are the least urgent things. The Stranger now reaffirms that the experience of little children at puppet shows is solely in conformity with the truth about man; but the needs of the city have to deny that truth, and the Stranger, in bowing down to those needs, has outlined a program that would subvert that truth. He could hold onto it as long as "religion" was not the left hand of his "theology." The seriousness of play cannot survive its consecration. Megillus discerns in the Stranger's words the expression of the utter contemptibility of man; but that contempt is the Egyptian experience of the sacredness of everything except man (cf. Minos 319a5-8); it is not the same as the puppet or wonder (θαυμα) of man in play. The Stranger characterizes a life lived in play by three participles: "sacrificing, singing, and dancing" (803e1-2). Such a life makes it possible to win the gods' graciousness and beat the enemy in battle. He has given, he says, the types of singing and dancing designed to accomplish this; but as for the third, he quotes from Homer: "Telemachus, some things you yourself will think of in your mind, others a daim*n will suggest, for I suspect that you were born and raised not without the will of the gods" (804a1-3). The Stranger quotes the words Athena addressed to Telemachus, whom she accompanied in disguise from Ithaca to Pylos, where they have found Nestor at the beach performing a sacrifice to Poseidon (Odyssey 3.1-28). Nestor's son Peisistratus will soon tell Athena, as he offers her a cup from which to pour a libation and pray, that all men have need of gods (3.43-48). The Stranger applies Athena's words to his own case. The colonists are to think that what he has said has been adequate, but "the daim*n and god will suggest to them sacrifices and choral dances, to whom severally and when they are to celebrate in play and appeasement and live their life in conformity with the way of nature, being puppets for the most part, but partaking to some small degree in truth and reality" (804a5-b4). The Stranger pulls back from any suggestion about sacrifices; he restores purity to his theology and thus grants that Megillus's interpretation of his words is not incorrect (cf. 871c3-d2; 958d4-6). Man becomes contemptible at the very moment the divine becomes the holy. There is no truthful revelation (cf. 893b1-3). It was an inescapable necessity that made the Stranger propose that necessarily spurious translation; but now he has looked away from it toward the god and through that experience looked down on man. He asks Megillus's forgiveness (804b7-c1). His
subsequent error, on resuming his legislation (το δ’ εξης τουτος), so that he declares
that schoolhouses and playing fields have been laid out when they had not, seems to
reflect his second disorientation, this time in turning back toward man (cf. Republic
516e3-7). The rationality he demands of law (τοι λογοι μετα νομων) does not consist with
the local. The compromise he then reaches between his sudden looking away and his
equally abrupt return is to propose the equality of the sexes. The piety of women
supplies the link between his two experiences and his proposal (814b4-5).

1If Thucydides is right, that hoplite formations tend inevitably to veer to the right in order to protect the
exposed side from danger (5.71.1), could the Stranger mean that ambidexterity would overcome at least
partially this tendency?

2Plato once lets it have its literal sense-- Socrates is discussing the way of division (Phaedrus 266a1)-- but it
involves him in an awkward omission of μεν.

3In the Cratylus Socrates briefly indicates the relation between law and language (388d9-e3).

4In the Timaeus, men who are cowardly and unjust become women before they are given an ερως peculiar to
women: "womanish" precedes "woman" (90e6-91a4).


6The Stranger's expression, ταχθεν μεν γαρ αυτο [το των παιδιων γενος] και μετασχον του τα αυτα
και ωσαντως αει τους αυτους παιζειν (797a9-b2), is highly unusual, since it recalls the language
normally employed of the beings that are always (e.g., Phaedo 78c6
απερ αει κατα ταυτα και ωσαντως εχει), or of celestial motions (cf. Laws 898a8-b1), and can hardly be
found elsewhere in Plato; contrast the description of health in the Timaeus (82b2-5).
7Critias, in describing what he takes to be the reality in old Athens of Socrates' mythical city, does not refer to sacrifice, despite the prominence of priests then and Socrates' mention of it now (Timaeus 24a4-5; 26e3), and the close association of the guardians with the temple of Athena and Hephaestus (Critias 112b4), but when he turns to the story of Atlantis, where the temple of Posidon has a barbaric form (116c9-d2), he first mentions sacrifice in general (113c1), and then speaks at length of sacrificial rites to Posidon (119d7-120c1). Josephus has Moses ask God not to begrudge him knowledge of his peculiar (iδιον) name, "in order that when sacrificing he might invite him by name to be present at the sacred rites" (Jewish Antiquities II.275). Exodus 3.13 is silent on this point. Perhaps the Biblical God is called holy because he is a this and there are no other gods.

8Hestia is the first god whose name Socrates discusses in the Cratylus, for that is to begin in conformity with the law (401b1-2); it is to her that a pre-sacrifice (προθυειν) prior to all gods is made (401c6-d3). There seems to be behind the connection of Εστια with εστι the graphical resemblance of ΟΥΣΙΑ with θΥΣΙΑ. The cosmological counterpart to Hestia is Timaeus's χωρα, which can properly be addressed as τοδε and τουτο, since as a here for me (τοδε) or a here for you (τουτο) it does not partake in the likeness-character of any apparent something (Timaeus 49e7-50b5).

9Herodotus distinguishes the original Pelasgian practice of sacrificing to nameless gods, whose common designation (θεοι) signified that they put (θεντες) all things in order, from their subsequent adoption of the names of Egyptian gods. The next step was the reworking of the Egyptian gods through Homer and Hesiod, who renamed them, assigned offices and arts to them individually, and indicated their shapes (2.52-53). In de legibus 2.9-11, Cicero makes the same point by starting with a derivation of true law from the divine mind and ending with the "right reason of the highest Jupiter"; this difference then recurs in what he, following Plato, calls a prelude and the particular laws concerning religion (2.15-16, 19-22).
10For the close connection between the injunction "Let there be ἐυφηµια" and prayer, cf. Aristophanes Thesmophoriazousae 295; Wasps 860-874. In the Phaedo (60a3-4), Xanthippe ἀνηυφηµησε and said the sort of things women say on those occasions; but the verb means, "to cry ἐυφηµει," and has thus reversed in practice the ἐυφηµια of sacrifice: at the end Socrates rebukes the men for bursting into tears and bawling, and says he heard that one ought to die ἐν ἐυφηµια (117d7-e2). Custom has sanctioned for the women a formal outlet of grief that it has denied the men.

11England's solution (264) is to deny that the second song has any need of a template and assign to the second the content of the third, and Ritter's (191-2) is to supply from the third the good of the second, and let the third add something new. Ritter is surely mistaken, against Susemihl, to insist on the strictly subsidiary importance of οἷς θυοµεν εκαστοτε.

12The triple γε µην in such short order (801e1, e6, 802a1) seems to underline the difficulty of distinguishing properly the fourth, fifth, and sixth templates.

13The extraordinary anacolouthon at 802c7-d3 shows how deeply the Stranger is entangled in poetry. He begins with a clause that strictly must apply to those brought up in either kind of music, the severe or the sweet (ἐν ἦι [μουσηι] γαρ ἀν ἐκ παιδῶν τις µεχρὶ τῆς εστηκυιας τε καὶ εµφρονος ἡλικιας διαβιω), but he continues as if the clause held only for the moderate and ordered Muse, so that one is forced to rewrite in one's head the clause (along the lines of Stallbaum's construe) in order for ακουων δε to have its proper contrast. The reason for the anacolouthon is to remind us of what the Stranger had said, that men get used to anything in time, and the mature and sensible age is not a privilege of the education in the more austere music. It would at this point defy the best poets to figure out what the wishes (βουληµατα) of the legislator were and how they were to conform, in their choice of the beautiful poetry of the past, with the intention of his wishes (κατα τον αὐτων νουν). The Stranger implies that they would simply follow their own taste.
The distinction between theology and religion determines the structure of the *Euthyphro*, the first part of which is controlled by the problem of the "ideas," and the second by that of prayer and sacrifice: οσιοτης and ευσεβεια occur only in the second part (the former seven times, the latter once). One may compare Sextus's separation of the issue of god(s) from that of sacrifice (*Pyrrhoniae hypotyposes* 3.218-222).
The indifference of right and left, no less than of male and female, will soon culminate in the indifference of day and night, and along with it the Stranger will recommend the Laws itself, which has been going on since dawn and is now more than half a day old, as the model writing for purposes of instruction. Of all the twists and turns of the dialogue this is perhaps the most astonishing. It belongs to a shift in the perspective from which the Stranger now examines education. The teachers and not the pupils are the focus of his attention (cf. 813b1-2). The teachers are all strangers, hired for pay, to teach everything that pertains to war or music (804c8-d3). The Stranger, one might say, arranges for the multiplication of himself throughout the city. They cannot presumably be the models for emulation, however strictly they comply with the rules that all foreigners must obey. They are to be a permanently eccentric element in the structure of the city. Whatever their pupils learn from them cannot be either local or patriotic, but solely subject to an art that is independent of local conditions. The entering wedge into the universal is compulsory public education of all boys and girls. At the beginning of the book, the Stranger suggested some regulations of mothers and nurses; now he deprives the fathers of any say in whether their children are to be educated or not (804d3-4). He assimilates the regime more and more to the best city in speech and calls a halt only when the city would have to be completely communized and lose every trace of privacy (807b3-808a3). The substitute for the slogan, "The things of friends are in common," is, "Knowledge is to be shared." Its teachers are to have nothing in common with the city.

The Stranger makes an extraordinary recovery from the oppressiveness of consecration, but not before he meets resistance from both Clinias and Megillus. Clinias is the first to react. The Stranger has just said that it is most senseless for the legislator to halve a city's strength when he could double it if the women were to learn the same things as the men. Clinias at first grants, rather grudgingly, that
it would be an error, but then for a moment feels overwhelmed when he reflects on the many departures he has heard from the regimes with which he is familiar. The Stranger's support of the old-fashioned, to which, Clinias said, he and Megillus were most kindly disposed (797d1-6), has put him off-balance, now that the Stranger has just drawn its ultimate consequence in the insignificance of man; but Clinias rather magnanimously recovers his composure: "But just as you spoke utterly in tune, for you ordered us to allow you to go through the logos, and once you had gone through it well, we were on that condition to choose what seemed best (το δοκούν), so you have made me now on my own rebuke myself because I said that" (805b4-7; cf. 746b5-d2). The self-consistency of the Stranger' plan has just come into conflict with Clinias's prejudices, and, almost simultaneously, he rebels and experiences his error. Clinias undergoes the equivalent to the Stranger's own experience of looking away toward the god and realizing the paltriness of man. Clinias's experience of guilt and self-punishment represents the unrealizable goal of the law: the experiential deviation from the law-- in this case the formal rule the Stranger was granted to carry through his project without regard for local conditions-- is to coincide as nearly as possible with a self-delivered reproach in favor of the law and against one's own objection. Clinias suspends his present experience in light of a distant end. He thus does not support Megillus when the Stranger disparages the Spartan handling of women and urges him to let the Stranger speak freely, "until we go through the laws in an absolutely adequate manner" (806c8-d2).

The Stranger believes it is his next task to describe the way of life of the citizens (806a4-7), even though he has not yet finished the children's education, and the law itself has not educated the minister of education adequately (809a6-b1). The Stranger casually remarks that no citizen practices any art, and farming has been entirely handed over to slaves, so that the only common practice left to the citizens is to eat together at the end of the day, though the men and women still dine apart (806d8-807a3). As everyone notices, Glaucon's objection to Socrates' true and healthy city, where everyone has an art and no one is idle-- that it is no better than a city of sows-- truly applies to this city, and the Stranger echoes Glaucon in saying that if everyone is just being fattened, then they deserve to be torn
apart by another animal that courage and toils have worn down to nothing but sinew and bone. The Stranger makes the citizens into Socrates' second class of warriors and thus confronts Adeimantus's question: What are they doing with their lives when they are not fighting? The Stranger has got the children up to the age of six, and when he resumes their education he takes them up to sixteen (809c7-810a2), which is the earliest age for the girls to marry, but the men do not patrol the countryside before they are twenty five and may not marry before thirty. What are they doing in all this time? If one lets oneself be swayed by the drift of the Stranger's talk, one might be led to suppose that they do nothing but study and practice, whether it be for gymnastic or musical competitions. The second chorus of Apollo consisted of those up to thirty, but the Stranger does not say for how long the children belong to the first chorus of the Muses (664c4-d1). They are in any case more likely to become muscle-bound than eggheads, for advanced mathematics is not for everyone (813e35-7; 818a1-7).

If, of course, one were to factor in an average life-expectancy of forty, which one now calculates to have held in ancient times, the Stranger's silence would not be as surprising, but the Stranger assumes a lifetime of three score and ten or more throughout, and perhaps under the favorable conditions he has outlined this span would not be uncommon. The puzzle therefore remains: what are the immature doing? One can presume that the grown-ups are almost entirely occupied in political and domestic tasks (808a7-b3). There are all those slaves, metics, and foreigners to supervise, to say nothing of the bad citizens whom the wide-awake magistrates terrorize at night (808c2-4). Although from the outside the city looks like twelve agricultural communities, none of the masters know the art of farming. They live the life of farmers, but they never handle a plow. They know how to rule without having learnt a single one of the arts whose artisans they control. This seems to be the recipe for disaster. We learn in Book VIII that the citizens do possess an art, an art that needs much exercise and many lessons (µαθηµατα), which they use to preserve and enjoy the common order of the city (846d2-7; cf. 770d3; 812e7-9). Virtue, then, is knowledge, and all the training in lawful habits was nothing but preparation for something else. At the end of Book I, the Stranger had praised the symposium for its great usefulness in getting to know the natures and conditions of souls; he assigned that knowledge
which the symposiarch alone possessed to the political art (650b6-9). He had then carefully distinguished this use of the symposium from its possible advantage in education in virtue (652a1-b1). Are we now to suppose that the Stranger has extended the franchise to such an extent, and the popular virtues have fallen away and become knowledge? The nocturnal council seems to have intruded much too early. He does say at any rate that whoever, with due regard for his health, is to the highest degree a caretaker of living and thinking (του ζην και του φρονειν), stays awake for the longest possible time (808b6-c2). No one, he says, is worth anything asleep, any more than one who is not alive (808b5-6).

Just before the Stranger turns to the education of the minister of education, he speaks of the bestiality of the young, which, sharpened by an inchoate rationality, requires the greatest number of constraints. While they are receiving instruction as if they were free, they incur chastisement for any infraction as if they were slaves (808d8-e7). Curiously enough, the minister of education also has to go back to school, for the Stranger goes out of his way to use the term for elementary education (παιδευειν), and he has "the law itself" educate him (809a6-7). When Socrates asked Meletus who educates (παιδευει) the Athenian young and makes them better, he would not allow his first answer, "The laws," but insisted on knowing what human being, who in the first place knew the laws, did so (Apology of Socrates 24d10-e2). Now, however, at this crucial point, the Stranger evades Socrates' question by first animating the law, and then, on reflection, giving in form at least Meletus's very answer, the Laws! A book, or a series of books, is going to be the educator of the minister of education. It is going to bear very little resemblance to the laws of the city, but it is to be in the hands of the city's instructors, who are to be hired from abroad if and only if they agree to have the Laws as their manual (811e5-812a1).

The Stranger has devised a posthumous screening of the teachers: there might not be a single candidate for many generations. He has the good grace to say, in concluding the section on writings and their teachers, "Let this be my myth and let it come to an end (τελευτατω) in this way" (812a1-2).

What seems to distinguish the section on writings from what precedes and follows it is the absence of their consecration. It has been stated, the Stranger
says, just before he turns to non-metrical writings, how the choral songs and dances are to be chosen, corrected, and consecrated (809b3-6; 813a1), and, after he divides dances into various kinds, he says that the legislator must consecrate them and prohibit any tampering with them (816c1-d2), but in the intermediate section on writings there is not a word about consecration any more than there is about their revisability. The Laws falls into this gap as the paradigmatic writing. The Stranger is not exactly clear about why, as Clinias puts it, he is really and truly (οντως) in a state of perplexity about it (810c5-6). What further sets writing apart is that no subject matter is assigned to it. It comes between the templates of choral song, on the one hand, and, on the other, dances, mathematics, and astronomy, but the Stranger never says what should or should not be taught from books. The Stranger then adds the question whether reading and writing should be taught at all, as if he had not assumed from the start, once he had made laws in the strict sense be written laws, that the laws were available to all and not the province of a few officials (809e3-7). It seems, however, that if reading and writing are not taught for more than three years, the proficiency of the general population would be low, and only the most gifted would attain a level of knowledge on their own that would make the laws, let alone the Laws, accessible to them. When, moreover, the Stranger does finally overcome his reluctance to touch on what puzzles him, he drops the issue of prose, with which he started, turns exclusively to the writings of poets, and poses the question whether whole poets or anthologies should be learnt by heart (809b6, 810b4-7, e6-811a5). The issue becomes whether vast learning (πολυµαθια) makes one good and wise, and the only clear point the Stranger makes is that everyone would concede that not every writing ever published is first-rate.

The lameness of this conclusion makes one realize that books can be read anywhere, and unless the slaves of the house become spies for the city, or the house itself can have a voice of its own (807e6-808a7), the sanctity of the private opens the door to subversive literature. Why, then, did not the Stranger just propose a general censorship along the lines Socrates laid down, and whatever was in conformity with the laws would be allowed and whatever was not would be forbidden (cf. 957c4-d6)? The Stranger had not, however, started out with a Socratic theology, according to which
the gods were the causes of all goods and they themselves entirely beautiful. If one uses the language of Varro, Socrates replaced, at the beginning of the best city in speech, the gods of the poets with the gods of the philosophers in order that the gods of the city might not get a foot in the door and interfere through the holy with the education of the guardians. The Stranger, however, had started with a distinction between body and soul and divine and human goods, and only when he confronted head-on the problem of change, did he tack on a religion that he then left entirely in the hands of the city. He had left, in other words, the gods of the city to the city. He knows, moreover, that Clinias, like all Cretans, knows very little of Homer or any other foreign poet, so he can hardly expel what has not yet got in without spoiling an innocence that is hardly uncorrupt (cf. 886b10-d2). The Stranger, then, seems to be imagining what would happen if he and not Homer were at the beginning, and he and not Homer were the educator of a new Greece. What if philosophy and not poetry started off civilization? Would it be possible to redraw the distinction between barbarism and civilization, so that the double origin of Greece in the Iliad and the Odyssey could be grounded philosophically? The Iliad is about a man who learns that he needs the gods if he is to be who he is, for only they support the distinction between body and soul and demand the return of Hector's body for burial. It is Achilles who realizes that the soul is something, after all, in the house of Hades (Iliad 23.103-4). So decisive is this theme for what we call humaneness that Vergil had to end the Aeneid with the killing of Turnus and leave in the dark whether his corpse was ever given back. The Odyssey is about a man who traveled very far, saw the cities of many men, and knew their mind. It is a story about the way and the obstacles to wisdom. Despite Vergil's combination of the Odyssey and Iliad into one book, there is no Odysseus in his story. Aeneas is renowned for his piety, and Vergil was not at the beginning of Rome. Achilles' justice and Odysseus's wisdom set the course for Greece. If the Stranger has doubts whether he can duplicate Homer's achievement on his own, his hesitation to broach the issue of writing is perfectly understandable (cf. 858e1-859b1).

The Stranger is very pleased when he glances back at his own speeches all collected since dawn, for they suit the bill and have been spoken "in a manner absolutely like a kind of poetry" (811c7-d5). The Laws, up to this point at
least, blurs the difference between poetry and prose, and fits the hearing of the young better than anything else the Stranger has learned or heard. The young are to hear a story about how their laws came to be, how their legislator began in error, how he refused to accept many arguments, and how he and his colleagues filled in, left out, corrected, and altered on their own authority what an unknown Athenian had left behind. If the Stranger has his way, these Dorian children are going to grow up, to an even greater extent than Megillus had, with a second fatherland (642b6). They are going to hear a story about their laws, inside of which there is an outline of laws declared to be gods and fundamentally flawed (715c4). Just as the gods of Homer are and are not the gods of the city, so the Laws is and is not their legislation. The Laws is the basis of their education, it is not something they are to obey. Once the Laws is the paradigm, the Stranger is willing to let the minister of education add other pieces of prose and poetry, and he urges in particular the transcription of any speeches as yet unwritten that he finds not unlike the Laws (811e1-5). He proposes, in short, the writing down of Socratic speeches. Clinias is not so sure: "We are, apparently, proceeding according to the supposition and are not stepping outside the supposition of the speeches; but whether we are right in regard to the whole or not, it is perhaps difficult to insist" (812a4-6). Clinias is no doubt troubled as much by the violation of the Dorian law of laws the Stranger casually introduces-- the young are going to discuss the laws with foreigners-- as by the finality (τελευτατω) of the Stranger's pronouncement about the myth, for it seems to deny a rethinking of this part at least in light of the whole. He may also be thinking that the criminal law, which must soon be tackled, could not possibly be suitable for the young to hear: that the laws could continue to educate despite the presupposition of criminal law, that the education in the law has failed, has the air of a paradox (cf. 857c6-e5). Clinias, in any case, could hardly have guessed that the Stranger was going to propose the abolition of Cretan pederasty or offer a new theology. The Stranger accepts the reasonableness of Clinias's qualms. He says that whether it is right or not to have the Laws as a textbook must wait "until we come to the end (τελος) of the entire survey of laws" (812a8-9).
Of all the instances of "teaching" in the *Laws*, a third are in Book VII (17); and 26 out of a total of 35 \( \mu \alpha \theta \eta \mu \alpha \) are in VII.

One should note the verbal parallelism—emphasized by the positions of \( \tau \varepsilon \lambda \varepsilon \omega \nu \) and \( \tau \varepsilon \lambda \varepsilon \omega \varsigma \)—of the need for the legislator to be complete (\( \tau \varepsilon \lambda \varepsilon \omega \nu \)) and not a half (\( \delta \iota \eta \mu \iota \sigma \nu \nu \)) and, if he is not, of his leaving behind instead for the city half of a pretty nearly completely happy life (\( \sigma \chi \epsilon \delta \omicron \nu \tau \varepsilon \lambda \varepsilon \omega \varsigma \ e\nu \delta \alpha \iota \mu \omicron \nu \omicron \varsigma \ \beta \iota \omicron \nu \) (806c3-7). The Stranger thus encapsulates the major difficulty in Socrates' conception of the applicability of happiness to the city as a whole. The completion of the legislation does not entail the completion of a single life for the city (cf. 816c7-d2).


Despite its theme, Book VII, which is also the longest book, has the fewest instances of \( \alpha \rho \epsilon \tau \eta \) with five than any other book except the ninth on criminal law with three. Book XI also has five, Book VIII six, Book VI nine; the rest are all double digit. The root of "just" (\( \delta \iota \kappa \-) also occurs the least number of times in VII (8); Book VIII, which has next to the fewest, has 18.


Augustine says that Varro, who borrowed his threefold theology from the pontifex Q. Mucius Scaevola, separated "civil theology from mythical theology, cities from theaters, temples from the stage, rites of the pontiffs from songs of the poets, as if he were separating beautiful things from ugly things, true from false, serious from playful, and what was to be sought from what was to be spurned," though he knew that the latter depended on the former and reflected it as if in a mirror (\( \text{de civitate dei} \ 6.9 \)). Augustine also reports that Varro wrote that he would not have placed divine things after human things, as he did in his *Antiquitatis*, had he been founding a new city, but would have started with the gods of the philosophers (4.31; 6.4).
Valerius Maximus records that the Spartans banished the poetry of Archilochus because they feared it would damage the morals of their children more than it would improve their minds (6.12.ext.1).

All the same, Vergil seems to be imagining something similar to the *Laws* for Rome, when he assigns to a Carthaginian singer a Lucretian kind of poetry, and to Anchises in Hades a Platonizing teaching (*Aeneid* 1.740-746; 6.724-751).

Timaeus proposes lessons to counteract the effect speeches, spoken in public [i.e., the laws] and in private, have on those with bad constitutions in bad regimes (*Timaeus* 87a7-b4). These regimes would be according to Socrates all known regimes, which merely vary in the extent of their badness.
4 Imitation

The theme of instruction requires a review of gymnastic (813a5-b2). It allows the Stranger to denounce once more Spartan women, whose behavior at the time of the battle of Leuctra helped to spread the opinion that the human race was the most naturally timid of all beasts (814b4-7). If the women are trained, the Stranger implies, the influence of religion will be kept in place (cf. 909e5-910a6). This time Megillus does not protest, and Clinias concurs with the Stranger's elevation of women to citizenesses (814b8-c5).^1 The review of gymnastic also lets the Stranger reveal a gap in his remarks about wrestling, which, though it is the biggest part of it, he cannot even now make up for, since "it is not easy if a display in the body and a pointing out in speech are not simultaneous" (814c6-8). The book had begun with the impossibility of putting into law all that the legislator had to say, but now the Stranger implies that there is something unsayable in the unwritten law itself: the comportment of the body defies description, yet defines a people as unmistakably as a signature. There is a limit to logos. The name for this limit is the αλογον or αρρητον, the irrational. The Stranger is going to match the disgrace of Spartan women with the disgrace of all Greeks, who do not know about the incommensurability of certain magnitudes, but who are sunk in the non-human and swinish ignorance of strict Pythagoreanism, for which no magnitude cannot be expressed as a ratio between two whole numbers (819c7-e1). Body and motion resist the power of number. The poet's demand that the legislator translate everything he certifies to be measured (µετριον) into a number cannot be carried out. The resistance to translatability raises the question whether the Stranger's insistence on eliminating differences, whether they be of left and right, female and male, or night and day, was not meant to point to this mathematical issue, and that it is here where one would have to begin with the asymmetry of nature: its order, if it has one, may not necessarily show itself in a way that the city can readily use. Maybe the possible equality of the right and left hands does not entail that there is not a hidden bias in the spatial orientation of things.
To be face to face with someone is not the same as facing oneself in a mirror. Nature too might be lame.

The sixty year old singers in the chorus of Dionysus signal the return to gymnastic. They deal with rhythms and harmonies that suit the imitations of the experiences of soul, and are to make sure that the notes of the lyre match the words of the song and are not sounding crosswise to them (812b9-c7). The Stranger does not reject such complexities on the grounds that they are untrue to the experiences of soul but because they make learning too difficult for the young, who have only three years to master what they should know. In the copy of the experiences of soul there is possibly a simplification of their reality. The ratios of shorts and longs in the rhythms, and the ratios of intervals in the scales, together with the logos of the words, are to accomplish an enchantment of the souls of the young, by which they are being summoned through imitations to follow along in the acquisition of virtue. This singing has its counterpart in dancing, which is in turn to impose a shape on the movements of the body that unavoidably accompany the movements of the soul (815e4-816a6). The Stranger begins his classification of dances as if they could all be fitted into a regular scheme of bifurcations. The first division separates the imitation of more beautiful bodies in light of the august or majestic (το σεµνον) from the imitation of uglier bodies in light of the paltry or insignificant (το φαυλον), and both the paltry and the august divide again into two more species.2 The august divides into the serious pair of war and peace, and the pyrrhic or martial dance splits into an imitation of either defensive or offensive actions; but the peaceful dance does not lend itself at once to a comparable division, for the disputable part of it has to be cut apart from what is indisputable and suitable to law-abiding men. The disputable dances, which go by the names "Nymphs," "Pans," "Silenuses," and "Satyrs," are Dionysiac or Bacchic celebrations and imitate these beings when drunk;3 they cannot be labeled either peaceful or martial, for it is not even easy to determine what they mean or want (βουλέσθαι). They are, the Stranger decides, not political and can be left wherever they are lying.

In returning to the unwarlike Muse, the Stranger labels the whole genus a celebration of the gods and their children when one is under the impression
that one is faring well; and the genus can be divided between the greater pleasures that result from an escape from toils and dangers into goods, and the gentler pleasures that accompany the preservation and increase of previous goods. Even though there was a place for them in the genetic structure of law (632a2-b1), there are to be no imitations of noble men who in facing adversity fail (cf. 732c1-d7; cf. Republic 399a5-b3). There is no representation of defeat (cf. 813d3-5). The Stranger's divisions seem to have betrayed him into covering over human experiences. Still, however, he has to fill in the two blanks on the paltry side of dancing, but he supplies only one, comedy. Does he then imply that tragedy belongs in the one empty spot? Tragedy would thus be the imitation of the experiential opinion that either there is never an end to toil and danger or there is a total and permanent loss of goods, and if the tragedies we have are any guide, no one behaves in a dignified manner under either circumstance (cf. Republic 605c10-606c1). If the term "paltry" (φαυλον) is meant to recall Megillus's rebuke of the Stranger-- that in treating man as a plaything and a puppet he had disparaged (διαφαυλιζεις) the human race too much-- then tragedy would be one way of responding simultaneously to Megillus and the Stranger. Despite, however, the neatness with which tragedy would then fill out his own scheme, the Stranger seems at the same time both to preclude this assignment and suggest it. Although he separates the playthings (παιγµα) of comic laughter from the seriousness, whether it be of the tragic poets themselves or their themes, he casts doubt on it by inserting a parenthetical, "as they claim" (817a2). The Stranger, moreover, had confessed that he did not know whether man as puppet was the gods' plaything (παιγνιον) or had been put together for some serious purpose (σπουδηι). There is, then, a place for tragedy on the paltry side; but it can also be lurking under the disputable category of the Dionysiac (βακχεια), for the Stranger, in saying that those dances imitate the drunk, could be describing the Laws. The Laws certainly began as a distant imitation of a drunken revel, and it has scarcely lost its character as a symposium in speech despite the not entirely deceptive appearance of a greater sobriety it has gained in the meantime. We have only to remember the Stranger's provocation of Megillus when he solemnly recommended the high seriousness of play. It looks, then, as if tragedy and the Laws are disputing for a place on either the left or right side of
dance, and to settle which belongs where would come close to understanding why the Stranger now says that they are the makers of the best and most beautiful tragedy.

The difficulty of placing either the *Laws* or tragedy in the Stranger's scheme can best be seen if one considers that the Stranger puts under the Bacchic the dances called Silenuses and Satyrs, both of whom are present in person in Satyr drama. Satyr drama seems to be in between comedy and tragedy and possibly the origin of both. Socrates too seems to belong there, for he himself likens Alcibiades' drunken praise of him to a satyric and silenic drama (*Symposium* 222d3-4). The Stranger, moreover, connects these Bacchic forms of dance with rituals of purification and initiation. He thus brings us back to the proto-tragedy he had found in the lullaby and Corybantic rites. The original bestiality of man, whether one takes it historically or genetically, would make the non-political genus to which the Stranger relegates these dances more indicative of the theme of the *Laws* than the civilized forms he welcomes into the city. The Stranger had already removed the pity of tragedy from the vicinity of the holy and restricted it, if the city were to need it, to the mourning for the dead. Does tragedy, then, in ceasing to be political, belong with the *Laws* on the edge of the city? The understanding of things is always eccentric to the things themselves.

It would seem that divisions generate asymmetries all by themselves (cf. 878b4-6). Clinias had begun with the assertion that war was real and peace but a name; and although the Stranger had instructed him that war and peace were two, and war was for the sake of peace (628c6-d1), he now suggests that this duality was a fundamental myth of the city; fighting to victory in war was to be coupled with winning the gods' graciousness, and both of them were the result of play, and play was the life of peace regardless of whether one was at peace or at war (803e1-4). Dancing, however, begins with the distinction between the martial and the peaceful. The return to gymnastic is a return to the primacy of war for the city: the Stranger had put play under music. He now starts out with a distinction between beautiful and ugly bodies; but he immediately adds a manly soul to beautiful bodies entangled in violent toils, and a moderate soul engaged in good fortune and moderate pleasures. Ugly bodies and ugly thoughts belong to comedy, but an ugly body with beautiful thoughts, which was
Alcibiades' understanding of Socrates, is another possible combination. When, moreover, the Stranger turns to peaceful dances, he contrasts the greater intensity of pleasure the cowardly and immoderate man experiences with the lesser degree of the orderly and brave; but he does not do the same for the experiences of war, so that one could distinguish the reaction to such stress on the part of the moderate and the brave. Would one of them experience greater pleasure in offense and the other in defense? If the text is sound, the Stranger speaks of the imitation of the imitation of offensive actions (815a5-7). He seems to be alluding to the double distance at which such gestures stand from the act of killing, for if there are to be no dances of noble dying-- the Stranger might thus hint that it does not exist on the battlefield (cf. 944c6-7)-- the thrust of the sword, the cast of the spear, and the shot of the arrow are, when represented, without their intended object and do not show what is involved when a blow goes home. In any case, the double character of the pyrrhic compels one to ask whether there is also a double form of comedy, one of offense, which Socrates describes at great length in the Philebus (48a8-50a10), and another of defense, which is designed to thwart or deflect the barbs of an Aristophanes.

The Stranger admits that the serious things cannot be understood without the funny things, and as the thoughtful person (φρονιµος) needs to observe both, so the virtuous needs to recognize both, so that he does not inadvertently do or say laughable things, if there is no need (µηδεν δεον). Tragedies, it seems, may be read but not performed, and slaves or hired foreigners are to perform comedies. These comedies are to be constantly changed, in order, presumably, to hinder the duplication of a comic type in the city by dint of repetition (816d3-e10). The slaves, who in the city represent the actions of men solely subject to the law as threat, are now on the stage to represent funny things. Is comedy to ridicule the law, and thus shame the spectators into taking their own bearings by the preludes alone? The Stranger himself had suggested a funny scene. The slaves were to say to themselves: "What a disgrace! We, of all people, have to wake up our mistress! What a slugabed! What an Oblomov! She ought to wake us up! If we had our way, the whole house would sing in her ear: 'Sleepy head! Slugabed! The police are knocking at the door! And we summoned them!'" (807e6-808a7). The Stranger did not know whether he should call it a practice or a law
that the free are always to be the first who are awake and stirring about. If it is to be a law, the slaves become the masters; if it is to be a practice, the slaves must show up their masters only on the stage. Would the audience laugh and say, "It couldn't happen here?" Would, in fact, its very impossibility make them indifferent to the message and, on the very next night after the show, sleep through dawn?

The Stranger composes the following reply to the tragic poets:

"Best of strangers! We ourselves are the poets of the best and most beautiful tragedy possible. Our whole regime, at any rate, has been put together as an imitation of the most beautiful and best life. It is this, we assert, that is really and truly (οντως) the truest tragedy. Now you are poets, but we too are poets of the same things. We are your rivals in art and competitors for the most beautiful drama. The true law [song] alone has the nature to perfect and complete this. That's our hope. So do not imagine that we, just like that, would any more allow you to fix your stages in the marketplace and introduce actors with beautiful voices, speaking more loudly than we do, than grant you permission to harangue the children, the women, and the entire crowd [cf. 658d3-4], and though you speak about the same practices you do not say the same things as we do, but generally most of them are the sheer contrary. We would, you know, be pretty nearly completely crazy, and every other city whatsoever would be too, should it permit you to do what you now say, before the magistracies had decided whether you have made sayable things and suitable to be spoken publicly or not. Now, then, sons and offspring of the soft Muses, first we have to show your songs, in comparison with our own, to the magistrates, and if it is evident that you are saying the same or maybe better things, we shall grant you a chorus, but if not, friends, we could never do it" (817b1-d8).

The Stranger seems to have conceded a lot to Megillus, who protested when he had maintained that play and not seriousness was proper to man; now the most beautiful and best life is a tragic life, and the Stranger is the maker of such a life in an image. He competes with the tragic poets and exhibits the truest tragedy. The tragic poets miss the truth about the tragic life. That truth seems to be contained in the first place in "the best and most beautiful life possible," for this is once more a formula for the impossible union of the eidetic structure of the good with the genetic structure of law. For tragedy, the experiential deviation from the law points to suicide; for the Stranger, it points to the eidetic structure of the good. Tragedy would have failed, then, not in discerning the character of lawful justice and
moderation, but in not setting them up against the structure of the eightfold good and its leader mind. Oedipus, with the double meaning of his name ("Know-where" and "Swollen-foot"), comes the closest to representing the eidetic and the genetic, the first of which is displayed in Oedipus's solution to the riddle of the Sphinx, and the second in the twin prohibitions of incest and patricide. Those prohibitions were holy, and Oedipus's discovery of man was necessarily a violation of the holy; but Sophocles could not point out the arbitrariness of the translation of the divine into the holy, and thus could not distinguish, as the Stranger had, between sacrifice, on the one hand, and, on the other, singing and dancing (cf. Oedipus Tyrannus 863-910). Oedipus's life was tragic because he could not will to be who he claimed to be once he knew who he was. For tragedy, the best life is the political life, but it is best not to born, for the political life is the criminal life; for the Stranger, the truest tragedy is that political life is too serious for it to be a life of play. The Laws itself is the true law. It is the in-tune song (emmeleia) of the out-of-tune (plhymeles), or the orderly disorder of the symposium in speech. It alone has been able to make the truest tragedy.


2The august (seimvon) means almost everywhere in Plato the pretentious, and the verbal denominative (apo)seimnein in the active to magnify and claim a divine status for something or in the middle to give oneself airs; with the exception of Socrates' Laws (Crito 51b1), only Hippias uses seimvon without irony (Hippias Maior 288d3); cf. Gorgias 502b1 (of tragedy); Statesman 290d8, e7; Philebus 28b1, c3, 7.

3Wilamowitz, Platon II, 401, wants to read the nominative for katwvomeneouz, in order to get rid of drunk gods and ruin Plato's thought.

Consider Sappho fr. 85 Lobel (137 B): 
\(\text{το \ αποθνησκειν κακον. \ οι \ θεοι \ γαρ \ ουτω \ κερικασιν. \ απεθνησκον γαρ \ αυ} \). See further David Daube, "The Linguistics of Suicide," *Philosophy and Public Affairs* I (1972): 387-437. He points out that it is in Greek tragedy that one first finds an explosion of terms for killing oneself, and that the *Old Testament* has no special term for it, and neither the *Old* nor *New Testament* prohibits it.

Plato's *Apology of Socrates* illustrates structurally the truest tragedy. In the first part, Socrates stands in for man in general in light of his interpretation of Apollo's oracle (23a7-b4); in the second part, through his *daimonion*, Socrates is just himself and not everyman. The first part deals with ignorance, the second with virtue. The moral of the first part seems to be suicide, that of the second, for which Achilles is the model, heroic defiance of man's fate. This tragic structure becomes philosophy once ignorance yields to the knowledge of ignorance, and the human good is to converse each day about virtue and everything else Socrates examines (38a1-7).

The word *πολις* disappears from the play after its last occurrence in this stasimon (880), but afterwards its negation *αποπτολις* occurs (1000), and *αστυ* (1378, 1450). If one follows up on O. Apelt's suggestion (*Platons Gesetze*, v.2, 526n94), that the preludes are meant to be the equivalent to the choral songs of tragedy, then the three personages of the *Laws* are the actors in the drama, with the peculiar consequence that the Stranger is the tragic poet who has now come out from behind the scene and is on stage throughout.

Polybius, in speaking of the Roman use of religion (*δεισδαιµονια*), praises the ancients for inculcating in the people fears of the unknown, opinions about Hades, and "tragedy of this kind" (6.56.11).

Pollux (4.99) and Athenaeus (XIV.28 [630 D-E]) assign the dance called *εµµελεια* to tragedy, but the Stranger gives it to the peaceful (816b4-c1). Athenaeus goes on to say that in his own day (second-third
century A.D.) the pyrrhic dance remains only in Sparta, elsewhere it is the Dionysiac, in which, now that there are no longer wars, the dancers hold thyrsi instead of spears and hurl them at one another (631 A-B).
5 False Appearances

The last two lessons differ from everything that has preceded them in one respect: they are to be detached from the law if it turns out that a proof cannot be given that there are irrational magnitudes, and that the sun, moon, and planets cannot be shown to travel in circular paths (820d8-e7; 822c7-10). If neither were true, the Greeks would not be ignorant swine and uttering false reports against the gods, and the first end of education would end with the Stranger's claim to have been the poet of the truest tragedy. What the Stranger now proposes has nothing to do with tragedy, even though there is a sense in which astronomy, as a science of bodies in regular motion, falls under a theoretical gymnastic (cf. Timaeus 40c3-d3; Erastai 132a5-b3), and the replacement of the Olympian gods with cosmic gods, which is first broached here, alters how one is to understand the holy. "We [Greeks] say," the Stranger says, "we should neither examine the greatest god and the cosmos as a whole nor meddle in the investigation of their causes, and we say it is not even holy" (821a2-4; cf. 966e4-967d2). Since phrases like "Being mortal think mortal thoughts" strike us as typically tragic, there seems to be a connection, after all, between the Stranger's rivalry with tragic poets and his assertion that it is altogether dear to the gods as well as advantageous to the city to learn something as beautiful and true as his proposed astronomy (821a7-b2). In reverting to the gods of the barbarians (Aristophanes Peace 406-411; cf. Plato Apology of Socrates 26d1-3; Cratylus 408d5-e1), the Stranger frees himself from any restrictions on examining the gods and their causes. He does not explain what advantage the city would obtain from the sort of investigation he proposes. When he first suggested the rudiments of astronomy, its purpose was to keep the lunar and the solar years together, so that the fixed days of festivals would not occur in the wrong seasons, and to make men more thoughtful about them; but there was no suggestion that the gods to whom the city was to sacrifice were the divine beings who fixed the calendar (809c6-d7). Now, however, that a mathematical model is proposed, which would also involve a causal account, the Stranger runs the
risk of demonstrating to the city that the moon shines by reflected light, and Anaxagoras was right to say that it was earth (Apology of Socrates 26d4-6; Cratylus 409a8-b1).

The account the Stranger gives of astronomy does not match the high importance he attributes to it. It seems to be a place-holder for the theology of Book X, in which an argument for the priority of soul to body is given, and the cause of all motions traced to soul. Once the soul is in place, it is not clear whether astronomy, no matter how perfectly it proves the circular motions of heavenly bodies, can maintain its present rank. If order is always better than disorder (806c4-6), it still might be the case that there is order and order, and the confinement of the paths of the planets to circles might not be most revelatory of the true order of things. The apparent commensurability of all magnitudes has to yield to a proof of their incommensurability, and the Stranger suggests at least that surfaces and volumes might have a counterpart to linear incommensurability (cf. Ritter, 220-6). What the Stranger implies is that once there is a way to rationalize the irrational, the apparently chaotic becomes as orderly as the natural numbers, and there is no evident limit to what mathematics can represent as ordered. The discovery of irrational magnitudes simultaneously discloses the possibility of ever-higher orders of order and demotes the circularity of celestial motions as being a privileged image of mind. Linear incommensurability is universally unknown among the Greeks, but it is not clear why they are worse off in their ignorance. The Stranger seems to imply that their ignorance makes them falsely draw the line about the necessities (αναγκαι) against which not even a god fights. These divine necessities emerge in a sentence that begins with another kind of necessity—what of mathematics all the citizens must at a minimum (αναγκαιον) know. A precise knowledge of arithmetic, plane and solid geometry, and astronomy cannot be expected of everyone: "But it is impossible to discard what is indispensable or necessary (αναγκαιον) in them, and it seems as if the one who first uttered the proverb about the god looked at these things, and said, 'It is evident (φανητ) that even a god shall not ever be fighting against necessity,' at least, that is, against those necessities that are divine, since of human necessities, at least, at which the many are looking when
they say something of the sort, that is the most foolish of all speeches by far" (818a7-b6).

Human beings cannot be human if they do not know that gods do not resist certain necessities. There is a necessity for them to know what constitutes necessity for gods: "I imagine, if someone did not do (πραξας) these necessities, and in turn did not come to understand them, he would never become a god for human beings, any more than a daimon or a hero would prove to be the sort to care seriously (συν σπουδή) for human beings, and a human being would be far from coming to be divine should he be unable to recognize one, two, or three, or in general odd and even, or be altogether ignorant of counting (αριθμειν), and be unable to count and classify (διαριθμεισθαι) night and day, in his inexperience of the revolution of moon, sun, and all the other stars" (818b9-d1). If human beings were swine, a god of a different kind, as Xenophanes suggested, might be possible; but once the Stranger requires that the incommensurability of certain magnitudes be known if human beings are to be human beings, then the minimal condition for human beings becoming divine passes beyond the knowledge he first lays down, since the capacity to count and awareness of the circuits of the heavenly bodies do not entail that knowledge. Man must first know how to count day and night as two and then as one (cf. Epinomis 978b7-d1). He must first see the two visible parts of the day before he comes to understand their invisible unity. Up to this point he does not have to do anything; but once he begins to do geometry, he must act. These actions consist in constructions, which Socrates says are as laughable as they are necessary (μαλα γελοιως τε και αναγκαιως) (Republic 527a6). From these constructions there arises the proof that if the two legs of a right-angle triangle are equal, the square on the hypotenuse is equal to the sum of the squares on the two sides; and from this proof the question about the commensurability of the hypotenuse with the length of the side first comes to light. It is, I think, this kind of geometrical construction to which the Stranger alludes with his mysterious πραξας. If a god does not do these constructions, it is impossible for him to know these necessities or be a god for human beings, for without the proof of the irrationality of √2 he would believe what man knows to be impossible, that odd can be even.¹ To know these necessities is a necessity; it is nothing very grand or beautiful; but not to know them
is to be absolutely contemptible (πανταπασιν φαυλον) (820b4-c6). The Stranger echoes Megillus, who thought that the Stranger was expressing his absolute contempt (πανταπασι διαφαιλειζεις) for man, when he said that man partakes in truth to some small extent. Megillus had not known the half of it.

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1Ritter's interpretation of πραξας, that a god must be the maker of a self-binding necessity (211-4), seems to me as impossible as England's modification of it, that god creates in us "the faculty of realizing mathematical necessity" (311), since in either case ποιησας would be needed. England also has to separate artificially πραξας from µαθων, as well as god from daimon and hero. The significance of construction for Plato also shows up in the Statesman, where the Eleatic Stranger's distinction between πρακτικη and γνωστικη cannot hold up once mathematics' reliance on construction is recognized (258d4-e7).
Two lessons precede hunting. If they were removed, hunting would be placed right next to the Stranger's claim to have made the truest tragedy. If they are indispensable, hunting becomes the first example of the difference between what the legislator praises or blames and what the legislator makes into law. The Stranger thus recovers what his proposed consecration of everything threatened to banish, for even though young and old were to learn mathematics as a game, there was still a necessity to learn it. Now, however, the unwritten law is restored, to which no penalty is attached if the young prefer to go fowling or fishing rather than stick to the daylight hunting of four-legged beasts without the use of nets and traps; but it is a curious consequence of the bestowal of praise on one kind of hunting that, despite the Stranger himself proposing it, no penalty is attached to those who disobey and do what is explicitly prohibited (823c8; 824a10-19). There are no numbers in this law.

It is easy enough to see that hunting is just as much a place-holder as astronomy, for as astronomy stood in for theology, so hunting stands in for philosophy or dialectic, for the curious juxtaposition of the issues of mathematical sciences and of tragedy cannot but remind us that in the Republic, after tragedy has been banished, it is replaced by these same sciences, which Socrates then crowned with philosophy. What is even more curious is the Stranger's indulgence in a set of divisions, seemingly lifted from the Sophist, in order to determine what is to be praised or blamed and what is to be allowed or prohibited. The key to what he is doing lies in the fact that the law as he presents it uses hunting in the literal sense, but praise and blame extend hunting and the hunted to include actions and beings that implicitly would cover almost all of the things that are. The extensions thus allow us to reconsider the bestiality of man and link up hunting with the definitional and unwritten laws that originally separated man from beast and god from man. The entire range that man occupies first comes to light in hunting. It is the Stranger's first foray into law as wanting to be the discovery of the beings, and it prepares the way
for what the Stranger has long postponed, the question of eros. He extends the meaning of eros along with the extension of "hunting."

Unwritten law belongs to that part of speech that the law does not claim for its own. Law always preserves an older part of a language and aims at freedom from ambiguity. Law wants to have no similes and no metaphors; but the extension of nouns and verbs so as always to be taking in almost everywhere more ground than their root-sense warrants seems to be native to speech and occurs not only for the sake of economy, but because men notice the resemblance among things that the law does not and cannot acknowledge. The double meaning of νομος is at the heart of the Laws. The experiential deviation from the law shows up in speech itself, and only if speech were to be made holy could these drifts in meaning be contained, but only to a degree, for even with such a consecration another kind of speech would grow up beside it and be the depository of everything the law forbade. The Stranger had had the tragic poets put their question to the legislator in this way: "Are we to bring and drive (φερωµεν τε και αγωµεν) the poetry?" (817a5-6). The phrase φερειν και αγειν usually refers to the laying waste of a country, in which the first term designates the carrying off of all movable goods, and the second the driving away of all livestock. The poets are in the vanguard of non-lawful speech, for they see more deeply into the experience of things. To keep them out only slows down the reshaping of speech, it does not stop it. Τεµνειν και καειν can mean in the devastation of a country slash and burn, or, in the curing of a patient, cut and cauterize. If one were to superimpose the first sense on the second, one could say that the phrase then expresses the experience of the patient and the action of the surgeon simultaneously.

The Stranger starts his analysis of hunting without distinguishing it from anything else; but if one has recourse to the Sophist (219c2-e2), hunting and competition belong immediately to mastery, or the gaining of the upper hand (χειρωτικον), and ultimately to acquisition, and hunting is distinguished from competition by its being secretive (κρυφαιον), whereas competition is out in the open (αναφανδον) (cf. 731a3-5). The secrecy of hunting comprehends the hiddenness of both hunter and hunted. The analysis of hunting precedes the Stranger's ordinances that pertain to training for war and competition (cf. 633b1-2). Hunting (θηρα) comprehends not only the hunting of
beasts (θηρια) but also of human beings, whether it occurs in war or in friendship, and whether it is praised or blamed. "Hunting," then, in defiance of the "beast" (θηρ) lurking within it, denies any difference, as far as the action goes, between beast and man. The swinishness of man, insofar as he does not know about irrational magnitudes, is juxtaposed with the bestiality of man, which shows up, despite his lawful hunting of the undomesticated swine, in war. The experience of men in war leads them on their own to the edge of the recognition of themselves as beasts of prey, which Homer steps over and shows them for what they are: "Antilochus darted forward like a hound, which jumps up at a wounded fawn, and as the fawn shoots out from its lair, the hunter hits it on the mark and loosens its limbs, so against you, Melanippus, Antilochus, staunch in battle, shot out in order to strip you of your armor, but Hector took note of it: he came running through the battle-line to oppose him, and Antilochus did not remain, stout warrior though he was, but he shuddered and looked like a beast that had done an evil-- it killed a dog or a cowherd who was guarding cattle-- and took to flight before a crowd of men could gather" (Iliad 15.579-588). The city may want to cut away warfare from hunting, for its laws about burial may want to say that man is not carrion, but the actions of war put a strain on the law that only a poet may be able to relieve. The city wants to separate the thefts of piracy from stealing up on the enemy, but the act itself, as well as the disposition that alone makes the act possible, does not admit of such refinement (cf. Xenophon Cyropaedeia I.6.27-28). Experience sides with dialectic and holds that "he who clarifies the art of hunting through the art of the general is not more august (σεµνοτερος) than he who shows it through the art of lice-killing, but he is for the most part more vain" (Sophist 227b4-6). Jacob committed fraud twice, once to get his brother Esau's birthright and later to win his father's blessing (Genesis 25.24-27.40). Esau was a hunter, born red and hairy; he had a craving for venison and once, on coming in from the field exhausted, asked "to gulp that red, red dish" his twin brother had prepared. All he got was lentil soup, but Jacob must have known how to duplicate the smell and looks of the real thing, just as later Rebecca had him dress in the skins of Esau and herself prepared a savory Isaac loved and Jacob's brother knew how to prepare. The hunter was almost a beast, the smooth and quiet man who lived in tents was a master of disguise.
The Stranger separates the hunting that admits of praise from that
which carries blame; but he seems to speak so carelessly that one cannot be certain
whether the distinction applies only to the hunting of men in friendship, to the
hunting of men in general, or to hunting simply. This carelessness is not his, but
belongs to the experiences of men, whose discernment no more readily distinguishes
pimps from honorable go-betweens than it does Socrates from sophists, though it claims
at times to find a charm in the bribery of lovers that it withholds from other forms of
flattery (cf. Theaetetus 149d5-150a7; Sophist 222d7-e3). The law pretends to know
nothing of this. It declares what it wants and believes that is what it means (cf.
719a7-b2; Minos 316d8-e1). The written law wants to enjoin and prohibit certain
things; and just as it cannot add "or else" without arousing speculation, however idle,
about the source of its certainty that one cannot get away with its violation, so it
must make one suspect about whatever it prohibits that it is somehow attractive in
itself, and were it not for the law one would be naturally inclined to it. The
Stranger now exaggerates to the point of absurdity this antinomianism concealed in the
law. He addresses the young: "Friends, would that neither any desire (ἐπιθυµία) nor eros
for hunting at sea ever seize you, any more than for hooking and in general for the
hunting of beasts in water by means of lobster-pots that do the work of an idle hunt
for men who can be either awake or asleep" (823d7-e2). The Stranger wants to keep the
young awake, and not engage in practices that could be done in their sleep; but he
expresses this laudable aim by implying that one would fall into laziness through the
passionate desire to be an angler. His devout wish begins to make sense when he
couples it with another: "And, in turn, may not the longing (ιµερός) for piracy occur to
you, any more than for the capture of human beings at sea, and thus make you into
savage and lawless hunters; and may not theft in town or country graze even the surface
of your mind" (822e2-5; cf. 831e8-832a2). The closeness of piracy and highway robbery
to the ordinary ways of warfare, which had even shown up in his divisions, threatens
the law-abiding civility of soldiers. What thus seems to be a fanciful extension in
speech of an absurdly remote possibility in deed turns out to go to the heart of the
law. The breeding of lawless desires cannot be kept apart from the inculcation of the
law. The Stranger concludes his wish with this: "And, in turn, may not a wily eros
(αμυλος ἐρως) for the hunting of feathered things occur to any of the young” (823e5-824a1). The word for "wily" or "wheedling" occurs once elsewhere in Plato; Socrates uses it of the lover who, having convinced the beloved that he is a nonlover, is about to make a seemingly lawful speech (Phaedrus 237a4). One is forced to wonder, then, whether, just as legitimate warfare and lawless piracy approached one another in the former condemnation of the desire for angling, so the eros the Stranger wishes to ban does not lie very far from the winged Eros Socrates wished to promote in his second speech, which, he declared, was the same speech as his first (Phaedrus 252b8; 262c5-d2; 264e7-266b2). However this may be, the first half of Book VIII deals with warfare and pederasty.

1The most conspicuous case of archaic language occurs in homicide law, where κτεινω rather than αποκτεινω is used; Plato follows this practice in the Laws (about thirty times). Only in the Euthyphro is there a comparable frequency of the uncompounded form. Thucydides' use of κτεινω and αποκτεινω is worth examining: first at 4.96.8 the uncompounded form stands in for the compounded; at 3.66.2 the Thebans distinguish the two. Of the ninety or so occurrences of the Ionic dative plural in -οισι and -αισι, 18 are before the beginning of the laws proper at 771a5 (i.e., about three-sevenths of the whole). Clinias speaks the first two (625c2, d2).

2The Stranger first points to this literalism of the law when he criticizes choral producers for transferring the word ευχρως to song and gesture (655a4-8). Cicero Topica 7.32: saepe etiam definiunt et oratores et poetae per translationem verbi ex similitudine cum aliqua suavitate. sed ego a vestris exemplis nisi necessario non recedam. solebat igitur Aquilius collega et familiaris meus, cum de litoribus ageretur, quae omnia publica esse vultis, quarentibus eis quos ad id pertinebat, quid esset litus, ita definiire, qua fluctus eluderet; hoc est, quasi qui adulescentem florem aetatis [της ωρας καθαπερ οπωρας (837c1)], senectutem occasum vitae [ἐν δυσµαις του βιου (770a6)] velit definiire: translatione enim utens discedebat a verbis propriis rerum ac
suis; cf. Fritz Schulz, *History of Roman Legal Science* (Oxford 1946), 98. Since *eludere* means to deceive by trickery and in law to evade a law by a dodge, Cicero's criticism of Aquilius is particularly telling.

3It is the Stranger's silence about the tameness or not of man that most distinguishes his set of divisions from the Eleatic Stranger's, for when he divides hunting on land into hunting of either tame or wild animals, Theaetetus doubts whether there is a hunting of the tame, and the Stranger offers him several possibilities, that man is either tame or wild, some other animal is tame, or there is no hunting of man, and Theaetetus decides, "Just as I believe we are a tame animal, so I say there is a hunting of human beings" (*Sophist* 222b2-c2). The Stranger then puts under violent hunting the arts of piracy, enslavement, tyranny, and all of warfare (222c5-7).


5"Just as the hunting of the aquatic [beasts] is extensive, so is that of the feathered extensive, and that which characterizes the huntings of the land [footed] animals is very extensive, not only of beasts, but it is also worth keeping in mind the hunting of human beings, both [*τε*] that which occurs in war, and [*δὲ καὶ*] the hunting in friendship too is extensive; one admits of praise, one of blame" (823b1-7). The resumption of the construction with hunting in friendship, after it has been broken off with the hunting of human beings, makes the last phrase ambiguous. The diacritical problem hunting poses foreshadows the problem of the unity and manyness of virtue. It is in a sense the same problem.

6It first occurs in the epic poets of wheedling speeches, whether of Calypso, Zeus, or the first woman or woman in general, or in tragedy of Odysseus or non-violent devices: *Odyssey* 1.56; Hesiod *Theogony* 890; *Works and Days* 78, 374, 789; Sophocles *Ajax* 388; Euripides fr. 715.1; *Rhesus* 498, 709; Aeschylus *Prometheus Bound* 206; cf. Pindar *Nemean* 8. 33.