THE IDEA

OF LEGISLATION IN

THE EARLIER PLATONIC

DIALOGUES

by

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Preface

This thesis is an attempt to make clear what Socrates and Plato meant by νομοθετικὴ and νόμος. It should not be considered as a contribution to legal philosophy similar to the studies of H. Cairns (1), J. R. Hall (2), E. Michelakis (3) and G. Vlachos (4). Nevertheless, all of them have been carefully considered.

My purpose is to show that the principles, on which Plato grounds his conception of legislation, as it is expressed in the Republic, the Politicus, the Epistles and the Laws, are already stated in the so called earlier or socratic dialogues. Their importance for the understanding of Plato's theory of νόμος is, I think, greater than has been generally acknowledged.

General agreement is now secured on the approximate chronology of most of Plato's dialogues. I may be allowed then to consider as earlier dialogues those edited in the first three volumes of the Bade series. So, the dialogues under consideration in this thesis are the

(1) Legal Philosophy from Plato to Hegel, Baltimore 1949.
(2) Indiana Law Journal, XXXI (1956).
Apology, the Crito, the Euthyphro, the Charmides, the Laches, the Lysis, the Hippias Major and Minor, the Protagoras and the Gorgias.

Like many scholars, I am describing these dialogues as "socratic" and refer to "Socrates" when quoting the views of the chief interlocutor in them. I assume that the Socrates of these dialogues stands nearer the historical Socrates than, say, the Socrates of the Republic (1). But even if a different view of the "socratic problem" is suggested, the method and conclusions of my research would not, I think, be seriously affected, my main point being to establish what the dialogues referred to have to say on νομοθετική and νόμος.

My contention that these dialogues do not refer to είδος as a transcendent reality is not inconsistent, I think, with a unitarian conception of Plato's thought. The variations in Plato's use of είδος may be due to a changing emphasis in interests at different periods of his life. The same cause may explain the growing emphasis on ἀφίλετο in connection with evil-doing in Plato's later works.

(1) The Socrates of these dialogues stands undoubtedly near the Socrates of the Memorabilia. Aristotle's view that Socrates was interested in definitions on ethical matters and had no conception of είδος as a separate essence (Metaph. I, 6, 987b 1-5) applies particularly to Socrates, as he appears in the earlier dialogues.
The order of the chapters of this thesis rests on the attitude of Socrates in them. The first chapter is concerned with Socrates' attitude to nomos in his life as a citizen of Athens. The second chapter deals with νομοδετική as related to Socrates' ethical enquiries. Chapters 3 and 4 discuss the views of the outstanding sophists on νομός and the way that they may have affected Socrates' and Plato's views on this point.
A. Comte's \(^{(1)}\) assumption that the Greeks were unable to grasp the idea of a social development is obviously inaccurate, in so far as Plato's theory of law is concerned. The present essay will try to establish that Plato understood in a sketchy way the idea of a logical development of a legal system towards precision and completeness. On the other hand he was perfectly aware of the possibility of a corruption of the legal and political system. The attempt will be made to find the seeds of those two views in Apology and Crito.

As everybody knows, the Apology and Crito are mainly defending the memory of Socrates, by showing that his conduct is the pattern \(^{(2)}\) to which any good citizen has to be true in his relations with his city and its laws. \(^{(3)}\) Socrates simultaneously retains the character of the wise man and affords a practical demonstration of the consistency of the function of the plain citizen with that of the wise man. \(^{(4)}\) This being so, the possibility of a science of social and legal dynamics is a comparatively subsidiary question. If however one takes into account the fact that the whole legal order in Plato depends partly on its acceptance by the citizen, it is understandable that the Apology and the Crito may contain various hints relevant to a theory of legal development. The subsequent

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1. in Griechische Soziologie by A. Menzel pp. 162-163 (Sitzungsberichte der Akademie der Wissenschaften in Wien, Philosophisch-historische Klasse, Band 216).
2. a possible source of the platonic view on \(\text{ειδός, παραδείγμα} \).
considerations will deal a) with the positive aspect of legal development, this being identical with an improvement of law, b) the corruption of legislation through the gradual appearance of lawlessness.

II. Positive development of Law

a. Its connection with the development of the city. Socrates and Plato maintained that the concept of $\Pi \theta \nu \iota \sigma$ is unconceivable unless the concept of $\upsilon \omicron \omicron \omicron \omicron$ is simultaneously thought of (Crito 53a). This, as U. Galli says, is a constant platonic view (op. lass I 644d). This means that the state is identified with a particular type of legal order and is also personified as its laws are (Crito 50a, 50d). This is evident from the close connexion between the laws and the $\kappa \omega \iota \nu \nu \omicron \omicron \iota \nu \iota$ $\Pi \theta \nu \iota \sigma$ (50a). The latter is the "universitas civium" endowed with a common will, expressed through legal order. The law is also tightly connected with the city (Crito, 51d, 52 b-c), the country $\Pi \alpha \tau \omicron \omicron \omicron$ (51c). The connexion is suggested from a functional viewpoint. The law is connected with the state because it makes it an object of knowledge. So the law is the supreme rule, regulating the life of the state (Crito 50 a-b). It may be described as the mould which bestows regularity and normality on the life of a given society. The country appears to the citizen's political conscience as a system of laws. Moreover, there is an analogy between $\upsilon \omicron \omicron \omicron \omicron$ and $\gamma \omicron \omega \omicron \iota$ consisting in the identity of their nutritive

(1) Platone e il Monos, Torino, 1937, pp. 76-77.
(4) M. Gigante, Monos Basilieus, Napoli 1956, p. 164.
and educational function (Crito 51d). (1) This was a common Greek view especially agreeing with the νομοκρατία of the Athenian democrat. (3)

It may be inferred that, in Socrates’, and Plato’s view, the origin of law cannot be separated from the development of the community as a whole.

This implies that the legal development is really a social one. On the other hand, the development of the community is eminently rational, since the community may be grasped through its legal order. (4) It may be added that this account can perfectly tally with the wider analysis of the origin and development of the law in the Laws (III). It is evident from Laws III 681c ff that since a bigger community—μείζων βουλευτής—was constituted, its development was tantamount to the development of its law.

b. Its connection with the development of the citizen’s political conscience.

The importance of the theory of persuasion and the awareness Plato manifests of the danger of ὑπάρχει show that he was fundamentally alien to a definition of the law equating it to a mere command, enacting itself by violent means. Plato anticipated Montesquieu’s doctrine of the “ressort moral de la legislation” i.e. the view that a legal or constitutional system depends on the acceptance by the common citizen of a system of moral values. (5) So, Plato was inclined to ground the development of the law on the growth of the awareness of the social links, displayed by the citizen in his daily conduct.

This is evident from the so called “social contract” theory of the

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(1) Nessel, Griechische Soziologie p. 99, he compares with Aristotle, R.N. 1162a 5.
(2) J. Burnet ed. of Ruthynrh, Αpology and Crito p. 200.
(3) U. Galli, op. cit. p. 77 n. 1, see E. Larache, ΙΟΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝΝΕΕΟΝNN.
(4) To some extent the law may be considered as the ἔπος of the νόμος or its ἔπος.
(5) The evidence is quoted by A. Nessel, Griechische Soziologie, p. 42.
"Crito". (1) Obviously the θυνθήκη or ὁμολογία view here is quite different from the seemingly similar views of Locke or Rousseau. (2) It may be pointed out that there is no account of the origin of legislation in the Crito and Plato did not at this period admit the possibility of a human life without laws, as he will be able to do in the Laws III. So, the laws are temporally and logically antecedent to the citizen's consciousness. The latter has to accept or reject them. The law remains even if the citizen breaks the bonds linking him with the community. (3) It is therefore slightly inaccurate to compare the previously quoted passages of the "Crito" to the doctrine of Fouillee or Bourgeois according to which the law is grounded on its recognition by the citizen. (4)

But what makes fundamentally different the θυνθήκη doctrine of the "Crito" from the modern "contract" theories is the statement of 54c on the affinity of the laws of Hades with those of the city. These laws are according to Plato a species of the unwritten law (ἄγραφος νόμος). (5) As the divine is in Plato an anticipation and a pictorial expression of the rational, the description of the laws of Hades as "divine" may be understood to refer to their universality and their cosmic extension. If this is so, these laws are objective, i.e. independent of their acceptance by the citizen. If the laws of the city depend on the former, as

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(1) Γαίτα θυμοθέτη ήμιν τε καὶ θεοί 50ε, οὖν ἔργον όμολογις καὶ θυμας Ἰουνίου καὶ θημας ποιεῖν θείους θείους.

(2) A. Nensel in "Beiträge" 17 163 overstates the similarity.

(3) F.W. Cornford, in Psychology and Social Structure in the Republic of Plato, Classical Quarterly, VI, 1912, p. 276 aptly remarks that the θυνθήκη view of society (hinted at in Crito 51c) precludes the hypothesis of its origin through a social contract.

(4) So, A. Nensel, Beiträge..., p. 166.

(5) The other main species being the πατριος νόμος or πατριων νομιμον perhaps alluded to in Crito 50d and explicitly referred to in Laws III 691c, 690a.
It may be suggested that the statement of 54c reflects the influence of Heraclitus's views on the dependence of the human laws on the cosmic divine law. This way of understanding this passage on αιδον τονιν of course the possibility of bestowing on it an "ideological" sense, in accordance with H. Kelsen's interpretation of the platonic justice. If Kelsen is right, the statement of the laws of Hades may be understood as some kind of θεονομοσ, aiming at persuading the citizens to accept the supremacy of the written laws of the state. This interpretation involves the general issue of the connexion between the cosmic law or cosmic justice and the law or justice of the state, assuming that the laws of Hades are not fundamentally different from the concept of cosmic justice, as defined by Ammonius or the notion of the divine law as stated by Heraclitus. The evidence provided by the "Apology" and the "Crito" does not afford a sufficiently firm ground to take sides on the issue of the priority of either the cosmic or the polis law. As, however, the statement of Hades law expresses an authentic religious experience felt by Socrates (Crito 44b, Apol. 21d) at the last moments of his life, it is rather unlikely that this statement is meant as a device.

(1) This conclusion is aptly substantiated by R. Hirsel, Themis, Dike und Verwaltung, ein Beitrag zur Geschichte der Rechtsidee in der Griechen Leipzig 1907, pp. 255-267.
(4) According to Kelsen, the platonic view of natural law was a way of satisfying the law giver's and Plato's own thirst for power.
(5) The conflicting views of Nomio! and Jaeger are quoted by U. Galli, p. 18.
(6) D.K. 10, I, p. 89 frg. 131. δικαιοσύνη τις ες αρχήν (the 4 elements)
to confer acceptability on the laws of the state. So, this statement is at least what the just citizen is expected to believe. It possesses the status of a \( \chiρνοτιν \ δόξα \) (Crito 47a).\(^1\)

This being so, the development of legislation depends on the development of the \( \διονοσια \) of the citizen towards it. The first stage of this development is the rise of the citizen from the biological to the human status. Pen, as such, is a merely biological being.

The marriage laws (50d) bestow on him a human status. Therefore the citizen (50e) is \( \varepsilon\kappa\gamma\nu\omicron\omicron\varsigma \) of the laws.\(^2\) This holds also for the subsequent acts of the citizen, which are, as such, merely physical but are raised by the laws to a human, and also social and moral level. (52e \( \pi\alpha\iota\delta\alpha\sigma\varsigma \iota\pi\omicron\omicron\iota\omicron\omicron\omicron\)) To that stage correspond mainly the laws of marriage.

The second stage of the social development of the citizen is secured by the \( \tauροφί \) bestowed by the laws.\(^3\) These laws concern obviously the nurture of the future citizen as an infant and a child. They include the various duties and cares of his parents towards him, including his physical well-being and the development of an elementary social and moral sense. A species of it could be the fear of \( \gamma\zeta\omicron\omicron\omicron\omicron\ ) hinted at in Crito 53d, the fear of incongruous conduct \( \alpha\delta\chi\kappa\nu\nu\omicron\omicron\ ) and the feeling of shame (Crito 53e). It may be suggested that these laws on \( \nu\alpha\iota\omicron\omicron\ ) represent a group of \( \alpha\gamma\rhoα\alpha\nu\omicron\omicron\ ) rather than written laws, if the

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\(^1\) W. Lutoslawski, The Growth of Plato's Logic, p. 201 understands this as implying the acceptance of a moral value, not of a logical truth standard. To the unwritten divine law may also refer the \( \mu\epsilon\gamma\nu\omicron\omicron\omicron\omicron\ ) of Crito 53a.

\(^2\) \( \nu\omicron\omicron\omicron\omicron\omicron\omicron \), 51c \( \gamma\epsilon\nu\nu\nu\omicron\omicron\omicron\ ) \( \sigma\omicron\omicron\iota\nu\omicron\omicron\ ) \( \iota\mu\nu\ ) 51e \text{op.} \)

\(^3\) \( \tau\iota\nu\omicron\ ) \( \tau\iota\nu\omicron\ ) 50d, \( \epsilon\kappa\rho\delta\epsilon\gamma\nu\omicron\omicron\ ) 51c, \( \tau\rho\omicron\omicron\omicron\omicron\omicron\omicron\ ) 51e, \( \iota\mu\nu\omicron\omicron\omicron\omicron\omicron\omicron\ ) 54b.
minuteness and the particularity of their subject is taken into account.(1)

Then follows the third stage, which is the result of the educational function of the law, the παιδεία granted by them to the citizen(2) depending on the maintenance of the citizen's status. These utterances do not refer to the educational function of the legislation as a whole. This will be the case with the Republic. That the idea of an educational state is still absent in the "Apology" and the "Crito" is evident also from the fact that Spartan and Cretan legislation is not yet seriously considered (52c). It is noteworthy too, that, in Apology 24 d-e, the law is not self-sufficient from an educational point of view. So, the "Crito" refers mainly to a group of written laws stating that the physical and "musical" education of the future citizen is a compulsory duty of his closest relatives. (3) The fact that "music" was included in the educational pattern compulsorily enacted by these laws may involve that the citizen was thereby granted what Protagoras describes as εὐρυγήμα, εὐθυμοσία (326b Prot.) of the soul, i.e. a more conscious moral education than that assured by τροπή. It is likely that the term κόσμος (53c) (4) may apply to the so "adorned" personality, unless it involves also the performance of the strictly political duties, meaning then ordered rather than "adorned" soul.

(1) Laws VI 736a the laws on marriage - γέννας - may remain asρομια unless the citizens are already corrupted. According to G. Morrow, Plato's Cretan City p. 118, this connexion is due to the fact that the oikia is at the origin of the αδραγός understood as πατρίων νόμων.
(2) σι ἐπι τούτῳ ἑτερογενεῖς νόμοι πασαγγέλλοντες τοῖς πατρί τῷ οὐ δὲ εὐθυμοσίᾳ καὶ γυμνασικῇ παιδείᾳ 50 e, ch 51c, 52d, 54a
(3) cp. the utterances of Protagoras, Prot. 325e ff, the idea of an educational state is more clearly stated in this dialogue (326d) than in the Crito.
(4) To such an adornment may point 51c, μεταδόντες ἀπαντών τῶν ὄντων ὀφείλει μεν καὶ ἐκ καμίν.
The fourth and ultimate stage of the citizen's social and moral development is defined by his ability to πολιτεύεσθαι. (1)

These laws on the duties of citizenship obviously included the "constitutional law", which may well be the law defining the legal claims of sharing in the various ἀρχαί, for instance the judicial magistracy (51ε) (2), the laws concerning the administration of the city (τά ρημά τῆς πολιτείας) (51ε), the laws defining the various duties of the citizen (e.g. national service 52b). All these were probably written laws.

So, the four stages of the social development of the citizen are the rise to a human status, the τροφή aiming at the training of sound ethical instincts, the παιδεία whose main feature is a spiritual and moral conscience, the πολιτεία involving the ability to perform the duties of citizenship. These stages correspond to legal functions, so they may ground a twofold classification of the existing laws. We may distinguish the unwritten customary laws almost identical with the "laws" on γέννησις and τροφή than the written legal enactments on παιδεία and πολιτεία. It may also be suggested that the above-mentioned functions provide the basis of a fourfold classification of the existing laws, whether written or not. In that case we have the laws on marriage, nurture, education and citizenship, the last including also the constitutional law. (3) Whichever classification is admitted, it may be concluded that the development of the moral conscience of the citizen provides a basis for a functional classification of the

(1) Crito 52a, 52d, 53b, 54a.
(3) It is noteworthy that the penal law has no distinct status in the "Crito" but is perhaps included in the laws on the judicial function. This may be so because the emphasis in the Crito is on Πολιτεία and persuasion rather than on δίκαιον and punishment.
laws. It may be inferred that the temporal development of the legal system is parallel to the former. In that case may appear first the πάτρια νόμιμα on γέννησις and προφήτης, then the explicitly enacted γράμματα on παιδεία and πολιτική, although this suggestion may be challenged on the ground that Plato displays a great reliance on νόμον and is inclined to feel suspicious towards an overextension of γράμματα. (1) The previous analysis assumes that the speech of the laws in Crito is to be taken as a serious expression of a definite Platonic doctrine. This precludes the possibility to consider it as a myth or an historical account comparable to that of Xenoxenes.

It should also be assumed that there is some connexion between this part and the first part of the Crito. It is very likely that the connexion lies in Crito 47d (2) 49d (3). Here is explicitly stated the underlying principle of the speech of the laws, implied in the view that the citizen is "slave of the laws" (50d). This principle possesses the status of a truth, relevant of course to the level of ὁμοίωσις, the validity of this belief (49a) resting on its moral goodness (47a). So, the efficiency of the legal order does imply in the Crito the standard of truth, but this is the truth of a moral belief, not grounded on transcendent forms as in Rep. VI 464 c-d. This is probably due to the pictorial method of the Crito, connected with the outstanding importance of Socrates, the incarnate synthesis of the good citizen and the wise man. Moreover, we may draw from Crito 49d the inference that human communication between the citizens involves the acceptance of the moral ἀρετή, that injustice

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(1) See Rep. IV, 425 c-c, 426a, 427a.
(2) ὑπὲρ ἀκαίριους ὄρασις ὀφθαλμοὺς ἐκεῖνοι καὶ ἐφανομένα, ὁ τίμων εἰς ἐκάθεν ἐπιστήμην ὠποδικον δικαίωσιν ἀποτρόπαιον.
(3) The principle of never doing injustice.
is harmful to one's true self. (1)

6. The levels of the legal development.

This question is not treated as such either in the Apology or in the Crito. There are however various hints implying a theory of legal development which will be made here explicit. In Apology 28b there is an utterance about Socrates' ΕΠΙΤΗΔΕΥΜΑ. This is liable to approval or rejection according to the ethical standards, which vary as long as no general agreement was secured about what ethical standards should be (Crito 49d) (2). As far as the ΕΠΙΤΗΔΕΥΜΑ is temporally and logically anterior to the individual conduct, it may be described as a pattern of behaviour, performing some sort of legal function. Hence its close connexion with νόμος in later platonic texts. In Apology 28b, ΕΠΙΤΗΔΕΥΜΑ is illustrated by Achilles' conduct, a heroic example to which Socrates seemingly wishes to conform.

On the whole, however, the ΕΠΙΤΗΔΕΥΜΑ is an ethically valueless ethical pattern as it may be approved or rejected by the agent's moral conscience i.e. it may be "good" or "bad" (Crito 47 b-c where πρακτεύω, γνωριστείον etc. are obviously ΕΠΙΤΗΔΕΥΜΑ) In Crito 47c it may be "just" or "unjust" and this is a constant platonic use.

(See Rep. VI 489c-d, 495a-b).

Now, the individual decision to choose a particular ΕΠΙΤΗΔΕΥΜΑ is neither blind nor taken at random. It is determined by some belief or opinion about its "beautiful" or "honourable" (καλόν) character.

(See in Apol. 28c ff in the case of Socrates, following the ΕΠΙΤΗΔΕΥΜΑ.

(1) R. Robinson, in Plato's Earlier Dialectic, p. 165 rightly observes that the similarity of the αρχή of Crito 49d with the αναπόδηθειον of Republic 511 b-c is only apparent. Against the view of taking seriously the speech of the laws in Crito in H.W. Stier, Νόμος Βασιλία, Philologusa, 83, 1928, p. 264 n. 263.

(2) Alci-b 31, 126d Prot. 356d ff.
provided by Achillean. In that case, the έπιτόθεμα becomes νόμιμον with the qualification however that the approving authority is very rarely the individual conscience. According to the Athenians, it was the written law, embodying the decisions of the popular assembly, as well as the traditional customary patterns. They certainly condemned Socrates because they thought that he erected his own conscience as the supreme judge on this issue, as Hegel puts it. (1)

Plato reserved this function to raise the έπιτόθεμα up to a νόμιμον to the philosopher (Rep. VI 484d) (2) or, when he wrote the Crito, to the “competent man” (Crito 47b ff.). Hence he would accept Socrates’s claim.

Whatever was the case with the charge against Socrates, the notion of νόμιμον was very likely involved in it (Apology 24b, 26 c-d). The religious νόμιμον, towards which Socrates was allegedly guilty of disrespect, did not only include the idea of a ritual act. (3) In that case, the term έπιτόθεμα would be adequate. A religious νόμιμον should exemplify also a religious belief and a practical neglect almost certainly involved an internal disbelief in the real existence of the divinity worshipped. (4) The fact that in the literature previous or contemporary to Plato, the act of worship was referred to by

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(1) Lectures on the History of Philosophy, Haldane’s tr. vol. 1, p. 430 ff. Even if this statement is inaccurate as a description of Socrates' appraisal of the existing έπιτόθεμα, it is relevant to the feeling of the Athenian judges towards him.
(2) In Rep. VI 501b, επιτοθεμα appears to be the raw material of which sound legislation is constituted. I take ἀνόητος to refer to the legal order constituted by the philosopher magistrate.
(4) As U. P. Wilamowitz, Platon I, p. 159 rightly points out. R. Hackforth composition of Plato’s Apology pp. 59, 62, 64 displayed an onesidedness comparable to that of Burnet and Taylor in restricting the meaning of the indictment to concern only a theoretical disbelief.
the term νομίζων may be quoted as an evidence for the above interpretation, since this term means the belief in a factual existence. It is noteworthy that Plato uses this term as synonymous of νομοδετέων. As νόμος or the frequently synonymous νομίζων are the result of the frequently synonymous verbs νομίζων, νομοδετέων, τιμώ嘴唇 at least in the previous context, the inference may be drawn that in any νομίζων, three elements could be distinguished: 

1) an external pattern of conduct described as an ἐπιθέμα

2) its approval by the community as a whole, described as an act of νομίζων, especially when the verb is used in an impersonal way. This approval is embodied in an elementary and arbitrary qualification of some ἐπιθέμα as καὶ, while others are stated to be αἴσχρα.

3) νομίζων possesses an obligatory character. When the internal obligation evolves into external compulsion, through the enacting power of the legislative authority of the city, the νομίζων becomes νόμος, this being very often but not always a written law.

This analysis tallies with the view of legal order, which is contained in the second part of the Crito. There is no explicit reference to ἐπιθέμα here but the acts of the citizens would be termed so in so far as they are deprived of any legal status. To the νομίζων may point the laws on marriage and nurture (50d, 52b, 51e), while the legal...

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(1) The references are quoted by O. Schroeder, Νόμος ἐν Παντίναις Βαβυλώσ Philologus LXIV (1917) p. 199.
(2) In Symp. 186b νενομοδετέων = νενομίζων, in Rep. 1136b νομίζων refers to the result of νομίζων, in V. 469b νομίζων amounts to νομοδετέων.
(3) For a discussion of these passages, R. Hirzel, Thesam..., pp. 376 n.2, 377 n.1.
(4) νόμος is of course considered here as being different from νομίζων as synonymous to νομίζων. Such is the use of Hesiod and Herodotus. The evidence is quoted by O. Schroeder op. cit. p. 198. Schroeder's description of νομίζων as an "Überlieferte Lebensordnung" may be considered as satisfactory although understating its distinction from ἐπιθέμα.
enactments concerning education and especially those related to the

*dioiketois pòtou* and the duties of citizenship should be strictly defined as *vómios*. The unwritten divine law does not concern legal development as such but rather the awareness of the cosmic implications of the legal order as felt by the citizen, especially if he happens to be also, as Socrates was, a wise man. So, the Apology and the Crito supply in an imperfect way the evidence for a theory of legal development through three main levels, the ἐπιστημων, the obligatory νομίμων and the compulsory νόμος. (1)

d. The development of legislation considered from the viewpoint of the moral standards accepted by the legislator.

The consideration of the moral development of the citizen leads the reader of the Apology and the Crito to point out that the development of legislation implies a change in the moral standards accepted by the community. Many gloomy platonic utterances on the existing Greek cities, like that of Rep. V. 473d-e on the separation of political power from wisdom, should be understood as meaning that Plato felt a fundamental inconsistency underlying their practice. While they generally paid lip service to the cooperative values, grounded on ἱσόνομα, they, in fact, accepted implicitly the competitive values both in their internal and external policies. This is particularly the case with the Athenian practice and public life, as felt by Plato, where the competitive standards, previous to the development of political community, prevailed.

These standards imply that δίκαιον or κακόν is to protect

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(1) It may also be pointed out that the relation of the citizen to the enacted law was described in terms of ἴδιονομία, as W.B. Nestor, Justice in Plato's Republic, Philosophical Quarterly, 1951, p. 210, says.
oneself by all means to help one's friends and to harm one's enemies. Crito defends him in 45c(1) 46a, 44 c-d. Achilles' ἐπιτιθέμενα in Apology 28 c-d is understandable by reference to competitive standards. It is noteworthy that Socrates here quotes it in order to defend his own line of conduct, of course, he does so by revaluing and perhaps distorting its meaning. Glaucon, in the Republic (II 356c, 359 b-c) alludes to this system when he says that people hold justice and equality as second best values and that they would nourish different beliefs, if they could do so without harm for themselves.

Kallippos's view of ἰκαίον in Gorgias 491d, identifying it with Πρέον ἔξειν, are implied in these values and this may strongly induce Socrates and Plato to reject the traditional competitive ideal of ἀριστεύειν, especially when politics and legal theory are involved. If this ideal is accepted, justice, understood in connection with equality and law may stand in so far only as one is not sufficiently confident in himself, as Glaucon puts it. If he is so, why should he restrict his claims of protecting by all means himself or his friends, regardless of harm possibly done to others.

It may be suggested that the platonic theory of politics in spite of its constant rejection of the competitive values uses them in two cases:
1) the historical analysis of the primitive communities. 2) the description of the external policy of any city, even the higher one.

1. It may be asked if the prevalence of these values is not, for Plato as for Hobbes, a feature of the primitive stage of legal and political development. This is unlikely to be so, as we are told

(1) οὐδὲ ἰκαίον μεῖοι δοκεῖς ἐπιχειρεῖν πρᾶγμα, οὐδὲν προσδέναι, ἕτοι γεωδέναι...
elsewhere (Politics 271e ff. Rep. II 371d on the "city of pigs") that specific relations were prevalent at that stage. (1) If however the "cyclopic cities" referred to in the Laws III 681b represent the first stage of legal development, it is obvious that they adopt innocently the selfish standards, as the carelessness they show to each other makes evident. This choice lasts as long as they lead a separate existence, i.e. previously to the óυνοδος referred to in Laws III 681c.

Furthermore the selfishness of these "natural" communities differs from the acceptance of similar standards by the citizens of a developed city state in respect of their innocence, as is implied in their extreme reliance on ἐδῶσ (Laws III 680a). (2) This selfishness does not imply competitive relations with other communities, which are simply ignored, not fought against (Laws III 680b). (3)

2. It is puzzling to find that the healthy city of the Republic will be compelled to wage war (V, 466e ff.) and to that extent admit the competitive values involved in this policy, resulting from the mere fact that it is a Greek city (470e). Even the ἀκριβεστάτην ποιῆς of Rep. VI 504b will have to do the same (VII 539e, 540a) and adopt to that extent

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(1) Plato, as Hesiod, probably thought that the primitive stage of the history of mankind was the nearest to the ideal, as the myth of Kronus in Politics and the Laws seems to point. So A. Fenzel, Griechische Soziologie, p. 187 who rightly remarks that if the οὐκακύκλοις view is relevant to Plato, then the view that any development is a decay for him is wrong. H. Kyffel, Metabōsin Πολιτικά, Der Wandel der Staatsverfassungen, Bern 1949, is inclined, on the evidence of "Laws" IV 710d ff., to accept this view. See pp. 102, 97.

(2) Plato, in spite of his alleged conservatism is extremely reluctant to admit ἐδῶσ as an ethical standard, probably because it is likely to lead to the acceptance of the selfish, competitive values. This is so in Rep. V 452a ff. cp. 452d where the claims of ἐδῶσ are opposed to those of ἀπογονοί.

(3) This is so because the cyclopic oἰκία (as well as the pig-city of Rep. II) are lavishly provided with the supplies they need (Laws III 679a).
ethical principles inconsistent with its nature and main ethical pursuits(1) especially with its internal policy.

In spite of the above qualifications, Socrates and Plato do not admit that any type of legislation could be firmly grounded on selfish standards, in spite of the fact that these are implied in the notion of the alien ἰένα as is alluded to in Crito 54e, in so far as the relations between different cities are concerned. On the whole, the salvation (οἰκονομία) of legislation in the "Crito" is grounded on the acceptance of the principle that the citizen is deprived of the right of "retaliating against the law" (μυιάνταδίκην Crito 50e). This principle assumes that injustice is harmful to the soul while justice represents its healthy state (Crito 47a, 48a). This doctrine tallies perfectly with the views on justice stated in Gorgias 512e describing injustice as the disease of the soul. (2) So, the legal views of Crito imply the same ontology of the soul, as Ἰεῖότατον, Ψηλιότατον as the Gorgias, in the above passage, and the Law (V 726-727c). Now, in so far as the frequent "scales of goods or virtues" stated in the Law (e.g. 641b, 631b, 627d) imply this view of the soul, it may be suggested that the legal principles of the Crito imply a similar hierarchy of moral values and virtues. So, Plato, when he wrote the Crito, already grasped the ontological principle of a sound legislation, i.e. the true nature

(1) This is a compromise of which Plato may be conscious as is suggested by his reluctance to praise courage as a virtue on the ground that it is easily corruptible (Rep. V 430e where the emphasis is on ΠΟΛΙΤΙΚΗ ΑΝΘΡΩΠΙΑ Laws I, 634a, 630 a-c). The limiting provisions, as far as war among Greek cities is concerned, are obviously relevant to this reluctance and should not be taken mainly as an educational device. So they are understood by W. Jaeger, Plato's (engl. tr.) vol. II p. 257.

(2) Burnet on 47e 6, op. cit. p. 193.
of the soul, but did not confer it a transcendent character as he will
do in the Republic (V 476a) by means of the ἄδικαν (1)
So, it is true that the legal theory of the Crito is grounded on a
"cooperative scale of values" (2) This view may however lead to a mis-
understanding of the platonic ethics and politics if one fails to grasp
its connexion with the platonic "psychological ontology" (3)

Now, it may be asked how the transition from the competitive to the
cooperative system of values is secured. This question assumes that the
whole movement of thought in the Crito, progressing from the "Achille's
values" of Crito to the "nomocratic" values of Socrates expresses such a
development. This transition may be realised through the common identifi-
cation of ἄδικαν with νόμιμον (4) According to Xenophon (5)
Socrates accepted this identification. This is however ambiguous as
long as the true nature of νόμιμον was not made clear. The Greeks
obviously considered νόμιμον as a customary rule implying some kind
of semiconscious belief, ἄδικαν being what agreed with it (6) So,
when Crito describes ἄδικαν the fact of being careless of one's fate
(45c) he does so on the ground that it is against the prevailing customary
beliefs, i.e. against νόμιμον. The common view of νόμιμον may

(1) It is noteworthy that Plato in Rep. VI 506 b-c is fully aware of the
ambiguity of the term ἄδικαν, which may refer to quite
different systems of moral values, according to the σεία of the
acting or apprising subject.
(2) cp. A.W.E. Adkins, Merit and Responsibility, pp. 262-264.
(3) U. Paoli, "Studi sul Proceso Attico" 1933 p. 195, fails to grasp the
ontological implications of the μην ἀνθρακτικήν principle in spite of
his right emphasis on its novelty.
(4) the legal thought included in [Demosth.] C. Aristog (25) 16 implies
this view. cp. Burnet op. cit. p. 200.
(5) Monon IV 4 12, cp. J. Adam on Buthyphro 3d, Intr. to Crito p. XIII and
Mon. IV-VI, 5-7, Cynopedia I, 3, 17 quoted by J.W. Jones op. cit. p. 11.
(6) Such is the use of νόμος in the "De Periscio, Xenophane et Gorgia"
977b 25-30 referring to the religious customary beliefs and their
criticism by Xenophanes.
ground quite opposed moral claims and therefore lacks philosophical clarity.\(^1\) Now, Socrates realises a transvaluation of the \(\delta \kappa \alpha \iota \eta \nu \omicron \mu \nu \) standard. \(\delta \kappa \alpha \iota \eta \nu \omicron \mu \nu \) is still \(\nu \omicron \mu \nu \) but this customary rule is not an ultimate self-sufficient principle. It is expected to agree with \(\nu \omicron \mu \nu \), provided that the latter can never conflict with real justice (Crito 54 b-c). The enacted law is then the norm enabling one to distinguish the right from the wrong claim because it is the expression of justice as such. This view is founded in the Crito, the Gorgias and the laws ontologically and is grounded epistemologically in the Republic \((V 476a)\).\(^2\) So, the positive development of legislation implies a change in moral values, which provide its ethical ground. It is made intelligible by the different use of the terms \(\delta \kappa \alpha \iota \eta \nu \omicron \mu \nu \), involving a greater strictness and rigorosness. There is no strong evidence in the Apology and the Crito about the agent performing this change, while its direction and meaning is clearly stated. It may be inferred however that the statements on the "competent man" (Apology 25b, Crito 46a) imply that this change amounts to a philosophical and ethical conversion of the citizen, represented here by Socrates, whose agent is not yet the philosopher but already the morally and "technically" "competent man", who has the right insight into the true nature of the soul. It may be suggested then that the \(\pi \nu \iota \rho \omicron \alpha \gamma \omicron \nu \iota \) of the righteous citizen, which induces him to understand the right moral standards, (Crito 48c) is an anticipation of the \(\pi \nu \iota \rho \omicron \alpha \gamma \omicron \nu \iota \) of Rep. VII 518d. The distinction however between the agent and the subject of this

\(1\) cp. the criticism of \(\tau \alpha \tau \omicron \nu \pi \omicron \zeta \omicron \nu \nu \omicron \mu \mu \omicron \) in Rep. V 479d.

\(2\) Adam I p. 335-356. It may be pointed out that the Crito (42a-b) by progressing from \(\delta \kappa \alpha \iota \eta \) to \(\delta \kappa \alpha \iota \eta \nu \omicron \mu \nu \) foreshadows the view of justice as such of Rep.
"conversion" is much clearer in the Republic than in the Crito.(1)

It may be added finally that this ethical change is irregular, since its inferior stage, where the competitive values are prevalent, coexists with the superior stage of the predominance of the "wisdom values". This is so because the city, which accepts the latter internally, may resort to the former in its relations with the foreign cities.

e. The Functional Development of Law.

The statement of J.W. Jones on the platonic view of legal order, that it is "a living influence to be felt, experienced and manifested in conduct"(2) applies to what is stated in the Apology and the Crito on this topic. It is noteworthy that the law may be defended by an appointed advocate (Crito 50b), a hint obviously referring to the Athenian practice of appointing public advocates δικηγοροι to defend a law, whose abrogation was considered.(3)

The whole speech of the law, in the Crito, even if it follows some kind of mythical scheme, implies the capacity of the law to state its own case, to persuade the citizen of the fairness of its claims, to be persuaded by him, this involving that the law might be reformed or improved through the citizen's public action (51b, 52a). The law appears to be, as the Greeks and especially the Athenians strongly felt, endowed with the ability of διαγέροιος(4).

The law being described in this way, the inference may be drawn that its development is comparable to that of an individual, who progressively acquires personality and conscience, being therefore increasingly apt to

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(1) When A. Grote, Plato I p. 305, identifies the σοφία with Socrates he probably simplifies and overstates the case. He is nevertheless right when he concludes that ultimately one's reason and conscience is expected to show who the expert is.
(2) The Law and Legal Theory of the Greeks pp. 11-12.
(3) As. Burnet says on Crito 50b. He quotes Demosthenes XIV 3 25.
(4) cp. Burnet op. cit. p. 199. He describes the law defending themselves in Crito as "august male figures". He quotes as evidence Demosthenes XI § 59 and Aeschines I § 18.
exercise and feel an influence through his set of relations to others. The emphasis on persuasion in the Crito may allude to a functional development of the law, its persuasive function overstepping its compulsory one, which was perhaps preponderant in the beginning of the legal development. There is no formal evidence for a connection between the stages of development and the functions of law in the Apology and the Crito. There is however a hint on understanding the law mainly as a compulsory rule. This is so when (Crito 50e) the citizen is described as the slave of the law. If compared to what is stated about the physician of the slaves in laws IV 720c ff, the Crito passage may point to the recognition of the use of \( bia \) on behalf of the personified law, this being a feature of the first stage of its development. (1) Moreover, it may be inferred from 52d (on \( doygos gavdpdlos \)) that the law is compelled to resort to compulsory methods in so far as the citizen is deprived of the ethical and political maturity which would render effective the persuasive means.

Nevertheless, this way of understanding 50e may be challenged if it is considered that there is an approved slavery consisting in the subordination of the inferior part of the soul or society to the superior and amounting to \( \epsilon\nu\mu\pi\pi\omicron\omicron\iota\omicron\upsilon\nu\nu \) (Rep. IV 432a, IX 590 d-e). In that case Crito 50e should point rather to the persuasive than to the compulsory function of the law. The citizen regards himself as the slave of the law because he is persuaded by the whole spirit of the legislation to think so.

This view seems to prevail when we are told in Crito 46e that legal

(1) op. J.W. Jones op. cit. p. 58.
action should not be hasty, impulsive and so to say emotional, especially in cases involving the death penalty. This view is restated in Apology 26c – 27a where the easy resort to legal procedure is qualified as lawlessness. There is a similar appraisal of such proceedings in Rep. IV 426c. The compulsory method is understood to prevail when the persuasion fails i.e. in the function of punishment. Even then (Apology 26 a–b) *κόπασις* should not be hastily used but is understood as a last resort, when "instruction" μάθησις fails. It seems to be a Socratic desideratum that the offender should be persuaded of the fairness of the punishment he is doomed to suffer (Apology 37a, op. Protagoras 323d ff).

The persuasive means obviously prevail when we are told that the law "can be persuaded" i.e. amended, reformed and improved by the persuasive action of the citizen (Crito 51c, 51e, 52a). This is a constant platonic claim, vividly expressed in the Laws IV 722b (op. Crito 52a *προτιδέντων χιμών κούκ ἄρρίως ἐπιταττόντων*) as R. Hirzel aptly remarks. (1) This legal function implies an appeal to the feeling as well as to the *γοτιστικόν* of the citizen. (2) In this light may be understood the platonic statements about the "beauty of the law" (Symp. 210 b–c, Hipp. Fej. 295d) and the "love" which the enlightened citizen is expected to feel towards it. The "beauty" of the law grows simultaneously with its persuasiveness. It is noteworthy that this function follows the statement that the legal persuasion is to some extent akin to the conviction realized by means of dialectic, described also in terms of *πειθώ*, *παραμυθία* (Rep. V 476 d–e), the latter


(2) as Morrow, Persuasion, pp. 244–246 says. op. U. Galli op. cit. p.75.
being nevertheless nearer to rational conviction.

The conclusion may be drawn that the compulsory function of the law does not represent an autonomous stage of legal development but is complementary to the persuasive function of the law. The relation of the persuasive to the compulsory function may be compared to that of the constitutional or civil to penal law. It may also be described as analogous to the wise statesman's science as compared to a legal enactment. The status of is that of the "second best" provided that the compulsory function may well be prevalent when it is necessary to cure through "purification" an unhealthy city. (1)

f. The logical aspect of the legal development. The judicial considered as a consequence of the legal order.

The law being described as a vivid δύναμις and presumably expected to develop as such, it must not be severed from its judicial application. (2) It follows from the quoted evidence, particularly 50c, 51c, that the law as such is the judge (3) provided that νόμος and νόμος perform the same function in the Crito. Then, the court verdicts are themselves particular legal enactments endowed with the sacredness of the laws (51c). They are specifications or exemplifications of the law, being related to it as the singular is to the universal. If the law itself is the judge, it may be described as "wise", since according to Plato real wisdom includes also ability to distinguish and know the

(1) In Laws V 735d the preliminary to the legislation purification of the city is realised partly through compulsory, "tyrannical" means. So Rep. VII 540c - 541b.
(2) ἐκείνη τοῦ κόσμου ἀνατερμαθή, εἰ δὲ αὐτοὶ μενεῖν ὀφει... ὑπὸ ἔντον ἀκούσει, ἐν γάρ πως ὥσπερ καὶ ἀναφέρομεν... τούτῳ τού νόμου ἀποφασίσειν ὅσα τὰς δίκας τὰς δικασθείσας προστάτησι κυρίας εἶναι. Crito 50B, ἰμεῖσι (i.e. the law) τὰς τὰ δίκας δικασθείσας, i.e., cp. 51c, 53c, 59c.
singular cases, as exemplifications of the adequate ideal pattern. (1) As far as the topic of development is concerned, the reference to the judicial function of the law may suggest some kind of classificatory development of legislation, the species of it arising from the solutions or answers provided by the universal law to particular needs or difficulties.

This way of understanding the Crito tallies with the fact that the contempt of the verdicts of the courts amounts to an attempt against the legal order as such (50b). This holds too for the decisions of the magistrate endowed with executive authority, whose relation with the legal order is on the whole similar to that of the true judge (Apol. 28e - 29b).

The suggestion of a close connexion between the legal and the judicial order raises however some difficulties. The most obvious one appears from the fact that a judge may betray the ethical requirements of his duties (Crito 54c on ἄνδρων and Apol. 35c, 40a 3). Socrates and Plato (Rep. VIII 557c - 558a) (2) seemingly hold still to the rule τὰς δίκας κυριὰς εἶναι, in spite of the fact that Socrates would probably disobey such so called "applications" of the law (Apol. 32 b-c) (3) on the ground that they imply an annihilation of the legal order by deed.

The requirement of 50b may be considered as potentially at least inconsistent with the requirements of the legal order as a whole. One may wonder if this is not a confusion of νόμος as claim of reason and νόμος as enacted rule, irrespective of its rationality or even

(1) On wisdom as described Rep. VII 520 e-d, Polit. 305d where it includes science of καιρός.
(2) U. Galli op. cit. p. 76.
(3) I assume that the authority of the thirty tyrants was lawfully established, as it appears from Aristotle, Const. of Athens, XXXIV.
reasonableness, or rather of apparent and "true" (i.e. ideal) being granted that the referred to legal claim of respect of the verdicts is relevant to the latter. At any rate, it is perfectly obvious that the speech of the law belongs to an idealised level, the figure of Socrates, as the ideal citizen, being relevant to it. The claim of the absolute effectiveness of the court verdicts may be understood as an ethical requirement of the ideal citizen’s conduct, enabling him to be a pattern, in a somewhat Kantian sense, for all the "empirical" citizens. Whatever it is, the ideal δίκη only may be considered as a logical consequence of the rational νόμος. Perhaps the bare fact of the death of Socrates, which is imminent here, may be understood as an expression of the need to idealize δίκη in order to make it fit the rationality of law.

It may be suggested that the platonic refusal or at least reluctance to admit the practice and value of ἐπιθέσια, on the ground that it is derogatory to the claims of strict justice (Laws VI 757e), is relevant to the rule τὰς δίκας κυρίας εἶναι. This refusal implies that there must be a close logical connexion in the Crito between νόμος and δίκη, the judge not being allowed the right of a free interpretation of the law, as in Aristotle.

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(1) According to G. Morrow, "Plato and the law of nature" (Essays in Political Theory presented to G. H. Sabine) pp. 39-40 this is frequently the case with Plato.
(2) According to J. Burnet, on 50b, there was an Athenian law requiring that the court verdicts should be respected. Plato idealizes it as he does frequently with Athens.
(3) So, P. Piovani, Linea di Una Filosofia di diritto p. 45.
(5) This claim is shared by democrats like Ciceron Tusco III 40.
(6) E.N. V ch. X. The statement of Politicus 294d - 295a does not imply a theory of equity in the technical sense.
Now, it may be asked, if this claim is consistent with the frequent platonic utterances on the triviality and pettiness of judicial matters, hence the unwillingness of Plato to legislate on them.(1) It may be suggested that the judicial development, whose aim is to cure a guilty or diseased state of an individual (2) is an unnecessary development, when the legislation has to deal with a healthy social state. In such a state he will be inclined to reduce the legislation to some general principles, being confident to the magistrates for adequate provisions on particulars.(3) The magistrates will act as judges and will provide adequate solutions as far as unpredicted evil circumstances may require it.

It should be concluded then that there is no inconsistency between the serious treatment of δίκη in Crito and the ironical contempt displayed towards it, in the Republic. The state of the Crito, its laws and verdicts, is not yet the ideal or even the healthy state of the Republic, but an idealisation of historical Athens, comparable to the state of the "Laws".(4) This treatment of δίκη according to the degree of perfection of the city is similar to a parallel treatment of the law. If the degree of perfection and rationality of the city is high, the law should be restricted to a general outline referred to as

(Phaedrus 257e - 277d, Politicus 295c, 299 d-e). The more we approach the historical, empirical city, the more νόμος and δίκη grow important. The philosopher will be the more

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(1) So Rep. V 454d, cf. the contempt expressed in the statement ἐπακιν

(2) cp. Dodds p. 307 on Gorgias 520b.


(4) Where too δίκαι are taken so seriously, that it is hard to distinguish the legislator from the judge. So, Laws I, 627e - 628a.
aware of this fact, since he will be more critically conscious of the imperfection and "untruth" of this city. His emphasis on the importance of γράφατα (1) will correspondingly increase. Plato would probably accept that the legal verdict is to the law what the law itself is to the "paradigm" of justice grasped by the dialectical insight of the legislator. (2) This is the implication of the speech of the laws in the Crito.

III. Lawlessness in the Apology and the Crito.

a. Preliminary Observations.

The "just" in the Apology and the Crito is what is in agreement with the enacted law, whether written or unwritten. (3) It may then be inferred that the "lawless" is equivalent to the "unjust". It is indeed very difficult to draw any clear cut distinction between them. (4)

It is noteworthy that ἀταξία, ἀκορασία apply, in the Crito (53 d-e), to the Thessalian society in order to contrast it with the lawful cities of Thebes, Megara (53b) or Sparta and Crete (52e). So, these terms are synonymous with παρανοία or at least with a species of it. (5) As ἀταξία, ἀκορασία normally refer to an individual disorder either of the mind or of conduct (So Gorg. 525e, 477e, 505e where

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(1) The laws of such a state cannot be self sufficient as Meletos thought (Apology 24c). As Burnet says (p. 107) Meletos expresses here what the Athenian democrats generally felt and Protagoras attempted to provide an adequate justification of (527a Prot.).

(2) Rep. VI 484 c-d.

(3) cf. p. 17 of this chapter.

(4) We are told ἀποτιθέναι that a law cannot be unjust. A.E. Taylor, Plato..., p. 163 understands this as meaning that even a court verdict cannot really be unjust but only materially wrong. For evidence and a discussion of the νομίμος, ὀδικαίου relation according to Socrates, U. Galli, Socrate ed alcuni dialoghi platonici, Torino 1958, pp. 25-25.

(5) This tallies with the platonic view of τάξις order resulting from the supremacy of νόμος either on the cosmic or the political level. In Philebus 26a νόμος and τάξις are described as species of πολιτεία.
κόσμοις is understood to aim at the suppression of ἀκομαθία of the individual soul, it may be inferred that the "lawlessness" of the Thessalian society is a term describing the disorderly state of mind and conduct of its citizens.

Now, in the Apology (32 b-c), παράνομοι as more formally defined in terms of acting against the laws, ποιεῖν παράνομον νόμους. This results from being inclined by irrational impulses to take unjust decisions. The agent of such decision and actions is here a popular assembly.

So, παράνομοι describes primarily the disorderly individual conduct without necessarily referring to the laws of the city neglected through it. (1) Provided that the sovereign of any city, whether healthy or unhealthy, is granted according to Plato an individual unity, (2) and that human personality is endowed with a political structure, (3) the notion of lawlessness may be extended to strictly political decisions resulting in a growing weakness of the existing legal order. It is as such that it will be given consideration in the following analysis. Its primary meaning will therefore remain in shadow. The notions of ἀταφία and ἀκομαθία will be considered in so far as they are respectively relevant a) to the psychological and ethical roots of lawlessness b) to its tangible results. As far as ἀδικία is concerned, it will not be

(1) cf. its connexion with desire, Phaedrus 254 a-b, Rep. 571b, on this topic, Joseph Moreau, La construction de l'idéalisme Platonicien p. 246. The rejection of tyranny may be due to its connexion with desire, whose essence is lawlessness, since it lacks any consciously accepted limit.
(2) So Rep. VI 455a on the "big beast", V 462d on the healthy city which
(3) In Rep. IV 440b, the function of ἀγοραστός within the soul is the pattern of any normal legislative authority. The sovereignty of ἀγοραστός is grounded on, and legitimized by its knowledge of what is profitable, υφήλιον to the whole of the soul. The science of the ἀθέναι action to be done, is deduced from this knowledge and is not granted a distinct epistemological status.
considered here in its primary meaning, i.e., the contempt of an internal authority and law obliging one to be Ἰκαίον, hence the concomitance of ἀδικία with ὄφος (1), but in so far as it is relevant to παρανομία or conducive to it.

b. Lawlessness resulting from the acceptance of a false hierarchy of values by the legislator and the citizen.

It was established previously (2) that the legal order involves the adoption by the legislator and the citizen of a "true" hierarchy of values, referred to by Plato as scale of "goods", scale of "ends" or scale of "virtues". The laws are mainly appraisals of the various individual and social pursuits, expressed by the legislator, who should have therefore an insight of this true or natural scale (Laws I, 631b ff).

The legal order is annihilated when this insight is lacking, the resulting appraisal of the existing ἐπίτιθεν δεῖμμα is false, the lawlessness being rooted in ignorance of moral knowledge by the legislator (Laws III 681c). It will be suggested in the following that the seeds of these views are to be found in the Apology and the Crito.

According to the Crito (47ε, cp. Gorg. 512α, Rep. IV 445ε) (3), the root of lawlessness is a "sordid" state of the soul, i.e., its injustice, which is its specific disease. So, the soul is no more able to know itself as the ἱμιλίστατος and the true self of man, this being the fundamental principle of the platonic legislation. Lawlessness starts with an ignorance of this principle on the part of the lawgiver and the citizen. (4)

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(1) So, del. Grodecke op. cit. p. 339, this may be hinted in Crito 47d where ἀδικία is connected with contempt of θέτορος βοής
(3) as U. Galli op. cit. p. 100 observes, this view is implied in Rep. VII 351ε. If Dio is an unjust legislator, he is ἀνθρωπομοιωθήσει αὐτῷ
(4) In the Apology and the Crito the emphasis is on the citizen, in the Laws it is on the legislator. This is due to the difference of topics and circumstances dealt with in those two dialogues. In fact there cannot be any distinction as far as the growth of lawlessness is concerned (Rep. IV 424d). Still, its principle lies in the ἀδικία of the sovereign (Laws III 691α, on the decay of the dorian constitution) in the nature and later platonic works.
This ignorance is described in intellectual terms by Socrates in the Apology (22 d-e), the Crito (47d) since it is a species of moral ignorance, while in his later dialogues Plato takes more seriously into account the state of moral weakness. \( \alpha' \kappa\rho\alpha\delta\iota\alpha \) due to desire, as being the ultimate motivation of moral ignorance. So, in the theory of punishment developed in the Laws (IX) he still holds firm to the principle that any wrongdoing is involuntary (IX 861d) but wrongdoing is due partly at least, to desire.(2)

This ignorance about the healthy and morbid state of the soul entails a false judgement about the real hierarchy of good (Apology 30 a-b). This judgement consists in ranking first what is really last.(3) This principle of lawlessness will be constantly maintained by Plato. So, in the Laws the potential lawlessness of the Spartans (Laws I, 628 c-d 638a) is due to an \( \alpha' \mu\alpha \delta\iota\alpha \) concerning the value scale of the moral virtues, taking the last as being the first. So do the Persians, who are induced by a lack of education to take riches as the first good while it is the last.(4)

The only noteworthy difference between the view of lawlessness in the Apology and the Crito and the further platonic developments on this subject lies in the fact that the development of lawlessness appears to be more gradual in them than in the former dialogues (So, Rep. IV 424d). This may be due to the fact that in the Republic there are corresponding degrees in the falsity of the moral judgement, lying at the root of

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(1) The term is not used but the idea is obvious in Laws IX 863d.
(2) a view certainly different from what we are told on this subject in Protagoras 355b ff.
(3) Socrates will say to the ignorant and potentially lawless citizen \( \chi'\eta'\mu\alpha\tau\alpha \) first may be the Persian kings.
(4) cf. Laws III 697b. Those who rank first may be the Persian Kings.
lawlessness. So the choice of honour and reputation (Rep. VIII 549a) is obviously less lawless than the greediness of tyranny (Rep. VIII 568d ff). While in the Apology (29e) it is seemingly suggested that, whether a citizen chooses honour, reputation or wealth instead of wisdom, truth and the health of the soul, the city is equally corrupted. (1) This difference may be explained from the fact that, while in the Republic VIII and the Laws III we are offered a theoretical description of the change of a city from lawfulness to lawlessness, the state of lawlessness is considered, in the Apology, from the standpoint of the righteous citizen, as already achieved in fact.

This wrong moral choice involves now a wrong direction of the moral activity of men, or, as Socrates puts it, a wrong ἐπιμέλεια (care). (2) A city is lawless when the legislator and the citizens care practically more for their belongings than their true selves or consider as more important the "appendages of the city" than the city itself (Apology 36 c-d) (3) This practical lawlessness becomes evident when the individual or the state make honour or wealth the objects of their policies.

Now, this wrong choice entails the conscious or tacit acceptance of false rules of action. These are, as already established, supported by Crito 45c (4) and rejected by Socrates (49). They can be summarized in the principle . Although

(1) As Burnet ad 1 p. 123 says, this division of the "goods" implies a tripartite division of the soul. The point will not be raised here, to know if this is the working view, as far as Ethics, Politics and Law are concerned. The important issue is that lawfulness or lawlessness involve the knowledge or the ignorance of some type of structure of the soul, left undefined in the Apology and the Crito.

(2) Plato and Aristotle did not consider πρᾶξις as such but in relation to its τέχνη. They assumed that its finality conferred intelligibility on it and allowed its scientific study.

(3) cf. with Gorgias 519a. The ἐπιμέλεια, νομοθεσία, τέχνη, φόροι of this passage are the "appendages" hinted to in the Apology.

(4) See p. 19 above.
traditional\(^{(1)}\) and even potentially rational,\(^{(2)}\) they may directly lead to practical lawlessness, as they imply that self interest is the ultimate motivation of the citizen, accepting the competitive standard. This being so, the selfish rules of conduct lead to the growth of *idiwos* in the citizen's soul and to the weakening of the bonds connecting him with the city. Their predominance contributes to the outgrowth of the lawless "various"city.\(^{(3)}\) As already stated, the description of lawlessness in the Apology and the Crito is rather static, with a few hints to its origin and growth. If a doctrine of the development of lawlessness may be inferred from these hints, this would be similar to a logical, deductive, development from the principle of lawlessness, i.e. a false moral judgment concerning the scale of goods, to its practical consequence, the assumption of wrong practical rules and the practice of seeking sinful pursuits.

c. Lawlessness in its relation to excessive rigidity of the law.

Some scholars, like H. Stier\(^{(4)}\) are inclined to contrast the Apology with the Crito, on the ground that the former is sometimes critical of the view that the law is self sufficient (Ap. 24a) while the latter is described as adopting a "nomocratic" view.\(^{(5)}\) Socrates obviously disagrees in the Apology (24a) with the view that the law is self sufficient.

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\(^{(1)}\) Rep. I 332b ff.
\(^{(2)}\) It may be προσόπον to harm one's enemy if he is "really" so.
\(^{(3)}\) It may be suggested from Crito 50e - 51a compared to 44 e-d (where seeking by all means one's salvation is rejected), that the acceptance of the αὐρατική principle is concomitant to the growth of *idiwos*. This connexion between lawlessness and *idiwos* is frequently stated in Republic VIII (e.g. 547c, 557b ιδίων καταθέτειν, etc.).
\(^{(4)}\) Νόμος Βασίλεως p. 254 n. 263, Philologus, LXXXII, 1928.
\(^{(5)}\) on this term H. Ryffel op.cit. p. 126. According to E. Laroche, op.cit. p. 249, νομοκρατία must be formed on Ἰμικρατία or θεοκρατία which is as early as Herodotus. The evidence of p. 248 is however chronologically uncertain, in so far as the former is concerned.
from an educational point of view. To accept Meletus's opinion leads to a growing weakness of the law. If the law is not understood by the magistrates committed to its application and the citizens expected to obey it, it becomes, this is the implicit suggestion of the passage, a dead letter. In that case the verge of lawlessness is approached, the law being unable to perform its educational function. This view will be constantly held by Plato.\(^1\) On this point Socrates disagrees with the non-socratic views of Protagoras, to which the Crito is akin and which are, in the face of 24e, supported by Meletus.\(^2\) It may be rightly suggested\(^3\) that even the emphasis on unwritten law in the Crito (54b) points to the effect that the written law does not bring with it every culture and virtue. The stressing of \(\alpha \gamma \rho \alpha \pi \alpha \sigma \rho \nu \iota \omicron \) in Plato may aim at correcting over-reliance on written law held by people such as Meletus.

The educational weakness of the law is particularly obvious when its compulsory function prevails over its persuasive one.\(^4\) Although there is not in the Crito a view of "social contract" in the sense of Locke or Rousseau or even the Stoics, who understood it as an exchange of services,\(^5\) the \(\nu \rho \nu \delta \iota \kappa \iota \) doctrine of Crito 52d prevents the law from resorting too frequently to compulsion (\(\varepsilon \pi \iota \tau \alpha \tau \iota \varepsilon \nu \iota \nu \iota \iota \) at the expense of persuasion. A legal system, which does so, annihilates

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\(^{1}\) Laws I 625a, VI 751 c-d cp. U. Galli \(\) op. cit. pp. 62, 128 n. 1.

\(^{2}\) So, A. Guzzo, \(\) Nappoloa di Socrate, 1948, pp. 50-51.

\(^{3}\) As by R. Hirzel, \(\) \(\alpha \gamma \rho \alpha \pi \alpha \sigma \rho \nu \iota \omicron \), p. 79.

\(^{4}\) cp. A. Neumel, \(\) Griecheische Soziologie, \(\) Sitzungsberichte der Akademie der Wissenschaften in Wien, Band 216, 1936, p. 44.

\(^{5}\) R. Harder, in his "Kleine Schriften" p. 235 overstates the case for a reciprocity of obligations between the law and the citizen. The term \(\delta \mu \omega \gamma \alpha \eta \nu \iota \nu \) (Crito 51b, 52d, 53a) means \(\delta \mu \omega \gamma \alpha \eta \nu \iota \nu \) i.e. that the citizen "speaks together" with the city and its law. So in Heraclitus the evidence in W.C. Guthrie, \(\) A History of Philosophy + greek

I p. 429.
itself and a legislator resorting to hasty compulsion (ἄναιγμα – ἀπαίτημα) is deprived of any moral authority (52a). This statement implies that the law, which is a mere command is no more a law. Even when Plato describes law as ἐπίταξις, this implies a statement of its ends, not compulsion as such. (1) Undoubtedly Plato would have dismissed the view of Hobbes or Austin, that the law is a bare command, supported by a threat of punishment. This standpoint may contain in a nutshell only the doctrine of equity as the judge is only implicitly allowed some freedom and initiative in interpreting the law. (2)

That a step towards lawlessness is accomplished, when law is only a compulsory command, is further established when too hasty action of the law, especially in connection with death penalty (Apology 37 a–c, Crito 48c) is rejected. This statement does not involve any laxity in the application of the judicial verdicts. (3) The hasty and emotional verdicts are lawless, even if they agree with the letter of the law, on the ground a) of the general principle rejecting hasty compulsion, generally connected with ἀπαίτημα (Crito 52a) b) of the fact that such verdicts display an excessive reliance on punishment at the expense of instruction μάθημα (Apology 26a). There is not here an explicit statement that the punishment of the ἀκροαμας entails lawlessness. But the feeling of the passage is that such a practice is inconsistent with the idea of a legal order. The Republic goes further than this and is inclined to treat as potentially lawless any legal system exclusively reliant on the fear and threat of punishment. (4) So

(1) op. Politicus 260b where ἐπίταξις is a theoretical science of the ends to be pursued, by no means an actual compulsion.
(2) So, U. Paolo op. cit. p. 205 against this view, K. Hirschel ἀγγέλιος.
(4) IV 426 b–e.
the nomocratic conception of the legal order may easily turn into lawlessness.

Crito 52e suggests seemingly that \( \alpha \nu \alpha \gamma \kappa \eta \) is to some extent connected with \( \alpha \pi \alpha \tau \gamma \) . This means that the resort to compulsion is an evidence of a state of ignorance in the legislator's soul. If it was otherwise he could still have the science of the wrong practical values, since for Socrates to know an idea or even a concept implies the knowledge of its absence or its negation. (Hipp. Minor passim, e.g. 367d ff). But he would not exercise it, as the science of the false or the wrong may be drawn by inference from the science of the true or the right, not involving a personal practice of the former (Rep. III 408 b–c). The legislator, who resorts to a lie, lies unwillingly \( \alpha \kappa \omega \nu \varepsilon \iota \) , i.e. does so through ignorance (Rep. III 415a). The compulsion to which he resorts reflects the compulsion resulting from his own ignorance and affecting his own mind.\(^1\) It may be suggested, without evidence to substantiate this view, that the judicial and legal experience of \( \alpha \nu \alpha \gamma \kappa \eta \) , as felt by Socrates, induced Plato to connect it with irrationality and the inferior values.\(^2\)

The Socratic concept of the law of the state, as expressed in the Crito, entails the view of the perfectibility, through reform, of the legal order. This is the meaning of the statement that the law may be "persuaded" by the citizen (Crito 52a, 51b cp. Politicus 296a). This

\(^1\) because of its apparent connection with \( \alpha \nu \alpha \gamma \kappa \eta \) , the \( \alpha \pi \alpha \tau \gamma \) referred to and rejected in the Crito cannot be relevant to the \( \gamma \epsilon \nu \nu \alpha \iota \nu \iota \) of Rep. III 415c ff which is a species of pictorial knowledge.

\(^2\) The inferior life of \( \alpha \rho \kappa \varepsilon \iota \nu \) is described as \( \alpha \nu \alpha \gamma \kappa \alpha \iota \) in Rep. VII 520 d–e ff. The implied opposition to \( \alpha \gamma \alpha \delta \) will be emphasized by Aristotle in Protrepticus frags. 12 ed. Ross p. 46, E. N. I., V. 1096a 15 1097a 10, cp. Metaph. I 982b 20–24 where the contrast is between \( \sigma \iota \omicron \delta \iota \alpha \nu \tau \) and \( \chi \rho \iota \iota \) . Timaeus in \( \Gamma \alpha \rho \alpha \lambda \Gamma \) LXVII p. 268 n. 24 agrees with W. Jaeger, Aristotle\(^2\) pp. 71–72, on the platonic character of this antithesis.
obviously refers mainly to the court verdicts. Provided, however, that these are embodiments of the laws, expressing their will and authority, their modification entails undoubtedly the modification of the laws themselves. This will be maintained by Plato, who makes always due allowance for the need of completion and modification of the existing legal provisions.

Plato does not say in the Crito what is the origin and the development of this symptom of lawlessness. It may be inferred from the previous analysis that the law becomes too rigid and is hence degraded when there is an absence of right proportion between its compulsory and its persuasive function. As the standard of this proportion lies in the knowledge of what the internal order of the soul requires, the excessive rigidity of the law must arise from ignorance of this on behalf of the legislator.

d. The causes and symptoms of legal weakness.

When this right proportion is absent because of overdue allowance to the spirit of freedom and to the citizen's right of persuasion, the law becomes ineffective; this is described as ἄπώξεια or ἀνατροπή νόμον (Crito 50b, 54c) or as διαφεδρὸν νόμον (Crito 53c). The weakness of law is treated like its excessive rigidity, as a symptom of the same disease arising from identical causes. In both

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(1) see p. 22 ff above. I think that the same view is implied in the criticism of the Persian polity, on the ground that it deprives the citizens of any ἐγνωσία, this undoubtedly including the right to modify it, if necessary. So, Laws III 693c ff., G. Morrow, Plato's conception of Persuasion, Philosophical Review, 1953, p. 250 suggests that there is no such allowance in the "Laws" as is in the Crito.
(2) Politeia 295d, 296a ff.
(3) This tallies with the account of the corruption of the Athenian and Persian constitutions in the Laws III.
cases the law ceases to be a living principle in order to become a dead

This happens in various instances, especially when the
verdicts of the courts pronounced on behalf of the law are mere words
(Crito 50b). (1) This does not necessarily imply that the verdicts of
the courts possess the status of the law, although they are probably its
logical applications. But even if they are deprived of such a status,
there is a law requiring that these verdicts should be respected. This
is the law which becomes powerless when they are neglected. Therefore,
their contempt is a symptom of lawlessness. (2)

The law is also powerless when it is abused in order to obtain from
it unjust judicial decisions. (3) So, it was when the Athenians attempted
the judicial murder of the generals of Arginusae (Apology 32c). In
that case there is a lack of proportion \( \sigmaνμέτρια \) between the
law and its judicial developments. This is a fundamental symptom of
lawlessness.

We are facing a similar case of lawlessness when there exists a com-
plete discrepancy between the law and the judicial sanctions pronounced
on its behalf. The claim of \( \text{ἐν πρωτανξιωσιν} \), stated by
Socrates in Apology 36d is suggested by the lawful need to maintain a
\( \sigmaνμέτρια \), probably according to the standards of "geometrical
equality" (4), between the relevant legal enactment and its judicial
applications.

The law may be also distorted by the decisions of the magistrates

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(1) see p. 23 ff. above on the refusal of \( \text{δουρμός} \). Rep. III 367c.
(2) There was actually such a law in Athens. cf. Anec I 2 37.
(3) A. H. B. Adkins, Merit and Responsibility pp. 262-264.
(4) This principle is referred to in Gorgias 503a and Laws VI 757a. As
Dodds says (ad 1, pp. 339-340) this requirement of proportion is

granted a universal, especially a political and legal application.
It is certainly relevant, although Socrates does not say explicitly
so, to the relation between the law and the judicial sanction.
holding the executive authority, whose relation to the legislator is parallel to that of the judge. The thirty tyrants acted thus in the case of Leon of Salamis (Apology 32c). In that case, the citizen i.e. Socrates is responsible for the maintenance of the legal order. What is apparent disobedience is really obedience to the law. The principle of legal and political corruption lies then in the executive authority ἀ'ρχην (1) but this development can be prevented by the rightful citizen.

The thirty tyrants were lawless for the same reason which induced the dorian kings of Argos and Messene in the "Laws" to behave so. They acted in contempt of the law which they were expected to respect (Rep. VII 324 d-e). (2) They were inclined, presumably through ignorance, in the Apology to seek a greater part of rights and authority than that apportioned to them by νόμος. (3) Such a conduct induces too the citizen to think that his own interest is distinct or even opposed to that of the community (Crito 51 a-b). The citizen is in a potential state of ἴδιωσις, which is the fundamental factor leading to legal weakness and was therefore constantly and consistently fought against by Socrates and criticised by Plato. (4)

The citizen is thus in a state of potential opposition to the legal order and to his city, the connection of the citizen with ΚΟΙΝΟΝ

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(1) So Laws III 693c, 691a Rep. VIII 545d.
(2) Aristot. Constitution of Athens ch. 34. They did not respect the ΠΟΤΟΙΟΣ ΠΟΛΙΤΕΙΑ, which they were expected to restore.
and πορίσ being always assumed. (1) This state of mind amounts to a state of ἀρετή or refusal of any kind of limitations, whether legal or moral, lawlessness being understood as disregard of external limitations. (2) The citizen claims then rights; he is not entitled to obtain. He considers himself as equal to the legal order, he is inclined to use violence against it if he thinks it to be convenient (Crito 51 b-c, 50e). He is shameless towards the laws while he offends them (Crito 52c, 47c). Socrates suggests that ἀνταδίκεῖν against the law is inspired by ignorance by no means being a species of ἀμίνεοδαι, as the Greeks commonly held. (3) The citizen refuses, when he accepts this principle, the "good slavery" or submission to the law (Crito 50e, Bzr. Hecuba 793 ff). (4) This leads him to deny any attempt to amend himself, a case of such ἀκομαοια being exemplified by the conduct of Xeletus (Apology 26e-27a).

This spiritual lawlessness is expressed outwardly by a disorderly behaviour (Crito 50 d-e Apology 26e-27a). The principle of this practical disorder is inconsistency ἐργυ involving acceptance and then denial of the legal order by the citizen (Crito 50c, 53a) and ultimately denial of his own existence, since he owes it to the law. (5) Species of such a disorderly behaviour in the unbecoming external behaviour,

(1) see above p. 2 ff. Burnet op. cit. p. 200 aptly quotes (Dem.)
(4) The necessity of submission to the law is a constant platonic principle stated in Laws III 699a in terms very like those of the Crito 50c. This view may be compared to the protagonist requirement of αἶδος as R. Hirschl, Theos..., p. 381 n.1 says. It should however be pointed out that the platonic "good slavery" involves submission to the superior principle of the soul or the state. See Vlastos, Philosophical Review 1941 p. 395 of "Slavery in Plato's Thought".
(5) See above p. 6
described as \( \mu \epsilon \tau \alpha \gamma \alpha \gamma \nu \\omicron \nu \mu \nu \alpha \omicron \sigma \) (Crito 53 d-e).

This misbehaviour is the outward expression of a citizen's refusal to perform his functions within the social and political order, as established by the legal authorities (Apology 28 d-e). He is degraded into the level of a merely physical being, whose acts are no more than biological reactions (Crito 50d-51a).

When the citizen is so degraded, the law is even more seriously affected than in the case of ineffectiveness of the verdicts pronounced on its behalf. The law becomes then meaningless as it can no more stand as an educational principle.

It may be pointed out that the effectiveness of the legal order depends, in the Crito and the Apology, on the citizen, while in the Republic and the Laws, the dependence on the sovereign, the judge and the magistrate is rather emphasized. This shifting of emphasis may be due to the difference of dramatic circumstances of each dialogue, also to the fact that Plato is expecting the citizen to cooperate with the legislator (in the Crito 53c \( \nu \mu \alpha \varsigma \varepsilon \pi \xi \varepsilon \iota \iota \nu \nu o \beta \alpha \iota \varsigma \alpha, \tau \omicron \theta \omicron \omicron \mu \epsilon \omicron \sigma \)) \( (1) \).

The Lawless City.

When the laws become ineffective, whether through weakness or rigidity, the city is stated by Plato (Crito 53d) to be lawless. \( (2) \)

This statement does not only point to the individual neglect of the legal order. It refers also and mainly to the state of a city, which,

\( (1) \) The requirement that the citizen should denounce the wrong doer in the laws is based on the same ground. cf. V. Goldschmidt, "La Théorie Platonicienne de la Dénunciation" (Revue de Metaphysique et de Morale vol. 58, 1953) p. 361.

\( (2) \) op. \( \Pi \alpha \rho \alpha \nu \omicron \alpha \eta \varepsilon \nu \tau \iota ^{\prime} \pi \rho \omicron \gamma \nu \xi \iota \omicron \omicron \omicron \omicron \delta \varepsilon \omicron \alpha \), Apology 32a.
considered as a whole, in disorderly and confused because of a growing weakness of its legal frame. Such a city is Thebes, or even Athens, in the Apology, in spite of its apparent νομοκρατία. The lawless city is contrasted with the εὐνομος πόλις, e.g. Thebes, Megara (Crito 53b) or Sparta hinted at in Apology 37a (καὶ ἁπαξ ἄνθρωπος)\(^1\) and expressly referred to with Crete in the Crito (52c).

Now, in Plato, as in Solon,\(^2\) the term εὐνομία refers both to a city with a sound legislation (Rep. VII 521a described also as οἰκουμενικὴ πόλις, Char. 162a, Polit. 297 e-e) and a city where laws are respected (Hipp. Maj. 263e ff). Socrates does not draw any clear cut distinction between those two aspects of "lawfulness" since (Hipp. Maj. 264 d-e) a wrong law is, according to him, doomed to corruption. He would probably consider an superficial Aristotle's distinction\(^3\) although in the Crito, considered as a whole, the emphasis is on the respect of the laws\(^4\) emphasized by Protagoras (Prot. 326d).\(^5\)

This being so, the inference may be drawn that the lawless city is simultaneously a city with a defective and a contemptuous legislation. This involves that the city as such is corrupted since Plato assumes that a city is deprived of existence and intelligibility without its laws (Crito 53b, Rep. VII 520b where ποιητεία = πόλις). The most

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\(^1\) op. Burnett ad loc. op. cit. p. 157.
\(^3\) Politics IV, ch. 6, 1294a 5 ff.
\(^4\) With the qualification however that a law may be persuaded and "improved" U. Paoli op. cit. p. 27 overstates the case for the view that Plato supports in the Crito the ideal of κύνηγος τους θρῆνος. There is no evidence in the Crito that Κύνηγος is an αύτοκράτηρ of the law.
\(^5\) The analogy between Plato's and Protagoras' view of eὐνομία is rightly pointed out by F. Büscher, Prolegomena zu Platon's Staat, Basel 1881, p. 9.
important symptom of a corrupted political state of affairs is the multiplicity of the city. (1) The lawless city is not one but many (Rep. VIII 551a) as is hinted already in the Crito (53d-53e) where it is compared to a "disorderly dinner". This involves corruption of its laws, since these are described as social links holding together the various parts of the city and bestowing on them the unity of a whole. (2)

The annihilation of the legal order involves a general upheaval of values. This is evident through the wrong appraisal of the various pursuits and functions exercised in the city. This wrong ΤΙΜΗ is referred to in the Apology (90a) and in Rep. VIII 550c—551a in very similar terms. The worst feature of lawlessness in the city may have been the existence of a functionless citizen. Socrates' situation in Thessaly (Crito 53 c-e) may fairly be compared to that of the ΚΡΑΓΙ in the lawless oligarchy (So Rep. VIII 552c). This feature is a serious source of anxiety for the political philosopher because it is inconsistent with any idea of justice (ib. 551e where this is referred to as πολυπραγμονετίν, in the Crito as άταξία 153d). Since Plato assumes that justice is an application in human affairs of the principle non-contradiction, defined functionally in Rep. IV 436e—437a (cp. Theaetetus 186a), it is inferred that the lawless city is deprived of intelligibility and is object only of negative knowledge

(1) There is a striking similarity between this description and the analysis of the ΠΟΙΚΙΛΙΑ of the lawless democratic state in Rep. VIII 561c, which is due to freedom without any ΚΟΨΗΣ as in Thessaly.

(2) In Rep. V 462bοινούσειν, in Laws VII 793b the unwritten customary laws are described as δευτοί πάνως πολίτεις, this description of the function of the law may well have been already felt by Heracleitus frg. 844 (p. 160) μαχαιρία ΧΡΙΤΤΟΝ ΩΜΟΝΩΠΕΡ ΤΟΥ ΝΟΜΟΝ ΩΚΜΩΠΕΡ ΓΕΙΧΕΩΝ. Their identical function of linking together may explain the common Greek comparison between a wall of the city and its laws, as A. Fensel, Beitrage... pp. 158-159 suggests.
It appears then that the ultimate stage of lawlessness within the city and the individual is the rigid antithesis between appearance and reality, entailing their confusion, while in the lawful city, the reality is expressed and strengthened by the apparent social life.\(^1\) So, in the lawless city, the philosopher, who is the real statesman, is compelled to behave like an ἄνθις ἀθέω, (Apology 31e cp. Rep. VI 487d). His right discourse - ὄσικα ὑγός - which in Apology 17c, 19a, 20d appears to be equivalent to ἄνθις ὑγός is considered as a false opinion i.e. as opinion about imaginary matters by his fellow citizens. Contrariwise, the resentful man appears to behave like a judge (Apology 40a) while he is not so the lawless mob exercises seemingly the functions of a lawful assembly (Apology 32b) and the really lawless citizen is a seemingly lawful one (Apology 26e, on the apparent lawfulness of Meletus Apology 24b). The approach of the real citizen to that city must be necessarily ironical, since he must assume an apparently true hypothesis on moral values, in order to demonstrate afterwards its unreality.\(^2\)

The philosophical cleavage itself is seemingly lawless because of its conflict with a lawless city (23c Apology), while really it is a species

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(1) This is the case with the state of the Laws. The necessity of the denunciation supported in it aims at the harmonious agreement of the apparent social life with the real scale of values, as grasped by the legislator. This view tallies with the principle, stated in Laws X 830d, that ὑγός does not oppose but strengthens ὀπίσθι. On this subject V. Goldschmidt op. cit. pp. 357, 364. He rightly points out that the theory of denunciation in the consequence of the view that "truth" is the supreme value and of the requirement that the social pursuits must be clear, i.e. tally with "truth".

(2) It may be pointed out that the movement of the Socratic dialogues implies this opposition of the apparent and the real, on its political meaning P. J. Allen, Plato's Dialectic, XV.
of the purgative method, aiming at the restoration of the healthy state of the city and the soul. (Soph. 227c, 230 b-d where elenchus is described as μεγίστη καὶ κυριωτάτη τῶν καδαρόων ).

It is misleading to compare the Socratic feeling of the connection between elenchus and lawfulness (Apology 29e) with Plato's reluctance to accept it in Rep. VIII 537e ff as Hegel does. (1) The point should be made 1) that the Athenian state is supposed to be unhealthy in the Apology while in the Republic Plato is dealing with the healthy, if not the ideal state 2) that the suspiciousness displayed by Plato towards dialectic in the Republic expresses mainly his fear that it may verge on antilogy, if handled by unskilled teachers and pupils (Rep. VII 539b).

The whole analysis of the lawless city in the Apology and the Crito seems to be unqualified and to some extent static. The terms used to describe the corruption of the legal order, as ἀναγκαίον Crito 50b, ἀναγροστή ἢ 50b, διαφόρος Crito 52c-53 b-e, convey the idea of a destruction or annihilation of the legal order and preclude the notion of a change of the legal and constitutional system from εἴδος to εἴδος. (2) They imply also that the decay of the legal order is sudden and lacks any gradual rhythm as in Rep. IV 424d.

This peculiar treatment of lawlessness may be due to the dramatic circumstances of the Apology and the Crito, requiring that Socrates should face a lawless city. It may also be due to the Socratic feeling that the lawful city is a normal and healthy one, as the just soul is,

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(1) op. cit. p. 407, 409, 415, 426.
(2) The analysis of constitutional change is "eidetic" according to E. R. Pyke, ΜΕΤΑΒΟΛΗ ΠΟΛΙΤΕΙΑΣ p. 110. J. Adam, Ed. of the Republic, VII p. 196 defines it as an "ideal history of evil".
while the lawless is in a morbid state, as is the soul harmed by injustice. This results seemingly from the picture of the lawful Athens drawn in the speech of the laws, in the Crito (52e-53a), as contrasted with the image of the Athens ruled by the mob in the Apology (31e ff). (1)

This being so, the inference may be drawn that the city and its legal order is logically prior to the citizen. This view is suggested in the Crito (50e-51a). This logical priority of the law to the citizen grounds the claim of its sacred character, provided that, according to Plato, the sacred is the rational expressed in an emotional and pictorial way. (2) To this view may be related the statement that the citizen is εὐνομὸς νόμου (Crito 50e) meaning that man owes his logical essence to the law (3) this being the condition of his existence as the "good" is the condition of existence and intelligibility of the other moral values.

IV. The Law of Hades.

Do the previous considerations apply also to the laws of Hades?

An affirmative answer to that question may be given on two grounds

(1) Athens are described as εὐνομὸς πόλις in Peneus 236d, 245e-246e. In the Laws (III 699b) the Athenians of the Persian war are praised, so is Saloon's Constitution in Timeaus 21b. cp. U. Colli op. cit. pp. 82-83.

(2) We are told in Rep. V 458e that the sacred is the advantageous. Since the advantageous is grounded on the "good", i.e. the rational, (Rep. VI 505a) it follows that the sacred is an expression of the rational. For the logical priority of the legal and political order to the citizen we may compare the Crito to Aristotle's statement that the city is prior to the individual φύσιν (Politics I ch. I, 1253a 20 ff).

(3) cp. R. H. Murphy, The Interpretation of Plato's Republic p. 153. He understands the term προσθέσια of Rep. VI 509b in connection with "good" as I do for "sacredness" in relation to the law. The citizen is εὐκρόνος of the law in the logical sense of ἴδενεοι referred to in Philebus 26d.
1) The laws of Hades (Crito 54c) might have an ideological function. They could have been invented in order to make acceptable the positive law of the state. In that case their strength obviously depends on their acceptance by the citizen. This hypothesis was previously shown to be wrong. 2) More serious is U. Galli's argument. He suggests that the laws of the state are closely related to those of Hades. The link between them is indeed a link of brotherhood (Crito 54c). This being so, their fate may be common and if the laws of the state are likely to be corrupted, those of Hades may well be corruptible. Against this argument it may be suggested that the laws of Hades, in so far as they are referred to in 53e (νόμοις τοῦς μεγίστους παράβασις), are likely to be neglected but are not subject to ἀναρροπη or ἀνωγεία. These terms, wherever used in the speech of the laws, refer only to the enacted, positive law of the state, either written or customary, not to them (e.g. 50b, 51a, 52c). Another similarity between the divine laws of Hades and the law of the state, i.e. that both are personified (54c), points to the emphasis of the greater strength of the laws of Hades, since they rather act as defenders of the laws of the state than as persons in need of defence.

Furthermore, in the beginning of the Crito (44b) the kingdom of Hades is described as the real Country of Socrates. So is Hades in Apology 41a. This realm then may be considered as a Socratic fore-shadowing of the platonic heavenly city (Rep. IX 592b). If this is so,

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(1) op. cit. pp. 70-79.  
(2) So appears the written law in Crito 50b.  
(3) see F. Friedländer, Platon², II pp. 155-157.
its laws are universal and rational, they probably exist and are therefore not likely to destruction, but only to parabolism. They probably are meant to represent the ideal type to which the written legislation approximates without always being true to it. The legislator's achievements may well be described as an "imitation" of these divine laws, inferior to them in respects of universality and duration.

This character does not apply to the other species of unwritten law i.e. the νόμιμον or Πάτριος νόμος. These are hardly distinguished in the Crito from written laws on marriage or nurture. Hence they share their fate and they are probably subject to annihilation as the laws on marriage are. They are obviously corrupted through lack of ἔντροπη (52a) or αναλοχυρτία (53a) on behalf of the citizen. The stronger evidence allowing the suggestion that they are corruptible is the annihilation of παρανομία to ἀταξία-ἀκολασία in Crito 53d.

Obviously the two latter terms are relevant to the neglect of the customary unwritten laws, although the referred to terms ἀπώπεια, διαφθορά, ἐντροπή are more relevant to the destruction of the written law. The fate of the unwritten rules might be due to

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(2) See Galli op. cit. pp. 50-53 and R. Harder op. cit. pp. 239 suggest that Crito 54c may reflect an influence of Sophocles Antigone V. 450 ff and Oedipus Rex, V. 869. Plato may be foreshadowing here the later conception of natural law, as referred to by Aristotle Rhet.I, 13, 1375b on κοίνος κατὰ φύσιν νόμος. C. Norr, Plato and the Law of Nature, Essays in Political Theory presented to G.H. Sabine, 1968, pp. 42-43 suggests that such conceptions of Plato influenced the stoic conceptions of human brotherhood and natural law.
(3) As W.C. Guthrie, op. cit. 1968, says, everlasting life is the mark of the divine for the Greeks.
their function in the Crito. Here, they link together the various parts of the written legislation by filling their "lacunae" as in the Laws (VII 793b). Hence, their connection with the divine law of Hades is not different from that of the written law, nor their hopes of "salvation" greater.

V. Conclusion

In the Apology and the Crito, the main features of Plato's theory of law and state may be deciphered. The most important function of the law is already educational, as it will be in the Republic and the Laws. Hence, the emphasis, in the Apology and the Crito, is on the persuasive methods at the expense of the compulsory ones and the theory of punishment therein involved. There is certainly less emphasis on compulsion in these dialogues than in the later works of Plato. This may be due to the fact that the citizen is here the philosopher, i.e., Socrates. But the objection might be raised that the philosophically trained magistrates of the Republic VII (540b) are themselves subject to some kind of compulsion. Furthermore, the Politicus (296b) suggests that there might be a rational θλα while our dialogues consider this term as always pointing to an irrational pressure (So Apology 26 a-b). This shifting of emphasis may be due to a growing pessimism and suspicion in Plato's mind, as far as his belief in the spontaneous rationality of the citizen is concerned. It may also be suggested to him by a transitory diffidence in the value of law, although we are implicitly told in the Crito itself

(1) The νόμιμα on Τροφή complete the laws on education in Crito 50c.
(2) cf. the identification of a νόμος to a τύπος in Rep. II 379a, 380c, III 399b Laws II 659d.
that the written laws of the state, as contrasted with the divine law of Hades, are likely to be corrupted, this obviously being meant to express some diffidence in their value, already here.

Moreover, there is apparently a weaker philosophical foundation for the legal order in the Crito than in the Laws (IV 714a) or even the Politicus (300c ff) where it is still an imitation of "truth" i.e. the decisions of the wise statesman. This fact enabled A. Hensel (1) to claim that legal positivism is the legal doctrine of the Crito and that this dialogue may be compared on that point to the statements of Protagoras in his speech and in the Thaetetus (167c ff, 172a, 177c ff). Hensel argues that the Crito and Protagoras share the view that the law embodies the opinion of the community, that it provides the standard of the καλὸν and the δίκαιον, that there is no difference between legal and moral obligation. (2) If this is so, the inference might be drawn that the legal doctrine of the Crito is different or even contradictory to that of the other dialogues, where the law is always defined as an expression of ἀρετή or of νόμος.

Hensel's view disregards the evident connection between the first and the second part of the Crito. If this connexion is assumed, the obvious implication is that the legal order is grounded on an ontology of the healthy and morbid state of the soul, i.e. justice and injustice. The competent man's authority is grounded on the knowledge of the justice and injustice of the soul. (3) Hence founded the philosopher's authority.

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(1) Beiträge p. 206, op. S. Roser, Plato's Begriff des Genetnus p. 139.
(2) This is accepted by Roser, who however disagrees with the view that a positivistic doctrine of law may be found in any dialogue of Plato.
(3) and not merely on the understanding of the right and the wrong as A.E. Taylor, op. cit. p. 13, suggests.
in the Republic and the Legislator's authority in the Laws. The absence of such an ontological reference in Protagoras's utterances makes them different from those of the Crito in spite of the similarity of feeling and expression.

The practical principle of not doing injustice is referred to in the Crito (49 d-e) as an ἀρχή or ἡγομός, to which the standard of ἀγάπη (48a) is relevant. The common acceptance of this principle allows rational communication between two interlocutors but is applied in the Crito to the relationship between the legislator and the citizen. This type of κοινωνία has a mainly ethical significance and may be considered as a foreshadowing of the platonic conception of κόσμος (Gorgias 507e-508a). This conception involves the acceptance of identical ethical values by every member of a κόσμος. Such an ethical κοινωνία is the basis of the φίλα between the members of a city. There is συμφωνία when the citizens are conscious of this moral participation and express it with a common voice (Rep. V 465e, Laws II 659 d-e). It would be interesting to raise the question of the relation between this ethical communication and the communication of the forms of being, as defined in the Sophist 251d ff. An exhaustive discussion of this point is irrelevant here. It may still be pointed out as F.W. Cornford does (1) that the doctrine of the communication of the forms was suggested psychologically to Plato by his social and political experience, this by no means precluding the logical priority of the ontological communication of the forms of being to the communication resulting from

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(1) Plato's Theory of Knowledge p. 248. Cornford rightly suggests an analogy between the ontological and political communication lying on the fact that in both cases the subjects of the communication are active.
acceptance of a moral ἀρχή

It may be pointed out finally that the Crito expresses (50b 

τούς τι νόμους καὶ θύμπαιαν τὴν πόλιν)

the platonie principle that the law stands for the city as a whole, 
being therefore logically and ethically prior to the desires of the mere 
individual, which are particular and irrational as long as they have not 
been moulded according to the requirements of the legal order.
Chapter 2

Legislation in the Aporetic Dialogues

(Charmides, Laches, Lysis, Hippias Major and Minor, Euthyphro)

I Introductory

a. The Traditional Contemplative Ideal and Plato's Politics

In the Hippias Major (1) Socrates refers to the wisdom (φιλοσοφία) of the ancient sages, particularly Anaxagoras, Thales, Pittacus and Bias. Socrates alludes to the contemplative ideal of life, which, according to the later tradition (2), was explicitly defined by Pythagoras for the first time (3). This ideal is referred to by Plato in various passages of the dialogues, which are relevant to the understanding of what Socrates says in the Hippias Major (4).

The most important passage is in the Theaetetus (5).

§ 1. The aim of the theoretical life is said to be here

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(1) 281c, 285a.
(2) Iamblichus, Life of Pythagoras 58, cf. W. D. Ross Aristotelis Fragmenta Selecta, no 11, Cicero, Disputationes Tusculaneae IV, 1b.
(3) Aristotle is already aware of this tradition, Nic. Ethicus I, 1095b 18-20. In the Metaphysics A 981b 15-25 he attributes to the leisure of the Egyptian priests their contemplative wisdom. Mathematics and Metaphysics imply a φιλοσοφία of this kind.
(4) On the later date of the "pythagorean" views and their influence on Plato, see A. Delatte, Essai sur la Politique Pythagoricienne, Liège 1922, p. 27. He says that while the theoretical ideal of the pythagoreans may be early (p. 13), the distinction between διακριτοί and πολιτικοί (p. 23), within the School, is a later, IVth century, elaboration.
(5) 173d ff.
"the examination of the nature of each reality considered as a whole" (1). Human realities fall within the scope of this examination (2).

The theoretical life implies a disregard of practical business (3), everyday social intercourse (4), disputes in the courts (5) and of political activity, in so far as it is linked with them (6). The follower of theoretical life will be present in the city only physically (7). The account of the Theaetetus is noteworthy for the emphasis on the negative consequences of the theoretical life.

If we compare the more mature account of the Theaetetus with that of the Hippias Major we may notice that the specifically socratic and platonic interest in human experience is absent in the latter. This difference suggests that Socrates and Plato would not

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(1) Παν ντηφιμιαν ερευνημένη των ονων έκαστου θεού Theaet. 174a1

(2) Τι σε α' ποιει έτοιν α' γιατρον καὶ τιτανοτιτὶ ποιει Προθεκτής διαφόρον των α' γιατρών ποιεῖν η παθειν ibid. 174b. Cf. Socrates' disregard of discussions of myths in Phaedrus 230a. In 271b the orator is expected to know what the theoretician of the Theaetetus contemplates.

(3) Cf. the classical story of Thales' fall in the well in 174a.

(4) είς α' χόρα εις ἰδανὶν ὀδόν 173a


(6) οὔτε δ' εἰς τὸ καστάριον οὔτε τὸν ἄνθρωπον τὴν κοινὴν τῶν ποιησιῶν συνενέχουσαν νομίζεις ἢ καὶ τὴν ἠθικὸν τὴν οὐκ οὕτω γέγονε τῇ ἱστορίᾳ οὐτός ταυτονομεῖ 173d

(7) οὐθεν εἶναι ὑπὲρ ραθείς καὶ ἂν τῷ οὕτω καὶ τῇ ποιήσει καὶ τῇ ὀψει καὶ ἀποφαίνομητ 173a.
accept the traditional, presumably pythagorean, ideal of contemplation without a certain amount of qualifications.

Plato would certainly reject the requirement of a constant political abstention (1). He says in the Republic that the philosopher must be compelled to take part in the \( \Pi \nu \omicron \omicron i \) and \( \tau \nu \mu \alpha i \) of the men in the cave (2) because the contemplative ideal may degenerate into an exaggerated concern for blessedness (3) and lead to an excessive growth of individualism (4) with a growing weakness of the social and political links as a result (5).

What Socrates says in the Memorabilia (6), although stated crudely and naively with an obvious apologetic purpose (7), substantially agrees with the views of the

(1) \( \dot{o} \iota \pi o \rho i o \iota \alpha \upsilon \tau \iota \nu \omicron (\xi \iota \iota \nu \pi a \rho a \iota \iota \nu) \gamma a \iota \rho o \gamma a m a \iota \pi e x o m e n o i t \tau \iota \nu \pi o b i t i k o w \pi r a \rho e w n \) Hipp. Maj. 251c. In the Theaetetus this is stated in stronger terms but emended with the introduction of human praxis within the field of contemplation.

(2) VII 519d ff.

(3) \( \epsilon \kappa o \tau e s \ldots o u \pi r a \beta o u o i n \pi r o m e n o i e i s \lambda a k a r \iota \nu \gamma \iota \iota \omicron o l a \gamma \iota \tau e s \dot{e} \iota i \) As R. H. Murphy op. cit. pp. 53 n. 2, 54, says the requirement of political activity is included in \( \delta e \omega r i a \). Excessive concern for individual happiness may lead to a betrayal of true contemplation.

(4) \( \tau r e p e s \sigma o \sigma a i \sigma \iota \nu \epsilon \kappa a s \tau o s \) \( \) 520a.

(5) Ibid. Here, what matters is the \( \beta u n \theta e m o s \) \( \tau \gamma \nu \pi \omicron \rho e \omicron \) 53, 50 ff.

(6) IV, 7, 1-9.

(7) E.g. when Xenophon says that Socrates \( \delta e \omega s \tau \iota \nu \nu o \sigma r a \iota \iota \uomicron \dot{o} \rho o t i o i \iota \nu \nu r i \nu \) \( a p \epsilon \tau e i e \) 5 The restrictions introduced here (6) on astronomical studies for the sake of piety are completely absent in the platonic account of the socratic criticism of Anaxagoras in the Phaedo 97c ff. Plato may allude to Anaxagoras in his criticism of the \( \nu e \delta i o \beta o \rho o i \) 5 in the Laws (X 889b-c) but he certainly does not agree with Xenophon's Socrates that astronomical studies are conducive to atheism.
Republic on the necessity of political activity. Both texts provide emendation of such types of the theoretical life as that of Anaxagoras (1). The conclusion of both is that any πράγματεια must regulate in an advantageous way the human efforts (ΠΟΥΟΙ) (2). Both texts imply that a merely naturalistic interest in the mechanism of celestial (3) or biological phenomena (4) is to be rejected in so far as it does not shed any light on the understanding of human activity (5).

In spite of this criticism Socrates and Plato fundamentally accept the ideal of contemplation. This is clear from the fact that Socrates and Plato speak always of the Ὀρνητικοί with respect. This is so in the discussed passages of the Hippias Major and the Theaetetus. The result of their criticisms of this ideal appears in their views on the field of contemplation. This includes the sensible universe (Κόσμος) and heavens (6) which are considered not for their own sake but in so far as they express the disposition of the world.

(1) Memor. IV, 7, 6. The Republic does not say this but one may infer it from the critical allusion of 519c 1. For Anaxagoras as Ὀρνητικοί see Iamblichus l.c.
(2) The need of coping with human ΠΟΥΟΙ is stressed in the Memorabilia (IV, 7, 3) and the Republic (VII 519d).
(3) Mem. IV, 7, 8. Perhaps referred to in Rep. 519c but certainly in the Phaedo (98a).
(4) Phaedo 99a-b.
(5) Ibid. 28c, Memor. IV, 7, 8-9.
(6) Epinomis 977b.
of ideas (1). The field of contemplation also includes human nature and moral values, namely true justice as opposed to its "shadows" (2). It is likely that the contemplation or consideration (3) of human nature includes the knowledge of how men normally react to given circumstances (4). In that sense may fall within the scope of contemplation.

The previously quoted passage of the Republic explains why the contemplative philosopher will be also a competent legislator. The contemplation of the ideas presupposes a moral and spiritual affinity with them (5). The consequence of the contemplation is a similarity of the soul of the contemplative philosopher with the order of the Ideas (6). This is sometimes referred to in

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(1) εἰς τῇ γεμένα ἄττα καὶ κατὰ ταύτα ἀπὸ εὐχοντας καὶ δεσμηνούς, οὐτ' ἀδικοῦντα οὕτε ἀδικοῦμενα ὑπ' ἄλληλην, κόσμῳ δὲ πάντα καὶ κατὰ ὁγον ἐν ἑχοντα

Rep. VI 500c. In the Laws|XII 965c-5| it is specified that a similar type of contemplation will enable the future statesman to be aware of the unity and multiplicity in any field, particularly moral virtues.

(2) Rep. VII 517d.

(3) διευθεία covers both senses.

(4) Politicus 505b.

(5) μὴ καθαρῷ γὰρ καθαρῶν ἐφαπτεθαί


(6) πειραθοῖ δὲ τῷ ἐνδέχεται εἰς ἑκέπει οἱ ἐν ὁποῖαν ταχίστα, γυνὴ δὲ ὁμοιοίως ἐν δόξᾳ, κατὰ τὸν ἄλληλον

Theaetetus 176b-h. Plato uses the presumably Orphic notion of ὁμοίωσις in connection with the knowledge of the Ideas. The rational is for Plato what formerly was the ἔθνον.

W. K. C. Guthrie, Orpheus and Greek Religion, p. 219, refers this notion to Pythagoras.
terms of assimilation (1) and we can understand why the
philosopher who contemplates the idea of justice will
become himself just (2). Once he has internally
achieved this order, he will strive to "imitate" the
idea of justice in his external acts, or, as Plato puts
it, he will be able to create justice and moderation in
the city (3) through communion with the divine and the
orderly element of the world (4). It may be suggested
that Plato limits the unpracticability of the traditional
speculative ideal in its orphic or pythagorean form by relating it
to the orphic or pythagorean notions of one's assimilation
to the divine and imitation of it in his life (5). So,

(1) This is suggested by the association of θεόσως
500c, quoted below.
(2) οὐκ ἀνάσκως ἐν δικαίων καὶ ἐν θείον μετὰ
κρόνουσις γενέσθαι.
Theaetetus 176b.
(3) ἡ ἁρὰ καὶ κὸν ὅμοιον υφος ἔχει ἄρα ὁ θεόθατος
καὶ δικαίως ὁ θεός ἐν καὶ δικαιοθέν ὁ θεός
και ὁμοόθεσις ὁ θεός ἀρετῆς.
Rep. VI 500a.
(4) ὁ χιντερευτες καὶ ὁ χιντευτης οὐ τι ἀριθμον
οὐτε ὁικοδομεῖς ὁπ' ἀγαθήν τινα
μετέσθαι τε καὶ δικαίως ἐν αἰώ
κοιοσθαι.
Rep. VI 500a.
(5) The lawgiver, who is quite frequently referred to by
Plato as an οἰκιστὴς or founder of a city, must
create θάνατον ἐν αὐτῷ πολιτείᾳ
before
establishing the healthy city, which is an imitation
Political activity is an imitation and implies the
contemplation of the adequate model, Rep. VI 501b.
Cf. V. Goldschmidt in Revue des Etudes Grecques, LVIII,
1945, p. 122.
contemplation performs the function of regulating action (1).

It was said previously that the φύσις who advocated contemplative life disregarded human, particularly political affairs. Although Socrates and Plato rejected this attitude of indifference, they advised temporary abstention from political activity, especially in so far as the corrupted city was concerned. They did this on various grounds. Some of them are ethical. To make oneself similar to the "divine" or the ideas requires an "escape" (φυγή) from the world of everyday life including the political one (2). The underlying notion is presumably that one cannot serve two masters and that the energy devoted to some particular field is diverted from another, perhaps more valuable one. Hence premature devotion to everyday political activity may be

(1) It should be added that the reference to separate ideas in connection with imitation is a later Platonic development, not referred to in the Socratic earlier dialogues.

(2) In the Phaedo 66c asceticism is required because the life of the body εἰς ὑποταγὴν πάντοτε πᾶσιν καὶ ψυχῴας ἀντιπάθειν πάσοις and is the source of war, strife and conflict. It appears that any type of war is undesirable. In so far as from both the traditional and the Platonic standpoint the successful direction of a war is an essential part of political activity, this passage may imply an indirect advice to abstain from politics. Cf. Theaetetus 173d-e.
inconsistent with the pursuit of the knowledge of the ideas (1) and ultimately with the requirements of true political action. Moreover, the abstention from political activity, in so far as the corrupted city is concerned, enables one to avoid being of the same character (συμεονίδαις) as the corrupted men (2).

But the main reasons for limiting the importance of political activity are the epistemological ones. A fundamental platonic assumption is that any πράξις since it belongs to generation, achieves an inferior degree of rationality than thought as such or embodied in speech (ρητορία) (3). It may occur that action approximates very closely to the rationality of thought. But Fortune (Τυχή) must be favourable if this is to be hoped at all (4).

Since not only action, but any kind of expression of one's thoughts, is unavoidably an imperfect approximation of the ultimate principles (ἀρχαι) which make it intelligible, it is required that the man endowed with understanding and insight (σοφοί)...

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(1) In the Ἐπίνοιας (975a ff.), which, as a whole, deals with the divine rather than the Ideas, we have a curious list of the various Τέχναι and ἔπιγνωσματα which divert from ἀρχών. 

(2) Gorgias 510c-e, 513α-β. 

(3) Rep. V 473a, cf. Laws I, 636α. In VIII 546α we are told that even the "perfect" city is doomed to decay since it belongs to the world of generation. 

must keep his mind on what is more precious
(τιμωτέρα) and important (σπουδαιότερα) than his compositions (ἀνουνέδηκε) (1). This
general view applies particularly to the "writer of laws"
(νομογράφος) (2). He should be rather called
a philosopher because what really matters for him
(σπουδαῖ) is not what he writes, i.e. the codes of
laws, but the truth embodied approximately in his writings
(3). He is aware of their deficiencies (4) and should be
allowed to alter them if necessary (5). In these
passages, Plato refers to "lawgiving" but his observations
apply certainly to any kind of political achievement.

The practical consequence of these views is drawn
in the Republic (6). Plato says here that if a rational
political action is to be achieved at all the statesman

(1) Symposium 210c, cf. A. Baynes, Παρατηρήσεις επί τοῦ
Νόμιμος τῆς Νομοδοτίας ἐν τῷ Συμμοίρον
θῷ Πλάτωνος Μνήμει, Χαρίς Ι. Ουρβέρα, Αθήνα 1961, p. 265h
(2) Phaedrus 278c-e
(3) Ibid.
(4) Συναρτώς τὰ γραμμένα ἑαυτὰ
απὸ τὸν Φαέδραν
Phaedrus 278c-e,
(5) Politicus 235a. This claim is grounded on the
statement of 285d that τιμωτάτα οὖν
κόσμου ἐνθείκνυσιν,
Cf. R. S. Black, Plato’s
Meno, p. 96.
(6) VII 520c-521a, this passage, as J. Adam, II, p. 104,
ad l., says, recalls I 347c-d where Plato says that
οἱ ἐπιεικεῖς ... ἐρροῦνται ἐπὶ τὸν
ἀρχαῖον οὐκ ἔτεκαν ἐπὶ ἀναγκαστὶ
ἵνα τραυματίζων καὶ ἐπὶ παθήνωσιν ἐν
ἀυτῷ οὐ χαίρει οὐ γὰρ ἐπὶ ἀναγκαστὶ.
must be aware of the fact that there is another life superior to the life of political activity (1). Some practical considerations induce Plato to adopt a view which approximates closely to the attitude of the Παζαίοι. This occurs when Plato says that it is pointless to advise one who is incurable and unlikely to hear the advice (2). A reasonably minded advisor ( θυμοβουξος ) should refrain from doing so. Otherwise he may lose his life without any advantage for the city, which is doomed anyway (3).

However the abstention from public life is not the last word of Plato as it was for the Παζαίοι.

In Plato's mind this abstention is only temporary. He always hopes that through fortune or δεία μοιρα (4) things may improve and favourable conditions for a

(1) Cf. R. N. Murphy, op. cit. pp. 40-42.
(2) τοὶς δ' ἐξω τὸ παράπαν βαίνοντι Τίς ὅρθος πολιτέας καὶ μηδαμία ἐξέθοσιν αὐτὸν εἰς ἅξον θέναι... τον μὲν ὑπομένοντα θυμοβουξον τοιαῦτα ἐγγομένα δὴν αὐναδρον, τὸν οὖσιν ὑπομένοντα ἀνόρα...
(3) εἰ εἴσιν παλαι ἐπαχείρησα πράσσων τῇ πολιτικῇ παλαιάν ἀπομόσιμη καὶ ἐνιαίαν ὕμημιν ὑμᾶς συμβεβίων ἐν αὐτῷ.
Apol. 311a-c, cf. Gorgias 515a, 521d, Rep. VI 496e-e.
(4) ἐν γαρ χορὶς εἰδέναι σοι τε περ ἀνθρωπὴ ἐκ καὶ ἑξετάσθαι οἴνον ἐξεῖ τὴν τοιαύτην ἑαυτῷ προστίθειν ὑδέους κοιρανοῦσαι λέγων
"true" and "efficient" political activity may appear. So abstention from public life in a corrupted society is the only practicable form of political action because its possibility, if conditions improve, is thereby preserved. Otherwise agitation becomes the substitute for action which cannot even be hoped for. The expectation of the favourable conditions for public activity is serious and eager in Plato (1) while absent in the magaioi.

The Academy, under his guidance, interfered in the political life of various Greek cities by sending "lawgivers" to them (2). Plato himself always considers as possible (3) the appearance of the right opportunity (4) and nothing angers him more than the reproach that he is a mere  noopos incapable of any practical achievement (5).

Plato widens the contemplative ideal by including human experience within its scope and thereby comes nearer to the sophistic or isocratic acknowledgement of the

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(1) GV eπραττέτιν περιμένεται αξίωμα καίρους Ep. VII 326a.
(2) Athenaeus 506e ff., Plutarchus, in Coloten XXXII DiogLa, Plato, 23, quoted by G. Morrow, Epistles, p. 113-144. This point is thoroughly discussed by M. Innardi in Perola del Pensato, 11, 1956, pp. 400-433.
(3) The provisions of the healthy city are possible ( οὐνατά ) because they are in step with nature ( καταφύσειν ), i.e. human nature, in the empirical sense of the term. Cf. J. Adam on 470c (vol. II, p. 325).
(4) This opportunity was expected to be provided by Dionysius the Younger Ep. VII 327c, 327e, 328e, 339e and Eio Ep. IV 320d, VII 324b, 328b.
(5) Ep. VII 328e.
importance of public activity. This attitude is shared by Socrates in the earlier dialogues, esp. the Apology and the Crito.

In Sophistic πολιτισμός

... and the Socratic view of political activity.

Hippias says that real ἀρχήνοισ enables its possessor to deal successfully with both his private affairs and those of the state (1). Gorgias (2) and Prodictus (3) were skilful in both fields. Their educational pursuit, as it is defined by Plutarch (4), aims at the development of a political prudence (πολιτικὴ ... ὀνόμασι) which will make their pupils apt to manage successfully the affairs of their own household and those of the state (5). Socrates apparently rejects with irony this notion of skill (σοφία) (6).

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(1) Hipp. Major 281d.
(2) Ibid. 282b.
(3) Ibid. 282c.
(4) Themistocles, II.
(5) οὐδεστὶ εἶναι καὶ πράττειν in so far as their οίκια and their city are concerned (Prot. 319a). Gorgias (Pl. Gorgias 452a) and his pupil Meno (Meno 73c) understands in a more selfish way the aim of the sophist education.
(6) καὶ πολισ τὸν ἄνθρωπον αὐτὸν ἐανὶ καὶ ὑπὸ τοῦτον ὑπὸ τοῦτον εἶναι ὑπὸ τοῦτον ... ὡς ἀν ἐκ τούτων ἐργαζόμενον εἰρήνην.
in so far as it involves greediness over money (1).

Socrates and Plato however did not reject this sophistic view as a whole.

In the *Memorabilia* Socrates makes an interesting comparison between the art of household management (οἰκονομία) and strategy. He defines their numerous similarities and infers that skill in private affairs is only quantitatively different (πρῶτος) from wisdom in public affairs (2).

This is also the opinion of Plato himself. In the socratic dialogues, including the first book of the *Republic* (3), the analogy from the crafts to the political art is extremely frequent (4). It is grounded on the orderly character of the achievement of the craft.

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(1) Ibid.
(3) R. Friedlaender, Platon II, p. 45 ff. calls it "Thrasymachus".
(4) *L. & Rep.* I 341d, 342b, 342d. The conclusion drawn by Socrates is that οὐδὲ ἔστι... καὶ διότι συνάρχων ἑνών τοῦ αὐτῷ ὑμινοψον ὁκοπείον ὑπὲρ ἐπιταττεῖ ἄλλα ἄλλα ἀρχεομένως καὶ ἀναρχὸς, ὑμινοψών, ἦν καὶ πρὸς ἑκεῖνο ἑρέπων καὶ τό ἑκείνῳ ὑμινοψών καὶ πρὸς τόν καὶ ἐφετεὶ ἀλλατεί καὶ ποιεῖ αὐτοὶ ἐπαυτάνα.

Socrates and Thrasymachus agree on the analogy ἐχθρων - ἀρχὴν and Socrates uses the terms interchangeably. For both ἀρχὴ may refer to the government of both the household and the city.
This is endowed with an ἱδος and may be described in terms of ῥαγίς and κόσμος (1) like the constitution of the legislator or the legal codes of the legislator, who is described in terms of "creator" (Πράσις, δήμιουργός) (2) and whose function is described with the terms διακόσμησις

ΤΑΚΤΕΩΝ (3). The activity of both the craftsman and the legislator implies an act of contemplation (ἀποθετην) of some kind of model (4), and its imitative reproduction in their respective achievements (5). Therefore the notion of "art" (ΤΕΧΝΗ) (6) like those of care (ΕΠΙΧΕΙΡΙΑ) (7) and attendance (ΘΕΡΑΠΙΑ) (8) is relevant to both craftsmanship and legislation.

(1) Gorgias 503ε-504α.
(2) Laws III 671α.
(3) Ibid. I 631α.
(5) Atkins op. cit.
(6) According to the Gorgias (464b) the term ΤΕΧΝΗ applies to legislation and gymnastics because both seek to maintain the condition which is most beneficial to their subject. Cf. Rep. I 341δ ff. and Alcibiades I 115c.
(7) ΕΠΙΧΕΙΡΙΑ describes the functions of the political art in Alc. I 127ε-128α, those of other arts (medicine) in Laws IV 720α.
(8) ΘΕΡΑΠΙΑ describes the function of the art of politics in the Laws I 650β and those of the art of weaving (ΨΗΦΙΚΗ) in the Politicus (231b.) These notions are presumably species of the notion of ΘΕΡΑΠΙΑ referring to the art of politics in the Politicus (304α.)
Legislation and the crafts imply "ability" (ἀρετή) (1) and skill (οφρία) (2) which are the terms evaluating the capacity of the agent to perform his respective task (ἐργαν). These qualities indicate that the performance of his task is appropriate to the nature of the agent as such. Therefore its successful performance secures his well-being (ἐνπαράγεια) (3).

It must not be concluded that Plato identifies human conduct and technical activity. He is aware, as Joseph says, of their difference, which consists in the fact that these activities may be defined with reference to some particular task, while the art of human conduct is submitted to universal rules (4). But the "analogy of the arts" allows Plato to make evident the common

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(1) οὐκόννα καὶ ἀρετή ὀκεῖ οὐί ἐστιν ἐκατειλομενοὶ καὶ ἐφροντι προστεθεὶκαί, ἐστιν... This is the case περὶ παρανωτίων αὐτῶν Rep. I 365b. Cf. R. S. Black, op.cit., p. 201.
(2) εἰτὶ τεχνὴ καὶ ὁμογενῆς ἐπουδαίως σωματικῶς καὶ πολιτικῆς καὶ ὁμολογίας τινος ἐπιφανε... Lamps III 674a.
(3) ἀμαρτίας γαρ ἐπηρμηνεύεις, ὁρθητῆς ὑπενδέψεις καὶ ἐφροντι, τῶν οἳ παραλληλονίτων ἐστιν ὑπερήποντες, τοὺς δὲ πραττομένους εἶδον ἔχοντες εἰναι. Charmides 171e-172a. Cf. Rep. I 342b, 343a, 352a-b. It is clear from these passages that a man who executes his task ἀναμαρτήσεσ (i.e. ἐπὶ πραττεῖ) secures thereby his welfare (ἐνπαράγεια). Once, the Greek assumption that moral goodness may be defined in terms of natural perfection is granted, there is nothing fallacious in such a use of the term, cf. also V. Brochard, Studia, pp. 137-138.
rational structure of statesmanship and the other arts, which lies in the fact that their respective tasks may be carried out correctly (ορθῶς) or wrongly (μαρτυρώνως).

Now, since the various crafts were usually included in the field of private activities and were frequently related to the management of one's οίκια (1), it may be inferred from the "analogy of the arts", that the same type of ability and the same rules of correctness apply to οἰκονομικὴ and πολιτικὴ (2).

Three objections may be raised against this conclusion, the fact that "isolation" (ιδίων) is treated as an evil by Socrates and Plato, which could lead to the view that skill in private affairs is undesirable, the rejection of "busybodiness" (πολυπραγμοσύνη) with more emphasis in so far as political art is concerned, than within the various other crafts, finally the particularly strong requirement of "leisure" with reference to political

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(1) This is the case with most of the true and false arts of the care of the body in the Gorgias 464b ff.
(2) The stranger in the Politicus 259c does not draw any clear cut distinction between them. He says εἶπον ἔναντι μικρῶν μην τὴν εἰς τὰ ἰατρικὰ τὰ τέκνα, ὅσον εἰς τὰ πολιτικὰ καὶ τὸν εἰς τὴν οἰκονομίκαν τις ὑποταται, μὴ δὲν τοὺς διαγράφει. See [Plato's] Rivals 138c-d.
activity while the other crafts necessitate it to a lesser degree (1).

In the Republic we are told that "isolation" dissolves (διαγνίζεται) the city (2). This view however does not imply that skill in private affairs is something bad or that it is fundamentally different from political wisdom. What is rejected in this passage is not the care for one’s particular interest (το ἐμὸν) but the view that one’s particular advantage is independent of the welfare of the whole community. Plato’s requirement is that πηγῶτοι ἐπὶ τό αὐτὸ καὶ ταυτὰ τοῦτο ἐγγονοὶ τὸ ἐμὸν καιτείχον ἐμὸν (3). His view is seemingly that the care for one’s community should not be different from the care for one’s personality (4) and ὀἰκία (5). Aristotle understood in that way the whole section of the Republic which deals with the community of the wives and children (6).

(1) Their correct performance still necessitates
Rep. II 370c.
(2) V 462b. It is noteworthy that the "isolation" referred to here is emotional. See also above pp.
(3) 462c.
(5) The subject under discussion is the desirability of
Κοινωνία γυναικῶν καιταίρων
161a.
(6) Politics II 1261b 20 ff. As W. W. Newman Aristotle’s Politics, II, p. 237, says, what Aristotle criticises in Plato’s scheme is that ὀικεῖοις (i.e. the relationship linking the members of a single ὀἰκία) will diminish if this scheme is put into practice.
"Busyboddiness" is discussed in the Republic (1). Plato distinguishes two kinds of this practice:  

1. when the same agent attempts to perform different functions (2)  
2. when he changes his activity (3).  

Plato adds that, in so far as the crafts are concerned (4), the resulting damage for the city is not very important (5). Πολυπαραγμοσύνη is disastrous (6) if any of its kinds manifests itself in the field of political sovereignty (7).  

This passage makes clear that there is some difference between the various crafts, especially those concerned with private life, and the art of the ruler, presumably because its subject matter is the well-being of the city as a whole (8). This difference however

(1) IV 434a-c.  
(2) σ' αυτον επικειμένων άμφωτερα πράττειν 434a.  
(3) Τά δ' οργάνα μεταμορφώντεσταμήνων ντικας ibid.  
(4) E.g., those of the Τέκτων or Οχυτότομος ibid.  
(5) αφοσιώντι δοκεῖ μέγα βραχύλι  
| Πολλ' οί ... ibid.  
(6) Τάν ... άγγελος ... είστο τον Πολεμικον είδος έναι επικειμένοι τον Πολεμικον έστο τον θωμανίκου και φυλακός ανάβος λύν...  
| ibid.  
(7) The best discussion of this point is in M. R. Foster, The Political Philosophies of Plato and Hegel, p. 15 and ff. He is probably influenced by M. R. Joseph.
does not necessarily imply that a different type of skill is required for the performance of the "technical" functions and those of the ruler. Plato's point is that a competent man must rule the city (1). He does not consider very closely what the oikonomikê oophê should be.

As far as the last potential objection is concerned, it is true that Plato says in the Laws that oikonomikê from other activities is necessary for the adequate performance of the function of the dênuvômuoi (2) which has a markedly political character (3).

Plato further says that the citizen can perform correctly his duties only if he is not compelled to devote his energy to the pursuit of material benefits (4). This requirement is grounded on the eis en kataphileia principle which applies to any kind of human activity with particular emphasis however on political activity. This activity necessitates concentration, i.e. leisure and freedom from alien pursuits more than any other tékhê (5). The difference between the political

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(1) It is noteworthy that it is only if the dávõîos assumes sovereignty that Polyparrhôkoumen, with its disastrous consequences, arises. Rep. IV 434b.
(2) Dêv kôptaous, oikonomikos tôn kôinwn epi plêterodê. Laws VI 763a.
(3) See G. Morrow, Cretan City, p. 243 ff.
(4) Laws VIII 631b ff.
(5) In VII 867d oikonomikê is necessary for the "training to virtue", which is preparatory to political life.
art and the other arts appears however to be only quantitative from that point of view. It is impossible to infer that the θορία of the statesman or the ruler is altogether different from that skill which is necessary for the ἐπιμελεία τῶν ἱδίων

The obvious conclusion is that Socrates and Plato reject the views of the sophists regarding political activity, which are alluded to by Hippias, only in so far as these are conducive to selfish ends (1), they provide an apology for power politics and they rest on unclear epistemological principles and wrong assumptions concerning human nature. Plato however shares the pragmatic interests of the sophists (2). He reconciles their notion of θορία, already stated by Solon and some others of the wise men, with the theoretical ideal of thinkers like Anaxagoras (3). It is therefore difficult to ascribe to Plato a clear cut distinction between theoretical and practical interests (4).

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(1) ἐν γὰρ τοῖς πολιτικοῖς τε καὶ τῆς ἑαυτοῦ πολέμης τομῆς δύνατον εἶναι τῶν καλλιτεχνῶν, τὸ δὲ δύνατον πάντων αἰθιοτον.

Hipp. Major 256a.

(2) H. Cairns, op. cit., p. 32.

(3) For a discussion of this topic, W. Jaeger, Paideia (Eng. tr.) II, p. 333 n. 14, also pp. 37, 123-124.

(4) Such ancient authorities as Cicero, Academ. I, 5, de Finibus V, 3, 8; V, 4, 9 (quoted by K. Zeller, Plato, Eng. tr. p. 165 n. 33) ascribe to Plato the division between Dialectics, Physics and Ethics, not between theoretical and practical philosophy.
II The Definition of Legislation

The Euthyphro, the Charmides, the Laches, the Ilyss and the two Hippies dialogues are generally treated as "aporetic" works. They certainly do not include any elaborate theory of law or politics. There is however in them an outline of the notions, which are referred to by Plato in his later conception of νομοκτητική. These are the notions of capacity (δύναμις), of knowledge (ἐπιστήμη) and of art (τέχνη).

Socrates, at about the end of the Hippies Minor, assumes that justice is a capacity (1). This view implies that the just man will deliver just discourses and perform just acts because previously δύναμις was supposed to manifest itself in speeches (2) and acts (3).

The definition of justice in terms of capacity is seemingly inconsistent with the previous definitions of δύναμις. Socrates said that the capable geometrician is endowed with the ability to "speak the truth or falsehood" according to his wishes (4). The notion of capacity understood in that way would then lead

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1. Ἐίμεν δύναμις ἐστὶν ἡμῖν ἐν δικαιοσύνῃ Hipp. Minor 375a.
2. Ibid. 367c.
3. Referred to in 373d-c with the terms ποιεῖν and ἐργατικώς.
to the consequence that "it belongs to the good man to do injustice voluntarily" (1). Hence, if the just man is no more than δεινάτος, he will act unjustly if he thinks it suitable. He may be occasionally unjust.

The point of the Hippias Minor is however that such a definition of δίνασις is unsatisfactory because it rest on the confusion of will (θεώρησις) and mere desire (επιθυμία) (2).

If this confusion is eliminated and the distinction between will, which is always of the good (3) and desire, which is morally indifferent (4), is clearly established, it is correct to describe the just man as well as the legislator as the man who has the power to realize what he is willing (5). The definition of legislation in terms

(1) ibid. 376b.
(2) θεώρησις is referred to by Socrates in 366c in an amoral sense. Therefore the definition of δίνασις resting on it must be revised, as the aporetic conclusion of the dialogue shows, esp. the words εξελέγη δικαιολογίας ὑστερο τοῦ (376b) obviously anticipating the analysis of the Gorgias on θεώρησις as being always of the good, never of evil. This point is well discussed by A. E. Taylor, Plato, p. 37, cf. V. Goldschmidt, Les Dialogues de Platon, p. 104 and n. 6.
(3) Gorgias 465b ff.
(4) ibid. 495a.
(5) This is made clear in the Laws VII 742d ff. where the will of the legislator is discussed and it is said that "Τὸν ἀρναν υμορρέτην ... ὠς ἄρχοντι θεὸν εὐπορεσσάς τὴν πολίν καὶ ἡποικίας ἐνδιανοεῖταιν. It might be observed that if the views of the Gorgias on θεώρησις were kept in mind this statement would appear to be redundant.
of capacity and will has two important consequences,
a. the power of the legislator can never be selfish and
arbitrary b. the aim of \( \text{νομοδετική} \) is the
realization of a practicable scheme, since, according to
the Laws (1), \( \text{βουγνοις} \) refers to something
practicable.

The capable man is also defined in the Hippias
Minor as endowed with the ability to perform an act when
he wishes to realize it (2). This aspect of capacity
can also connotate \( \text{νομοδετική} \) since this art
supposes the aptitude to discern the "opportune" in
relation to the affairs of the state (3). The
legislator will act reasonably if he acts \( \text{τὸ ἔτος...} \)
\( \text{διὰ τὸν όντα \text{βουλήται} \ because \ he \ will \ wish \ only \ the} \)
\( \text{καῖρον.} \)

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(1) \( \text{Τα \ μένοι \ νομοδετικά \ βουλεύεται \ δώσει \ διάκοξι} \ θέων, \( \text{γα} \) \( \text{δέμενοι} \ νομοδετικά \ οὔτε} \ \( \text{βουλεύεται} \ \) \( \text{οὔτα} \) \( \text{άνω} \) \( \text{ματαίας} \) \( \text{βουλεύος} \)
\( \text{εὐκρίσιοι} \ldots \) Laws 742c. The will
of the legislator, as Plato defines it, may be compared
with the good will of Kent in so far as both are concerned
with the practical, or more exactly the practicable, as
opposed to mere intention. Therefore the \( \text{εὐκρίσιοι} \)
from the perfect pattern (746c) and the compromise in
practice ( \( \text{πράγματι} \) \( \text{τῷ \ οὐγνήσεται} \) )
are necessary for the legislator.

(2) Hippias Minor 366c.

(3) The political art, according to the Politicus 282e,
305c, is defined as enabling one to hit the opportune
( \( \text{καῖροι} \) ). It is hard then to suppose that
the legislator will have the temptation to enact a
command which is inopportune. Since he is endowed
with the science of \( \text{εὐκαῖρια} \) he will act
reasonably if he acts "when he wishes" according to the
suggestion of the Hippias Minor concerning the notion
of capacity. On the notion of "opportunity" in
connection with political science cf. R. G. Bury, The
Philebus of Plato, p. 176, appendix E.
Capacity is further described as the ability to speak the truth or lie voluntarily (1). This may appear to be thoroughly inconsistent with the platonic view of legislation, which is the expression of ῥῆ ἀμέλειας (2). But the legislator may use the "lie" as a "medicine" in order to convince the magistrates and the citizens to submit to the requirements of the rules of the just social organization. The legislator will resort to this pictorial method if the citizens are unable to grasp the ἀρχή of justice in its unveiled form (3).

If to "lie" is to use fictitious ways of expression (4), the legislator may lie like the ἔνατος in

(1) οὐκ οὖν ἐξ αὐτῶς Ἑνωδῆ καὶ ἑιμαδὴ
dὲ εἰν. περὶ ἐρικάμων ὀνόματας
οὗ τοι ἐκτὸς ἐκαθῶς περὶ ὁμήτων,
κοινωτικῷς.
Nippian Minor 367c. As Goldschmidt, op. cit., p. 107, says, the ability to lie implies some knowledge of the truth, if this ability is conscious and purposeful.

(2) οἱ θριάτεις ἐν παντὸς ἡμῶν ἀγαθῶν
δὲ ἐν θητεία, πάντως ἐν ἀνθρώποις
ἡς ἡ ἐπίλυσις ἀπὸ μοιᾶς, ὡς ῥήσιος
τὸ καὶ ἐνδοικ挽回 ἐν αρχής ἐμῆν.
Χως εἰν...

Laws V 730c, cf. Rep. II 382b. In the Republic (IX 589c) the true seems to be almost identified with the just, at least from the standpoint of the man "praising" them. As G. Vlachos rightly says, in Archives de Philosophie du Droit, Paris, IX, 1961, p. 195 n. 2 the connection of justice and truth shows that any attempt to ascribe to Plato a subjective and arbitrary notion of legality is groundless.

the Hippies Minor, although under some qualifications. His "lie" must be "beautiful" (1). It may also be described as "noble" (γέννατον) because it may express the "truth" in the mythical and historical field, within which there is no absolute certainty (2). Since the mythical and historical material can be judged only according to the standard of the "likely" (εἰκός, πιθανόν) (3), the legislator is intellectually entitled to describe mythical events according to what he considers as the requirements of justice (4). He will do so voluntarily in order to prevent the citizens from acting in an unreasonable way (5).

What applies to the speeches of the δύνατός regulates also his deeds. He will be able to perform voluntarily dishonourable acts (6). This statement may

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(1) In the Rep. (II 377d-e) the notion of καλόν γεύσις is alluded to. Homer and Hesiod are criticised for their neglect of what the "beautiful lie" requires. I assume that the epithets καλόν and γέννατον (440c) determining γεύσις are equivalent.

(2) δια το μεν εἰσέναι ὁπι ταγνίδες ἔχει περὶ τῶν παρατών Rep. II 353d.

(3) According to Plato, Laws III 677a, 601a historical knowledge can reach only this level, especially in so far as such topics as the origins of civilized life are concerned.

(4) α'φομοιοιούντες τῷ ἀδηστῷ γεύσις ἐφ' ἐκεῖνος Rep. II 352d.

Hence his "lie" is not a "pure" one (ἀκρατον γεύσις), ibid. 352c.

(5) οὖν διὰ μανιάν ἡ ἄνοιαν κάκοντι εἰπέχεισθαι πραττέναι Rep. 351d.

(6) καὶ ἐν πάλιν ἄρα ἡ ἐκῶν τὰ πονηρὰ καὶ κάκα ἐργαζόμενος βεβηλων παραπτῶμαι Hippias Minor 374a, this holds for πᾶσα ἐργασία according to 376a.
be taken as conclusive to the unsoberatic and unplatonic view that one can do wrong voluntarily (1). Therefore it is inadequate as a description of the platonic legislator. If however the "honourable" and "dishonourable" (καλόν - αἰθρόν) are determined according to customary standards (2), the legislator may perform voluntarily "dishonourable acts" because the "dishonourable" and its opposite should be defined not according to the customs of the city (3) but in keeping with what may ultimately be described as 

Τὸ ἐν τοῖς ἀριστονότοις ἀγαθον. 

The legislator is supposed to possess the knowledge of this ἀριστον. Hence his praise or blame must provide the standard according to which a given pattern of conduct may be appreciated as "beautiful" or "ugly" (4). He may then, like the capable man in the Hippias Minor, approve of conducts which are commonly held to be "dishonourable" and act consequently.

(1) ἀνθρώπων γυνῶν... ἐκτίθεαι ἀρετοπαθείν... χαίτις ἑκονομίως ἀμαρτανε 

Hipp. Minor 375a. 

(2) As in the case of the nude athletes in Rep. V 452c-d. 

(3) In the Politics it is said that the royal statesman must not be impeded by religious customs as in Egypt (290d-c), by ταῖρα (296c) or πατρια ἔθν (299d). 

(4) According to the Laws I 633c ff. the legislator should be able to appreciate correctly a given collective pattern of conduct (~πιτήδενμα).
The notion of capacity, if correctly understood, may apply to the activity of the legislator. But its correct understanding shows that ultimately capacity implies knowledge (1). This view, suggested, in the Hippias Minor, tallies with the passage of the Gorgias in which we are told that the powerful man must be endowed with ἐπιστήμη if he can be described as really and not only apparently δυνατός (2). This need applies also to the legislator in so far as it is right to describe him in terms of capacity. If so, it is necessary to consider in what sense the legislator can be said to be endowed with knowledge.

The main concern of Socrates in the early dialogues is to eliminate the ignorance of justice and the good from which arise difference (διαφορά), sedition.

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(1) ἡ δικαιοσύνη οὐχὶ ἡ δύναμις τῆς ἐπιστήμης ἡ αμοιβή... ἡ δύναμις τῆς ἡθικής καὶ τὴν ἀνθρωπείαν.
Hippias Minor 375e-376a. Of course ἐπιστήμη and ἡθική are deprived here of any kind of ethical connotation and refer only to intellectual discernment. On this use cf. A. W. H. Adkins, Merit, pp. 300 and fol. Adkins refers to it as the ordinary use.

(2) In 466c ff. we are told that orators and tyrants are really weak, although apparently powerful, because they are deprived of the knowledge of the end towards which their actions ought to be directed. On the connection between δύναμις, ἐπιστήμη and τέχνη, cf. Politics 1304a, 304e and J. Souilhé, Étude sur le terme δύναμις dans les Dialogues de Platon, p. 117.
(σταθείς) and enmity (έχονται) between individuals (1). Socrates is confident that such a dispute (αμφισβητοικός) will come to an end if men are able to draw a distinction between a just and an unjust act (2). Plato restates these views in the Laws and suggests that private enmities and public upheavals are the outcome of ignorance (αμαθία) (3) presumably of what justice is (4). His whole philosophical and political activity, like that of

1) ἐκεῖς εἰς ταῖς ἐστὶν τότε δίκαιον καὶ τὸ ἀδίκον καὶ τὸ καφών καὶ ἀληθοῦς καὶ ἀγαθὸν καὶ κακὸν: ἓρα ὡς τά τιτά ἐστιν περὶ ἀμφισβητοικού τοῦτο καὶ ἀκατεχόμενον ἐπὶ κρίνειν ἰταναύτων ἐκδόντων τῇ ἤρπουν. R. Mondolfo, La Comprensione del Soggetto Umano nell'Antichità Classica, p. 169 ff., discusses this intellectualistic view. He rightly suggests that it is perfectly consistent with the alleged elsewhere need of moral purification because καθάρος restores the ability of the human person to form correct ethical concepts. On the causes of σταθείς cf. Thuc. III, 52, 6. Although it is hard to make certain if the ethical or the intellectual aspect of evil is really prior according to Socrates, one feels that for Socrates σταθείς is caused by what Thucydides considers as its result, i.e., confusion on moral values.

2) In the Plutarch (8b) Socrates says that gods and men agree that justice is good. If they were able to define it and recognize a just act there would be no μάθαι. The same is expressed in the Alcibiades I, (112a).

3) The dorian kingdoms of Argos and Messene collapsed because of the αμαθία, οὐκ οὖσα σεσοφία of their kings, III 691a-b. The mainly intellectualistic undertone of this passage is attested by various texts of the Laws, esp. 639a where ignorance is defined as οὐρεανία ἡ τύπη καὶ γνώσεως πρὸς τὴν ἱκτημα τὴν οὐρεανίαν.

4) I infer this from the allusion to the opposite of justice, in connection with αμαθία in 691a-b.
Socrates, aims at the elimination of this ignorance (1).

Socrates thinks that the evils alluded to in the Euthyphro and the Alcibiades I will be cured if it is possible to define with clarity and establish with mathematical certainty some kind of measure comparable to that used in arithmetic (\(\text{\textit{μετρική}}\)) (2).

Socrates seeks the art (\(\text{\textit{τέχνη}}\)) which will secure agreement between the cities, the citizens and each individual, within himself. Plato's pursuit in his later works is identical. In the Politicus he says that the science of politics (\(\text{\textit{πολιτική}}\)) will disappear unless it refers to the standard of the measure (\(\text{\textit{μέτριον}}\)) (3) and respects it in its various achievements (4). As the science of legislation can be

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(1) This is stated in striking terms in Epistle VII 326a. Cf. G. Morrow, Epistles, p. 123 ff.
(2) \(\text{\textit{μέτριον}}\) \(\text{\textit{περὶ}}\) \(\text{\textit{μετρησμος}}\) \(\text{\textit{καὶ}}\) \(\text{\textit{εραίτηρος}}\) \(\text{\textit{εἰ}}\) \(\text{\textit{διαρρηκμένος}}\). \(\text{\textit{μέτριον}}\) \(\text{\textit{δέχονται}}\) \(\text{\textit{τάχι}}\) \(\text{\textit{πανωσαίμενος}}\) \(\text{\textit{τὰ}}\) \(\text{\textit{στερεά}}\). Euthyphro 7c. This view is also expressed in the Alc. (I 125a). On the authenticity of the latter, assumed here, cf. R. Moraux, Aristote, le Dialogue de la Justice, Louvain, 1957, pp. 95-100.
(3) \(\text{\textit{τὴν}}\) \(\text{\textit{μετριότητα}}\) \(\text{\textit{νῦν}}\) \(\text{\textit{πολιτική}}\) \(\text{\textit{άραμούσι}}\) \(\text{\textit{αμέτρού}}\) if there is no \(\text{\textit{μέτρον}}\)
(4) \(\text{\textit{πολιτική}}\) \(\text{\textit{δὲν}}\) \(\text{\textit{τὴν}}\) \(\text{\textit{πρὸς}}\) \(\text{\textit{μέτριον}}\) \(\text{\textit{θείου}}\) \(\text{\textit{πάντα}}\) \(\text{\textit{ἀπὸ}}\) \(\text{\textit{καὶ}}\) \(\text{\textit{καλά}}\) \(\text{\textit{αἰσθητὰ}}\). 234b. Statesmanship requires the existence of a \(\text{\textit{μέτρον}}\) which can also be described as a \(\text{\textit{πρὸς}}\) \(\text{\textit{πολιτική}}\) \(\text{\textit{καὶ}}\) \(\text{\textit{μέτρο}}\) \(\text{\textit{δὲν}}\) \(\text{\textit{αισθήμαν}}\) in contradistinction to the rigid quantitative or mathematical measure, ibid. 234c.
identified with statesmanship (1), or at least can be treated as its most important species, it may be said that it is not fundamentally different from the earlier socratic episteme, in so far as this depends on such a standard (2).

Now, the term measure is an adequate expression of the functions which the standard of the socratic episteme and the platonic νομιδετική is expected to perform. What remains obscure is the nature of this standard (3). If a parallel is drawn between the passages of the Rethyphro and the Alcibiades, quoted previously, and what is said about α'ρχή in the Lysis (4), the possible inference may be that the "ultimate principle" referred to here acts, like the μέτρον, as "an ideal, standard or limit to which individual things

(1) This may be suggested from the expression νομιδετέων 
baológico, ibid. 305b, of σοινοτικόν καὶ α'ρχάνην νομιδετίκην 304b. 
G. Vlastos, pp. 197, 198 n. 1 admits the identity of 
πολιτική and νομιδετική. Even if the complete identification is rejected it remains that the main function of statesmanship is to state the rules according to which a just social life can be secured. The executive function of statesmanship is treated as a subsidiary point by Plato.
(2) With the qualification that the socratic μέτρον is more quantitative. Prot. 356a.
(3) On the term μέτρον see A. G. Bury, The Philebus of Plato, p. 175. He distinguishes two main groups of senses: the specified and "measure in general, not otherwise definitely qualified".
(4) α'ρχήων επί τινα α'ρχήν, ἡ ὀφεκτὴ 
ἐπάνωθεν ἐπὶ α'ρχονοίκων, α'ρχήν ἡ ἀπ' είπ' 
ἐμείτων ὅ̈έτιν πρωτονοίζον οὐ̈ ἑνεκά 
καὶ τα' α'ρχα γαμεί πάνταρφα εἰναι...
only approximate" (1). This "ideal" may well confer its character on all the acts performed by any $T_XU_NK_\Theta$ under its guidance (2) perhaps because the knowledge of this ideal or standard will make the $T_XU_NK_\Theta$ similar to it (3).

A further clarification of the nature of the standard may be obtained from the socratic (4) and aristotelian (5) equivalence of the notions of the ultimate end ($T_XU_\Theta$) and the good (άγαθόν).

The science sought after by Socrates probably implies the existence of such an ultimate end or good. That this is so is seemingly suggested in the Charmides (6). In the

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(1) Slightly altered quotation from W. D. Ross, Plato's Theory of Ideas, p. 24 on the Phaedo (75b 1"). This description of μετρον applies also, in my view, to the πρωτόν of the Lysis and the μετρον of the Euthyphro and the Alcibiades I. Socrates and the Platonic legislator seek its knowledge.

(2) Gorgias 503e ff.

(3) According to the socratic view (Gorgias 460b ff.) that οὐ κεμαθηκός ἐκαστα τοιοῦτος ἐστὶν ὁ δὲ πιστὴν καὶ κατον ἀπεραύλητα! The conclusion (ιος οὐτοσ) drawn by Socrates is that οὐ τα δικαια κεμαθηκός δικαιος. Besides this intellectualistic standpoint, other, probably orphicocythogorean, influences led Plato to the acceptance of the notion of οὐ κωδικοίσι between the subject and object of knowledge.

(4) Gorgias 467a-469c, 499e-500a.

(5) E. N. 1th. II. Of Protrepticus frg. 12 (Ross) and Metaph 982b5

(6) In 174a Socrates says that he is seeking the science of good and evil as opposed to the ἐπιστημῆνα καὶ ἀπειστημῆνα ἐπιστημῆνα. The former type of science is criticised on the ground that it is not consistent with the previous definitions of σωμαδεύσην and that the good referred to remains ambiguous. This criticism does not imply that there is no such science.
Laches, a science of the good and the bad independently of any temporal consideration is referred to (1). The good alluded to here is described as an ultimate end (2). It may be identical with the healthy or normal condition of the soul as the reference to θεραπεία (3) suggests.

Socrates is perfectly aware of the legal consequences of his views on ethical knowledge. He says that the aim of the law is the good of the city and that those who fail to achieve this aim are unable to establish any legal order at all (4). His decision not to escape after his trial implies the validity of such a view of the law.

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(1) οὐ γὰρ μελέτησεν μόνον Περὶ τῶν ἁγαθῶν τέκα τα κακαὶ έπαινο (sc. η ἀγάπη) ἀλλὰ καὶ κακίαν καὶ εὐδοκίαν καὶ εὐγνωμονίαν καὶ πάντων εὐοιντῶν. Laches 199b.

(2) οταν τίς τί ένεκά του σκοπή ή περι εὐεκίαν ή διόντα τυχόντας σοσα έν ένεκα έσκόπει, αλλά ή περί τού τι ένεκα αλλου εύοιντει.

ibid. 195d.

(3) The importance of the Τέχνικος Περί άθηνας θεραπείας is emphasised in the Laches (185e). Cf. Charmides 156b-c on the medical character of θεραπεία and its relation to the soul.

(4) ονάχ ως αγαθόν μένιστον ποθείτιδενταί τον νόμον οτι δέσμευοι, ... οταν αγαθοί αμφιτοφισθείς ή επιθεοικίας τούς νόμους τι- δέναν, νομίσματι καὶ νόμου πιθανοτάθην. Hippies Major 264b. The legislator who does not possess the knowledge of the normal condition of the soul and the city is no legislator at all. The νόμος referred to here concerns education.
It is noteworthy that the mature platonic theory of statesmanship and legislation is based on a knowledge of a scala honorum (1) grounded on the nature of the soul and its normal condition (2). The approximate realization of this scale of goods or "values" (3) represents the ultimate end of the legislator's activity (4). One feels that this teleological view of legislation is included, at least potentially, in the socratic pursuit of a science of ΤΑ ΜΕΓΙΣΤΑ (5), as it was defined previously.

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(1) ΤΗΝ ΤΗΣ ΥΨΩΣ ΑΡΕΤΗΝ ΕΝΤΙΜΟΤΑΓΜΗ ΠΟΙΩΜΕΝ, ΔΕΥΤΕΡΑΝ ΔΕ ΤΗΝ ΤΟΥ ΣΩΜΑΤΟΣ ΒΛΙΠΟ ΤΗΣ ΥΨΩΣ ΚΕΙΜΕΝΟΝ, ΤΡΙΤΗΝ ΔΕ ΚΑΙ ΗΣΟΤΙΤΙΓΜΗ ΤΗΝ ΦΥΓΩΝ ΧΡΗΣΜΩΝ ΤΠΙΝΝ ΣΟΥΓΕΝΟΝΑΝ ΤΙΟ ΣΩΜΑΤΕ ΚΑΙ ΥΨΩ... ΚΑΙ ΟΜΕΝ ΤΑΙΤΑ ΑΠΕΡΓΑΡΜΕΝΟ, ΘΕΟΜΟΣ ΝΟΜΟΣ ΑΝ ΟΡΘΩΣ ΥΜΗΝ ΤΗ ΚΕΙΜΕΝΟΝ... Ep. VIII 355b-c. Cf. Laws V 726a ff., I 630c ff. An interesting treatment of this topic may be read in L. Vanhoutte, La Philosophie Politique de Platon dans les Lois, p. 143 ff.

(2) Laws II 650b.

(3) The use without any qualification of such terms as αγαθα or κηρματα in order to describe this hierarchy shows that the distinction between value and fact is unplatonic and alien to Greek ethics, which identify, almost without exception, moral goodness with perfection and happiness. This is the view of V. Brochard, Études de Philosophie Ancienne et de Philosophie Moderne, pp. 489-503. Robin, quoted by Mondolfo op. cit. 397-98, and Mondolfo himself, ibid. and Part. III chs. II and III, qualify this view by pointing to the recognition of a conscience and an interior ethical law by the Greek mind. The Greek moral concepts are however naturalistic, esp. those of τελος, αμαρτια, μανια etc.

(4) Cf. the constant use of ΘΕΙΕΝ ή αποβείτειν in the Laws I, 628b etc.

There are various allusions in the earlier platonic dialogues concerning the distinction between a "commanding" science (δ'ρχονοθα) and a "subordinate" one (ὑπαρτονοθα). The common character of the instances of the "commanding" science or art, such as strategy (1) or politics (2), is that it can evaluate the uses and advantages which may be expected from the subordinate sciences and their achievements. This character is due to the fact that the commanding science can refer to an ultimate principle, i.e. the good or normal condition of its subject (3), of which the subordinate techniques are unconscious. These can only

(1) ἡ ὀφαλνύια κάρλητα προκεπότιγατα τὸ ἅμα καὶ περὶ τὸ κέραν ἐθεοθοῦν, ὡς ἐν τῇ μαντικῇ οἰσται θεῖν ὑπαρτεῖν ἁμ' ἀρχέται, ὡς εἰδώτα κάρλιν τά περὶ τῶν πολίτων... καὶ ὁ νόμος ὑπατητάτει, μὴ τῶν, μαντικὴν ὀφαλνύιαν ἀρχιν αύξανος ὀφαλνύιον.

Loeches 1926-1939. Strategy itself, referred to here, may be subordinate to statesmanship.

(2) Statesmanship is referred to, I think, in 156c-156a. E. Bohme, von Sokrates zu Ideenlehre, Bern 1959, p. 147 n. 380 rightly says that these views are thoroughly platonic.

(3) In the Charmides (174c-d) a distinction is drawn between such χ'πησιμαλθ'ια καρνικ', kuværnik', ὑβραντικ', ὀφραντικ' and the science of the "good" and the "bad". Of the latter it is said that τὸ ἀνθρώπων ἐκκαταρτικόν καὶ φυσικὸν ἀντικείμενον ἢμας ἐστοὶ τοῖς ἄνθρωποις αἰτίον. I assume that any action is performed τῆς and ὑφερεκέτως in so far as it answers to the requirements of the φύσις of the individual and the city. Cf. Menon. III, 8, 1.
produce the results and achieve the tasks prescribed to them by the commanding science.

The result of this socratic research is seemingly summarized in the protreptic passages (1) of the Buthydeus and finds its full expression in the account of Bασιγικὴ stated there (2). Socrates defines it as the supreme science conferring their value to the achievements of all the other social activities and therefore regulating them without substituting itself to these (3).

It is then reasonable to infer that the "royal art" is the most perfect instance of a "commanding science"

(1) 276d, 286a. The serious character of the socratic standpoint is emphasized by its contrast to the eristic of Dionysodorus and Buthydeus and to the unknown logographer's (Isocrates' or Lysias') contempt of philosophy (306d ff.). J. Burnet, Greek Philosophy from Thales to Plato, pp. 134-135 considers the Buthydeus as an evidence of the influence of eleatic eristics on the sophists and their intercourse with Socrates.

(2) ἔσοβε... ἥμιν τῇ πολιτικῇ καὶ τῇ βασιγικῇ τέχνῃ, τῇ ἀλήθεια εἶναι... ταύτη τῇ τε θεότητι ταξιδεύσαι. ἐν τοῖς τοῖς ἀρχαῖον τοὺς ἔργαν ὡς αὐτοὶ ἀναλίσκομαι ἵνα μνημονεύησομαι ἐπισταμένοι κρινοῦσαι... It is further described as αἰτία τοῦ ὁρῶν πραττεῖν and the passage is completed with the words ἔνα τῇ κυβερνώσα καὶ πάντων ἀρχῆς πάντων ἐπιστεύεται. 291e-2.

(3) Buthydeus 292a. Cf. V. Goldschmidt, Essai sur le Cratyle, p. 61 n. 2 for the socratic character of this Buthydeus.
illustrating the relationship of the socratic episteme itself with the traditional views of moderation, courage, piety etc. in their current verbal expression (1). It is likely that an art of this type is sought by Socrates in the Charmides. The description of an art which will secure the right management of the household and the city and whose existence is the condition of their "right action", their "welfare" and their "happiness" (2) might apply perfectly to the royal art as it is defined in the Euthydemus (3).

The conception of statesmanship, as it is defined in the Politicus, appears to be similar to the notion of "commanding" science, stated in the earlier dialogues. Statesmanship is defined as a supreme science including the knowledge of the use of such political techniques as

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(1) In the Cratylus the dialectician must be the "overseer" (ἐπιστάτης) of the "legislator of language" (390a-4) because he is able to use the achievements of the latter (394b). One may infer from this passage that the achievements of the linguistic and spiritual tradition of a country, which are personified in the νομοδέτης, are very similar to the rational activity of a ἐκφύσικος, i.e., that the rules of conduct, spontaneously established within a social frame, are to legislation and statesmanship what language is to dialectic. Cf. V. Goldschmidt, Russi, pp. 53-66, 88.

(2) Charmides 171e-172a. The traditional views of διαφοροσύμων cannot perform this function.

(3) Σοφία appears as πράττειν Euthydemus 280a. It stands for διάφορος as it appears from 281a-c, 292a.
strategy (1), the judicial function (2) and the various techniques of persuasion, namely oratory (3). An instrumental status is ascribed to these techniques (4). Statesmanship, to which no function of execution is ascribed (5), must assume the task of building up (combining) the "mixed life" within the community (6).

The only noteworthy difference between this conception of statesmanship and the socratic conception of a commanding science consists in the fact that the

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1. Τιν' οὖν ποτὲ καὶ ἐπιχειρήσομεν οὖν ἐν ἰδίῳ διήνυσι καὶ μὲ γαρ ἐκ τῆς τεχνῆς διεποτίν ἀποραίηθεν πὴν γέον τὴν ὑπόσω σώσαν βοηθικῶν.

   Politicus 305a. This is so because the royal statesman knows, εἴτε πολέμητεν εἴτε σιγή ἀπαραπατήτεν 304e. On the relationship between this view and Aristotle cf. R. Moreux, pp. 25-27.

2. Καὶ τὴν τιν καθεστῶν ἀρα ὅμων ἄνωθεν ὑποκομέν οὐ βασιλικαὶ συνεχαὶ ἀλλὰ νόμων χαίρει καὶ τεθητείν εἰκόνης.

   Politicus 305a.

3. Τὸ δ' εἴτε σιγή πειδοῦς εἴτε καὶ σιγά τινος βίας δεῖ πραττεῖν πρὸς τινα ποιοῦν ἤ καὶ τὸ παραπάν < πλευκτὰς εἰς εἰς εἰς, τοῦτ' ἐφιστώ ποιεῖν ἐπιστήμην, γάρ τις πειστικὴς ἀφορμὴν καὶ ἑκτικὴς, εἰν' δ' ἄν αὐτὴν οὐκ ὀντίτις . . . πλην ἀτού πολιτικὸς δύναμις 305d.

4. Presumably because they are δύναμιν πράττειν ibid. 305d. In 307c we are told that the aim of the instrumental techniques is τὴν ἑπιστήμην, or γένεσις, while that of statesmanship is ἰδιωτερία τοῦ δημοσιουργικῶς.

5. Τὴν βασιλικὴν οὐκ' αὐτήν δεῖ πραττεῖν αὖ ἁρπαζείν...

6. τοὺς γονίους . . . σεισμίνας . . . ικανὰ . . . διὰ λόγου μετὰ τεχνῆς, βοηθεῖτεν περαιά . . . βουλής...

   ibid. 309a-b. This is achieved (308e) through προσβάλλειν ἐπιστατεῖν of the activities of the subordinate techniques.
knowledge, enabling the statesman to perform the tasks
ascribed to him, is left undetermined (1), while the
earlier dialogues refer to the nature of the soul and to
a scale of goods (2). This difference may be due to
the importance of the method of division, in the
Politico6s (3). In this dialogue, Plato's main concern
is to point out the differentia specifica of statesmanship
in comparison to the activities which might be confused
with it. The analysis of statesmanship for its own sake
is secondary, while its character of a commanding science
is given with much precision, presumably because the
differentia specifica of statesmanship can be established
more clearly thus.

The notion of legislation in the Laws provides a
synthesis of what we are told about the scala bonorum in
the earlier dialogues and what Socrates says in the
Euthydemus and Plato in the Politicus about the commanding
science (4). The authority of the legislator is seemingly

(1) The main passages are 305d, and the end of the dialogue
from 306c ff. from which it may be inferred that the
statesmen must be acquainted with the moral and
psychological development of man.

(2) E.g. Apology 30a-b, 39e, 36c-d. A scala bonorum is
implied in all the passages referring to a commanding
science in the earlier dialogues. See also Lysis
219c-d, Gorgias 500a.

(3) 285c.

(4) This view does not imply either that the notion of a
supreme science is not referred to in the earlier
dialogues or that the notion of a scala bonorum is
wholly absent in the Politicus.
endowed in the Laws with the status of a supreme science (1). The achievements of strategy (2) and artistic activities (3) are evaluated and used by the legislator who is the judge of their "utility". Any social activity may be termed "right" (ὀρθὸν) and "exact" (ἀκριβῆς) in so far as it answers to the requirements of the ends of the legislator (4). The scala honorum to which he must refer is clearly and repeatedly defined in the Laws (5). It is not substantially different from what Socrates suggests in the Apology or the Gorgias on the matter. We are further told that the legislator is expected to secure the advantageous and healthy condition of the city (6) just like the ἐπιστήμην and τεχνίκος in the earlier dialogues in connection with the individual (7) but in some cases the citizen as well (8). One may then

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(1) Laws III 690b-c on the
In so far as the legislator is endowed with γρονυνσις and ἐπιστήμην his authority is supreme.
(2) Laws I 648a.
(3) In so far as education (Παιδεία) is ὀρθή καὶ ἀκριβῆ of the τοῦ νόμου ὀρθόν ὀρθομένον (II 659d) it is clear that the legislator is the ultimate κριτῆς in this field also, cf. 659e-c, 662b ff.
(4) Laws VI 768c ff. regarding the judges.
(5) E.g. I 651b ff., III 695b, 697b etc.
(6) Laws II 667a ff. His aim will be ὀρθὸν εἰς τὸ καρδιακόν and not only pleasure, cf. Gorgias 464b-465a.
(7) Crito 47d, Laches 185d-c.
(8) Cf. Gorgias on the improvement of the city and the failure of the four great Athenian statesmen (Gorgias 503a ff.) to secure it.
conclude that Plato applied to legislation and politics what is said by Socrates in the earlier dialogues in regard to the ethical life of the individual. If so the socratic notion of ἐπιστήμη and τέχνη may be considered as an anticipation of the mature platonic view of νομοθέτης, the notion of commanding science, frequently identified with statesmanship, providing the link between the former and the latter.

III The Functions and Principles of Legislation

The science referred to by Socrates in the earlier dialogues is expected to perform functions described as care (ἐπιμέλεια) and attendance (ἐπεισία). One should keep in mind that Plato and presumably Socrates, as opposed to Prodicos, are generally indifferent in their use of ἔργα (1). Therefore care and attendance are used interchangeably and it is difficult to draw a precise distinction between them in all cases.

One might however suggest that ἐπιμέλεια refers

(1) Charmides 163a.
to the attention given to the right thing while

\[\text{δεραπεία}\] denotes the task actually performed (1)

\[\text{επιμείξεια}\] in the Charmides describes

the state of mind of a scientist, e.g., a doctor who gives

his care to what deserves it, i.e., in the right direction

(2). This can be secured only if he has an insight into

the true scala honorum. As shown previously, the same

care of the true hierarchy of goods is required for the

adequate performance of the function of the statesman and

the legislator in the Politicus (3) and the Laws (4).

Now, as this attention is both theoretical, in so

far as it is concerned with the hierarchy of goods, and

practical, since its aim is the actualization of this

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(1) Another reason, for which it is difficult to maintain

the distinction between the mainly theoretical \[\text{επιμείξεια}\]

and the mainly practical

\[\text{δεραπεία}\] is that the Greeks refrained from

drawing a clear cut distinction between a theoretical

interest and its practical applications. The

\[\text{επιμείξεια}\] in the Laws (VI 772a) have to

regulate and watch the dances, \[\text{επιμείξεια}\]

\[\text{ἐρήμων}\] in Athens (I. 3, sub voce \[\text{επιμείξεια}\]

is an actually existing office imitated by Plato in the

Laws VII 813c. Proclus, Commentary on the Alcibiades I,
33, 5, 54, 20; 63, 4; 62, 23 identifies

\[\text{επιμείξεια}\] with \[\text{ιτρόνοια}\].

(2) \[\text{τού ὅσου ἀμείβοιν, ὁ ὃς ὀφείλει τὴν}\]

\[\text{επιμείξειαν ποιεῖται}\] Charmides 156e,


(3) Statesmanship is defined in terms of \[\text{επιμείξεια}\]

in 267d.

(4) \[\text{τῷ ὑομοδέτην... στὶ τῶν κοινῶν}\]

\[\text{ἐπικτέουσιν}\]

Laws XI 920b. Here \[\text{ἐπικτέουσιν}\] provides

seemingly the link between \[\text{δροιτήκειν}\] and

\[\text{διοικέω}\].
hierarchy within the field of social practice (1), the consideration of ἐπιμέλεια leads to that of ἰδιαίτερα. This term refers strictly speaking to the medical function of curing a diseased body (2). In the Charmides it applies to the cure of a headache in order to secure the restoration of the normal condition (3). The function of the legislator is also to cure the city of its diseases — the θα&'εσις (4) — and to re-establish its normal condition (5). Both the socratic τεχνικὸς (6) and the platonic legislator act to some extent like doctors (7) although we should

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(1) ῬΩΤΑΝ ΤΗΣ ΒΕΓΩΝΤΙΩΝΤΩΝ, ΓΡΑΓΩ ΟΡΘΩΝ ἘΠΙΜΕΛΕΩΝ; ... ΑΙ. Alcibiades I 128b.
(2) ο ΕΞΕΩΝ ΕΧΕΙΝ ... ΤΑ ΤΩΝ ΕΞΕΙΝ ΕΧΕΙΝ ΕΠΙΜΕΛΕΕΙΝ. Laws IV 720b.
(3) ΚΑΙ ΤΗΝ ΚΕΦΑΛΑΙΝ ΔΕΡΑΠΕΝΕΙΝ ... ΕΙ ΜΕΓΙΖΩ ... ΤΙ ΕΞΕΙΝ. Charmides 156b-c. In this passage ΔΕΡΑΠΕΝΕΙΝ = ΙΔΙΑΙΤΕΡΑ.
(4) ΟΝ ΘΑ&'ΕΣΙΣ ΣΕ ΕΠΙΜΕΛΕΙΑΝ. In relation to νοθοοσ Rep. I 352a, IV 444b. In the Laws I 628b-c the implied comparison is that of a seditionary city with a body requiring ΚΑΘ&'ΕΣΙΣ.
(5) In the Laws I 628α we are told that the legislator acts like one who ἐπιμελομάτως κυριεύει μιᾶς φασολε, μετὰ τὸ ποιότητα εἰς τὴν ἔπαθον κρύον, νοσοῦν καθ&'εσις ... πρὸς ἄλλην παραθύραν σύναυτον οὕτως εἶναι οὕτως ...
(6) εἰ γίς ἄρα κεφαλιν τεχνικὸς περί θεωρίαν δέραπεν εἰς καλούς τούτο ϑεραπεύων τούτο ουκ ἐπιτεύγων ... Laches 135c.
(7) ἸΝΑ ΤΟΥΝ ΝΟΜΟΔΕΤΟΝ ΘΕΩΜΕΔΑ, ΚΑΘ&'ΕΣΙΣ ΙΑΡΩΝ ΘΕΟΙΝΤΟΝ ΑΥΤΟΤΟΝ ΠΑΙΤΟΣ ΤΟΝ ΠΡΟΣΘΕΝΑΛΛΟΝ ΓΡΗΓΟΡΩΝ ΘΕΡΑΠΕΥΕΙΝ ΕΑΥΤΟΤΟΣ. Laws IV 720a.
refrain from overrating the importance of medical metaphor
in Plato.

Socrates is mainly concerned with the cure of the
soul (1) because it is the true self of man as opposed to
his social and political personality (προσώπων) (2).
The platonic legislator starts also from the
assumption that the soul is τιμωται. This
principle inspires his legislation (3).

Socrates grounds his view of the true self of man
on the notion that the soul is the ultimate source of good
and evil for man (4). The platonic legislator shares
this view (5). Therefore his most important concern is

(1) Leaches 1. c. and 186a.
(2) οὐ πρὸς τὸ σώμα πρὸς σώμαν... ἀλλὰ πρὸς τὸν
Ἀρχήν διαδίκουν πρὸς ἑαυτὸν τοῦτο δὲ εστὶν ἡ γνώμη.
   Alcibiades I 130a.
(3) Laws V 726a ff.
(4) πάντα γὰρ... ἐκ τῆς γνώμης ἀρμόδιοι καὶ τὰ
kακὰ καὶ τὰ ἄγαλμα τῆς θύματι καὶ πάντα
τῷ αὐτῷ ὁμοῦ... Charmides 156c. This results in the definition of
virtue in terms of ὑγίεια or γνώμη γνώμης
Rep. 444a-c.
(5) αὐτοκρατοῦν τῶν τῷ ἄρα ἄρα ἄρα 
καὶ τῶν κακῶν καὶ τῶν 
καὶ αἰθητῶν δικαίωσιν τῇ καὶ σωτηρίαν καὶ
πάντων τῶν ἐναρχῶν, εἰπερ τῶν πάντων 
αὐτῶν ὑπάρχομεν αἴτιαν... Laws X 896a, cf. 728d. Plato refers here to the soul
of the world but his view applies also to the human
soul, hence the requirement of 650b.
the education of the citizens (1) and the titles legitimating authority are defined in more detail (2) than the administrative law (3) or the status of the citizen (4).

According to Socrates, the "attendant" must be concerned with the "whole" because without the well-being of the whole, the welfare of the parts cannot be secured (5). In the Charmides, where the principle of the whole is introduced, Socrates' actual concern is the soul which stands for the superior, organizing force, regulating the well-being of the body, which represents the inferior element. So, there is here a shifting of emphasis from the relationship of the "whole" to the "part" to the relationship between the superior and the inferior, or, as

(2) Laws I 627d. From the character of the ruler ultimately depends the ὀρθοδοξία or ἀθροιστικόν νόμων (Laws I 627d) because he is to the city what the intellect is to the soul, Rep. IV 428e-429a, 439c or the whole soul is to the body, Phaedo 79e-80a.
(3) Plato is aware of the distinction between constitutional and administrative law, Laws VI 751a-b.
(4) Cf. G. Morrow, Cretan City, p. 112 ff. The relation between the status of the citizen and πολιτεία is more important in Aristotle.
(5) τοῦ δ' ὁν ἀνεπτύσσον... οὐκ ἐν λαῷ καλύπτει ἐξωτίκως ἀνυματον τὸ μέρος τὸ ἐξώτικον. 

Charmides 156c.
the Alcibiades puts it, between the prior and the posterior (1).

Plato says in the Republic that the well-being of the whole city must be the main concern of the legislator (2). But the "law", referred to in this work (3), does not confine itself to the "superior" part of the city as Socrates does in relation to the human being in the earlier dialogues. The aim of the law here is to secure what might be described as ΚΟΣΜΟΣ (4) for the whole city, its inferior part included.

The approach of the Law stands nearer to that of the earlier dialogues. The legislator here, like Socrates...

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(1) According to the Alcibiades I, if one starts giving his attention to the prior — i.e. ΕΑΥΤΟΥ 'ΕΠΙΜΕΛΕΙΑ — he will act rationally and will settle satisfactorily the posterior, i.e. ΤΑ ΕΑΥΤΟΥ, 154c ff. But if he cares first for the posterior — ΠΟΡΘΩΤΕΡΩΝ ΤΩΝ ΕΑΥΤΟΥ (154c) he will neglect the principle regulating it, i.e. his soul (151b) and will fail even in his dealing with the posterior (154a). In spite of Socrates' emphasis on the citizen's responsibility in so far as the well-being of the city is concerned, these passages provide a justification of the later platonistic view that the well-being of the city depends ultimately on the ruler, who is not only the superior but also the prior element within the community.

(2) The relevant passages are IV 420b, 420c, 421a, 444b, V 462c-d, VII 519e-520a. Cf. Laws I 630b-c, VII 808c, X 903b.

(3) ΝΟΜΙΑ ΕΑΥΤΟΥ ΤΟ ΜΕΥΕΙΕΙ ΟΠΩΣ ΕΝ ΤΙ ΓΕΝΟΣ, ΕΝ ΠΟΙΕΙ...ΕΝ ΠΡΑΞΕΙ, ΑΤΤΕΙΝΩΝ ΤΗΝ ΠΟΙΗΜΑΝΑΒΑΙΤΑΙ ΤΟΝ ΤΟ ΕΥΘΕΟΝ ΘΑΙ... Rep. VII 519e-520a.

(4) Cf. Gorgias 504a, Laws X 903c.
in the Charmides, shifts from the "whole" (οὐματα) to the μέγιστον from which the "salvation" of the inferior depends (1). The difference between the accounts of the "whole" which we read in the Charmides and the Laws and that of the Republic may be due to the fact that the Republic offers a description of a nearly perfect city while the Laws and the earlier dialogues consider the notion of "whole" from the standpoint of the Τέχνικος and the legislator. It is natural then that the emphasis should be given to the "first" to be dealt with by them. Anyway, the city, like the human body (2), will be an ordered whole if its "prior" element is given sufficient care (3).

The aim of the socratic δηματια is the "good of the one to whom it is given" (4). The

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1) In I 635c we are told that the legislator should care for the μέγιστον ἀρετὴν, i.e., wisdom and justice. If the magistrate and the citizen achieves this he will also possess the inferior virtue, i.e., courage, according to the principle ἐαυτὸν ἐκήνταται ἀνταρτικος παρισταται Καϊτα. 631b.


4) Crito 56b-c. In the Republic I 31,7a this principle is applied to political authority in general. Ἀρχὴ should care for the good of the ruled, as being, although Plato satisfies himself with using the terms interchangeably, a species of Τέχνη.
interlocutors of Socrates in the Laches share this view (1) although they fail to perceive its ultimate implications. To achieve one's good is for Socrates to improve his soul (2), i.e. to instil wisdom (φρόνησις) in it (3).

This aspect of δειπνεία applies perfectly to the activity of the legislator, as depicted in the Laws (4), whose most important aim is also to make wise the magistrates and the citizens. It may then be suggested that the later Platonic legislator acts towards the city as Socrates does towards his pupils (5).

The ἕτερυκός or οὐμβούργος will, according to Socrates, achieve his aim if he knows what is the likely effect of the means he is using and is able

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(1) μᾶς ἀν δειπνεῖεν δέντες τένοιτο (i.e. their sons) ἄριστοι, 179b.
(2) τίν' ἄν τρόπον τοῖς ὑπὲρ αὐτῶν αρετὴν παραγινομένοι ταῖς ὑμῖν ἀρετένων. Laches 190b.
(3) Laches 192c. The reference to φρόνησις implies a reference to a speculative but not necessarily transcendent object of knowledge.
(4) 163b-c. #
(5) After all the city is treated as an ἄνδρωνος in Rep. V 462c-d, cf. Laws IV 720a-c. The "medical metaphor" developed in detail here implies this comparison of the city to a human being.
to use the right method (1).

The earlier dialogues are not as clear as the Phaedrus on this knowledge since Socrates does not say clearly that the adviser (2) should also know the nature of the individual whose improvement he is seeking. Socrates however observes very carefully the dispositions of his future pupils, particularly in so far as ability to learn (εὕμαρθεία) is concerned (3). In that respect he acts like the legislator of the Laws (4) and Plato himself in his dealings with Dion (5). The platonic

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1. εἰ γαρ τυχόνως ἐπιστήμην ὑπονοοῦν περὶ, ὅτι παραγεγεγονέναι τῷ θεῷ προεξεῖ τε καὶ προθετείοιτε ἐκεῖνο αὕτην ὑπερήφανον, καὶ προθετείοιτε ἐκεῖνον, αὕτην ἐκεῖνον παραγεγεγονέναι τε καὶ προθετείοιτε αὕτην ὑπερήφανον τούτῳ, αὕτην ὑπερήφανον τούτῳ, αὕτην ὑπερήφανον τούτῳ, αὕτην ὑπερήφανον τούτῳ

Laches 189a. So one must know ὑπερήφανον in order to advise how to obtain it and the nature of virtue - ὑπερήφανον αρετὴ οὗτοι, in order to be a ὑπερήφανος in that field, 190b-c. The knowledge referred to here may explain what Socrates means by ὑπερήφανος. Cf. Phaedrus 270d.

2. Or τεκνεῖ καὶ περὶ γυνής θεραπείαν

Laches 185a-189a.

3. Ἐ-Αιθά. I 103a-104b, 106b, Theaetetus 150d ff.

4. The εὐμαθεία is necessary for the future philosopher (Theaetetus 144a) as well as for the "good tyrant" who will co-operate willingly with the legislator, Laws IV 703a.

5. Plato interfered in syracusan affairs because he was convinced that Dio possessed the required spiritual and moral qualities, Βπ. VII 327a, 340d, 344a. One may draw a parallel with Socrates' treatment of Theaetetus. On this point cf. F. des Places, Socrate Directeur de Conscience, Étude de Vocabulaire, Revue des Études Grecques, 51, 1938, p. 401.
"founder of the city" will start by enquiring

( ἐρωτήσειν ) into the moral and spiritual qualities of the future magistrates in order to appoint the most competent among them (1).

It may be inferred then that the socratic

ΤΕΧΝΙΚΟΣ or σοφός is supposed to know the χαράκτες καὶ ἔξεσι τῶν ἀρχών quite like the legislator of the Laws (2). This may be referred to as knowledge of the "raw material" on which the socratic ΤΕΧΝΙΚΟΣ and the platonic legislator will act (3). This almost empirical knowledge must be combined with the knowledge of the "essence" of the virtue (4) which the ΤΕΧΝΙΚΟΣ intends to develop in his pupil. This involves the ability to recognize that any particular instance of a virtuous act bears the

(1) Rep. VII 537b
(2) 630b.
(3) So Englund, op.cit., II, p. 232 on Laws I, 636d as far as the legislator is concerned.
(4) τὸ εἰδοναὶ, ὅτι, ἂν ὑπὸ τοῦ ἐστὶν ἀρετὴν ὅτι ποτὲ ἔτοιμα ἐν υἱῷ
Laches 190b-c. The person who is endowed with this knowledge will deserve the title of ΤΕΧΝΙΚΟΣ or ἀσκητήν because the knowledge of an οὐσία includes the knowledge of its σύναμος, i.e. of the effects likely to be produced by this οὐσία, 192a-b, cf. Rep. V 477d.
mark of this essence (1) and ultimately the ability to
discern in any case the identical from the different (2).

Since the *tekhnikos* knows the effects which may
follow from the presence or absence of virtue in the soul
of his pupil, he will be able to state "for whom, when,
where, how long" any act will be beneficial (3).

The former analysis applies, without much alteration,
to the legislator as referred to in the Laws. Like the
*tekhnikos*, he will be able to perceive, in the
sphere of virtue, "the identical in the different" (4) or
"the one in the many" (5) and this intellectual synthesis

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(1) έκείνον αὐτὸ τὸ εἴδος ὧδε πάντα τὰ ὁσία

(2) ἐν γε τοιεῖδος ταυτόν ἂπαθαι ἔχοντειν

(3) οἶδά δὲ τιμίων, ὑπότιμων, δειγμάτων τοσοῦτον χρόνον

(4) η τρίτη πάνω τῶν πεπταχµένων έν τοῖς ἀνθρώποις

(5) In 96d-e the *tauton* is also expressed as ἐν or


will inspire his legislation (1) as it inspired the
socratic διπαπία of the individual or the city of
Athena. This knowledge may be equivalent to the science
of the "essence of virtue", which was sought after in the
Laches. This means that the legislator will know, like the
ούπεροιχος in the Laches, the διπαπία of
virtue, i.e. the effects of its presence or absence in the
soul of the citizen (2). Now, the laws are in any case
aiming at the development of some particular virtue (3).
So, if the legislator knows the "capacity" of virtue, he
will ipso facto know the effect of the laws conducive to it.
He will then be able to state for whom, when, how long a
written legal enactment or a "collective pattern of conduct"
will be the most advantageous (4) and will be able to
perceive what is opportune (5).

(1) Laws XII 965b.
(2) τὸν νομοδέταν...οὐ δὲι διδάσκοντα ὑπὸ
δύναμιν ἐκεῖ κακία τε καὶ ἀρετὴ ....
Laws XII, 965b-c.
(3) As the Spartan laws aim at ἀνορεία and war
Laws I, 635e ff. Also every teacher of youth, whether
competent or not, aims at the development of some
particular virtue in the soul of his pupil. So did the
sophists, Laches 186c. The good teacher or legislator
differs from the bad in the choice of the aims deserving
his efforts.
(4) The legislator will have to consider what is μέτριον
Laws IV 719a. In his appreciation of the
ἔπιτεχνεύματα, he should take into account
the following points: εὐκρατία, προθυβορά, ὀψια
τροπον, ὑγιεῖς, μέλικης, ὑπὸς ἐκκέντρα,
ἀπὸς προσεκέβην ἑκούσι as the doctors do with
γρημα, Laws I, 635c-d. Des Places, ed. Rude of
the Laws I, p. 20 n. 1 suggests that this passage is
influenced by chs. 23-25 of the treatise on Ancient
Medicine.
(5) The consideration of ὅποια ὅποια, ὅποιον, ὅποιες is
opposed to acting ἀνεπιστημονως καὶ ἐκθες
τῶν καιρῶν in the Laws (I, 636a). The importance of
καιρὸς is acknowledged in the Laws (IV 709a-c, V 715c,
XI 916a), cf. Politics 269e-270a and Aristotle R.N., 1044a7ff.
The means applied by the Tēxvīkos in his service of the soul of his pupil are "incantation" or "beautiful speeches" (1) and dialectical elenchus (2). The latter seeks to eliminate any moral impediment to the effort of the competent man (3). The "incantation" has a more directly perainetic character (4). Its aim is to persuade the irrational part of the soul (5) to accept what is dialectically established or at least, as in the case of the immortality of the soul, does not contradict the conclusions of elenchus (6). So, it must take rhetorical and mythical forms, as the Charmides and the Phaedo suggest, while its content is rational.

The legislator of the Laws proceeds in that respect like the socratic competent man in his dealings with the citizens (7). He uses "consolations" (Παραμυθίαι) (8)

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(1) Δεραπεδεθαίται τὴν γυνὴν ἐπιστάσεις τιοι, ταῖς ὁ ἐπιστάσεις εἰναὶ ἐπιστάσεις "Τους καλούσ" Charmides 157a, cf. J. Burnet on Phaedo 77e ff.
(2) Apology 21e ff.
(3) Apology l.c. R. Robinson, op. cit., p. 18 suggests that irony diminishes its moral effect. He may disregard the fact that irony has a purifying function.
(4) Phaedo 77e.
(5) The παίς εἰς ἱματίαν, Phaedo l.c., Theaeetus 149d where the effects of ἐπιστάσης are close to those of elenchus. On the connection between ἐπιστάσης and elenchus cf. R. R. Dodds, Plato and the Irrational, Journal of Hdt. Studies, LVIII, 1945, p. 18 n. 15.
(6) Phaedo 114d.
(7) ἐπαθεῖν...τὸν αὐτὸν ἔδιστον καὶ ἔδιστον θιὸν γαῖκοντες Laws II 664b-6.
(8) Laws II 666a.
because he assumes that the citizens are "children" (1). However when their education is achieved they will be able to "enchant themselves" as Socrates did before his death (2).

The "incantation" or "consolation" of the legislator is embodied in the "preambles" of the Laws (3). These are "discourses" (ῥὸγοι) comparable to those delivered by Socrates to Charmides. The degree of rationality of the preambles varies according to the spiritual and intellectual level of the παραμυθούμενοι (4) but on the whole the citizens of the Laws are enchanted as Charmides is by Socrates or Socrates himself by the orphic teachings on the immortality of the soul and its destiny after death.

The main difference between the socratic view of incantation and its later platomic use in the preambles lies on the fact that Socrates applies incantation and elenchus

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(1) They have, like any child, the natural impulse to seek the pleasurable by all means, Laws IV 663b. Cf. E. R. Dodds, The Greeks and the Irrational, pp. 216, 229 n. 44 who slightly overemphasizes the distrust of the old Plato towards human nature. After all, the citizens of the Laws, like those of the Republic, are perfectible since they have the instinct of τὰ ζήσει 664a.

(2) το δεῖν πάντα ἄνδρα καὶ παιδὰ, ἐγνώθειν καὶ ὑπομνῆν, ὅπως τε καὶ ἀφοσεῖν, καὶ ἐν τῇ πολικῇ ὁμίᾳ πολεί αὐτῆς αὐτῆς ἐπιθεύσαν μὴ πανέσθαι ποτε ταῦτα ἀ διαγνοσθαμεν...
Laws II 665c. One may compare with the Phaedo 114d. As G. Morrow, Cretan City, pp. 310 n. 44 and 557 n. 31, rightly observes, against Boyance, ἐπωδή in Plato does not convey any magical sense but acts through its understandable content.


(4) For instance the ῥὸγοι establishing the identity of the good and the pleasurable life (Laws 664b ff.) would meet the requirements of the socratic dialectic while the statement of the reasons for which one must marry (720d) does not.
to the same individual (1) while Plato is inclined to restrict eloquence (2) to the future magistrates. He does so in order to choose those who are more apt for higher philosophical education (3). Nevertheless, this difference should not be exaggerated since the magistrates also may be incantated by the legislator if the difficulty of the case or their own spiritual level requires it (4).

In all the dialogues considered in this chapter the emphasis is on persuasion. Compulsion and punishment are for the first time dealt with in the Gorgias and those dialogues, like the Phaedo, which are concerned with the fate of Socrates (5). Allusions to this procedure are not absent, however, in the aporetic dialogues. Some of the most severe or ironical utterances of Socrates in these dialogues may be considered as instances of punishment in

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(1) The best instance is the young Theaetetus. The maieutic referred to in Theaet. 149d does not allow any clear cut distinction between incantation and eloquence.

(2) Under the form of \( \delta \theta \omega \alpha \nu \omicron \sigma \) especially after the "musical" education is completed, Rep. V 476b ff. \( \delta \theta \omega \alpha \nu \omicron \sigma \) after the musical education will enable the legislator to distinguish between the \( \gamma \iota \hat{\omicron} \omicron \sigma \delta \alpha \mu \nu \overline{\alpha} \nu \omicron \sigma \) and the \( \gamma \iota \hat{\omicron} \omicron \sigma \delta \alpha \mu \nu \overline{\alpha} \nu \omicron \sigma \).

Even the more popular \( \delta \theta \omega \alpha \nu \omicron \sigma \) of the Laws (II 648b, 649d, 650a) applies to the future magistrates and rulers.

(3) Laws I.c.

(4) Rep. III 413c, 414b-415a. I assume that the "noble lie", referred to here, is a species of incantation. I entirely agree with G. Morrow, Cretan City, p. 557 n. 30 that this is no "lie" at all.

(5) See ch. IV of this thesis.
words or "warning" (γονδετευειν) (1). There is an interesting although unspecified statement in the Euthyphro according to which the punishment must be based on certain knowledge and not on vague or contradictory premisses (2). If this preliminary condition is not secured the punishment may be a blind and impious act. Such scruples may have induced Socrates in the Gorgias and the Athenian Stranger in the Laws to define carefully the healthy condition of the soul, the nature of justice, of guilt and of the voluntary act, on which the theory of punishment, developed in these works, is grounded.

The analysis of the socratic conception of ἔργον may be concluded with the following remarks. Socrates distinguishes two kinds of attendance a. that performed by the superior to the inferior (3), b. the επιμεταλλήθη performed by the inferior to the superior (4). Both are rational activities since they lead to the achievement of an orderly ἔργον (5) and both apply to the functions of the

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(1) So Euthyphro 4ε, cf. the rude treatment of Hippias in Hippias Major 293b, 292a-b.
(2) καὶ τὸ ζήτωμα ἀκριβῶς οἷος ἐπισταθήσαι περὶ τῶν ὑπέρτων διὰ τὴν ἐχεῖ... γινεῖ... οὐ ποτὲ... διὰ καλομέγος τῷ πατρὶ ὀπως μιᾷ ἀν
οὐ αὐτὸθείων ἔργον τυγχάνει πράττων Euthyphro l.c.
(3) Euthyphro 13b-c.
(4) ἔνθεοι τοὺς ἔργοις ἔποτας ἔποιεσιν ἔργα πράττων ibid. 13d.
The service performed by the legislator towards the citizens may be treated as an instance of the δημαρχεία by the superior of the inferior and therefore it must not degenerate into mere "subservience" (διακονία) (1).

On the other hand the relationship of the citizens to the law (2) or of the magistrates to the constitution (3) may be considered as instances of τυπορεική δημαρχεία.

Socrates apparently rejects any notion of δημαρχεία grounded on the "do ut des" principle (4). The position of the legislator is like that of the gods in that respect in so far as he does not need anything from the citizens (5) and he may live a life superior to the life of political activity if he choose to do so (6). The "exchange" relationship

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(1) Gorgias 517b. In a sense however the magistrate may be described as the διακονος of the citizens because he is free from self-interest. Rep. I, 345d-e.

(2) δε θεοτητις ευνοιτις αϊωνι δην ουσιοντες τοις τοις νομοις ναν η δημαρχειν... Laws III 695b, ηους τοις νομοις ουσιοντες, III 695c. On Xenophon 239 ff. This notion is an application of the later platonic theory of the "rule of law" very competently dealt with by G. Morrow, Cretan City, ch. XL.

(3) Ep. VII 33b, 337, 337d. In the Epistle VIII addressed to Dion's political friends, Plato advises them to establish a constitutional rule in Syracuse. The constitutional ruler must ουσιοντες τοις νομοις θεοτητις 354c.

(4) Ευνοιτις, in reference to the human attitude towards the gods is treated with ironical contempt in the Philebus (44c). The consequence is the rejection of any notion of social contract, if this is understood as an exchange of services.

(5) ού γαρ ε'χει φυσιν κυριονίτων πινακίων οπου ετελον αρχέονται... αναλαμπον είναι επι παντών δώσιμον και πάντα τον αρχιερέα δέσμην επιτίς του αρχινονυμένου, δι' τον αρχινον δειοιτων αρχουμένων αρχιερεα. Rep. VI 407b-c.

cannot describe either the attitude of the citizens towards
the legislator because when they respect the law they secure
the well-being of their soul. So they are not entitled to
expect any additional gift or reward from the legislator,
which, in any case, would be superfluous.

The socratic view of ἔδαπτεία may have induced
Plato to reject any "utilitarian" conception of the legal
order, in the modern sense of the term (1), like that of
Thrasymachus or of Glauc (2).

His views on ἔδαπτεία lead Socrates to very
precise statements about its actual exercise through "advice"
(ὀμμονή). One ought to give his advice only if
the case is clearly described to him (3). The person
seeking the advice must request it (4), agree to co-operate
with the adviser (5) for the performance of their common task

(1) According to Bentham, for instance, the legal order aims
at something external to it, the most intense pleasure
of the greatest number of the individuals, while according
to Plato the ἐν πράξει of the citizens is
inherent in the legal order. The "advantageous" is what
is likely to maintain this order, e.g. the γεννατος
ὑπερμίσσει or the deception in the distribution of the
marriage lots in Rep. 459c-460a.

(2) Both may be described as "utilitarian". In Thrasy machus'
case the legal order is instrumental to something external
to it, i.e. the interest of the rulers. In Glauc's case
it is instrumental to the security of the citizens, in so
far as they are unable to obtain it otherwise.

(3) αὐτὸν ὁκρονοῦντοι Laches 179b, Lysis 206a.

(4) παρεδαπόμεν ἐπί τὴν ὁμοιωμονήν
Laches 179b, παρακατασχετῆς ἐν μᾶς ibid.
179b, σωκράτη τόπος σοφορον παρακαταγιτς
ibid. 180a.

(5) This is referred to as κοινωνία in the Laches
(180a).
and refrain from adopting a systematically negative stand (1). The adviser must satisfy himself that the seeker deserves his advice and he will "test" him accordingly (2).

The practice of the later Platonic legislator follows similar lines (3). The individual or the city (4) who seeks advice must state clearly his case (5), he must accept the advice in an obedient state of mind (6). Like the pupils of Socrates, the city requiring the advice must submit to the test of the legislator and satisfy him that they intend to follow the right constitutional path (7).

It is noteworthy that the Socratic "competent man", when advising seeks to restrain his pupils from

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(1) Apology 31c-32a. If this happens the adviser may either abstain or choose Καθηγορία, as in the Gorgias, towards the disobedient individual.
(2) In the Laches 187e-188c this "test" will be realised if the seeker is compelled to give an account – διοδοντίνας ἄρροτον – about himself – Περὶ αὐτοῦ – and the ways of his present and past life.
(3) The most important text is Επ. VII 330d-331a.
(4) The same rules of advice apply to both.
(5) Περὶ ψυχῆς ἀνακοινωτέραν VII 331b.
(7) ὁρθῆς Πορνομένης ὅσωτος τῆς πολιτείας ... ὑπὸ τοῦτος τοιούτως ὑπακούειν Ep. VII 330d-e.
"acting as they like" in a haphazard way (1). In that case they will almost certainly "miss the target" (ἀμαρτάνειν) i.e., they will fail to secure the healthy condition of their soul. In the same way the main concern of the platonic legislator is to protect himself and his city from the disastrous eἰκὴν πράττειν (2).

(1) Laches 179a, cf. Prot. 320a. Friedlander's (Plato II, p. 33) claim that the ἂνειν ws θεοφορία practice represents the ideal of "the many" does not appear to be grounded on much evidence.

(2) So his θεοφορία must follow his φυλακή, not the contrary, Laws III 687 ε. If the latter happens the city may be described as being ruled by τὰ λοιπά. Laws IV 709a.
IV The meaning of \( \text{\textit{N\text{'mos}}\text{\textsuperscript{a}}} \)

The term \( \text{\textit{N\text{'mos}}\text{\textsuperscript{a}}} \) in the aporetic dialogues refers to religious, particularly ritual custom, grounded on a belief generally expressed under a mythical form, which is described as its \( \text{\textit{Te\text{'m\textsuperscript{a}}}\text{\textsuperscript{a}}} \). Euthyphro thinks that his own "exact knowledge" (2) entitles him to care for the enforcement of this religious laws while Socrates would presumably prefer to let the "expounder" decide what further step should be taken (3). So does Plato in the Republic (4) and the laws (5).

\( \text{\textit{N\text{'mos}}\text{\textsuperscript{a}}} \) also denotes any use of language, particularly in the sphere of ethical appreciation, in so far as it is the outcome of the moral and spiritual tradition of the community (6).

This sense is fundamental in the Cratylus (7).

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(1) In Euthyphro \( \text{\textit{N\text{'mos}\text{\textsuperscript{a}}} \) applies to the requirement of \( \text{\textit{Te\text{'m\textsuperscript{a}}}\text{\textsuperscript{a}}} \). Its \( \text{\textit{Te\text{'m\textsuperscript{a}}}\text{\textsuperscript{a}}} \) are the beliefs about Zeus and Cronos as elaborated by Homer and Hesiod. J. Burnet, Plato, Euthyphro, Apology and Crito, p. 33, says, against Adam, that the \( \text{\textit{N\text{'mos}}\text{\textsuperscript{a}}} \) referred to here is the "divine" law as opposed to the athenian positive law.

(2) Euthyphro 4e.

(3) So Burnet op. cit. p. 26 on 4c, p. 9a.

(4) Rep. IV 427c.

(5) Laws VI 759d. Here however the \( \text{\textit{Te\text{'m\textsuperscript{a}}}\text{\textsuperscript{a}}} \) are appointed according to a procedure defined by the legislator. Gp G. Morrow, Cretan City, pp. 419n 72, 421.

(6) \( \text{\textit{K\text{'mo\textsuperscript{a}}}\text{\textsuperscript{a}}} \) of 389a or \( \text{\textit{K\text{'mo\textsuperscript{a}}}\text{\textsuperscript{a}}} \) of 389d or \( \text{\textit{K\text{'mo\textsuperscript{a}}}\text{\textsuperscript{a}}} \) of 390a are identical to the \( \text{\textit{K\text{'mo\textsuperscript{a}}}\text{\textsuperscript{a}}} \) of the charmides.

(7) Charmides 175b.
The notion of customary law rests on it since the establishment of a custom (νόμιμον τίθεναι) implies the belief that this custom is "honourable" (Καλὸν νομίζειν) and its more or less elaborate verbal expression (ὀνομαζεῖν) (1). Socrates apparently takes for granted in the Charmides that the moral tradition personified under the vocable νομοθέτης is capable in reaching some degree of rationality because it can grasp the ὁντα and "legislate" in accordance with this understanding. It is however the task of the dialectician to define the standards of rectitude of these "laws" because he possesses the knowledge of the φύσεως of the πράγματα to which they refer (2).

From this use of νόμος Socrates is led to its treatment as a custom which can hardly be distinguished from the prevailing pattern of

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(1) Of the expressions νευρνομοθετηται καλον, νευρνομοθεται αἰσχρον, Symposium 182b, ο νόμος φυσιν 183c. Pausanias may reflect a protagorean doctrine. On this point see F. Heinemann, Nomos und Physis, pp. 119, 161n 38 and A.C. Bayonas in Χαρίς, Essays offered to K. Vourveris by his pupils, Athens 1964, p. 25ff.

(2) Cratylus 390d-e.
conduct (ἐπίτηδείματα) within a given city (1). These "law" squandered has a visible appearance (2) but the term νόμος refers also to the motivation which induces the citizen to respect any ἐφωσαρία or νομίμα preexisting to himself (3). Νόμος, as a socially approved way of conduct, is endowed with a natural constitution (ἡ προφυσική), a "make" (ἡ ἐφωσαρία), a disposition (ἡ κείσια) a function (ἡ χρησιμον) (4) which must be adequately appreciated by the legislator just as any craftsman does with his tool (δραμάναι) (5).

An instance of this use is the "law" subordinating the sooth-sayer to the general (6). It is unlikely that Socrates refers to any existing

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(1) Ἡ ἐπίτηδείματα ἐκ τούς νόμους
Hipp. Major 295d. Sykutris, Πλάτωνος Σωματικής p. 176 n 2, says that any ἐπίτηδείμα may be good or bad. It becomes a νόμος if it is approved by the legislator. This is a sound view but one must take into account the fact that the ἐπίτηδείμα which has become a νόμος very often in Plato keeps its previous name. So, Ἐρ. VII 550α. The ἐπίτηδείμα here is a rational pursuit. In 294c Hipp. Major νόμος refers to the spartan educational custom.

(2). Hipp. Major 298b, in 298d it is said to be "ὑπὲρ προνοεῖσθαι καὶ προεῖσθαι τοὺς νόμους ἐκ ταύτας" (ὁδέως ἐκ ταύτας) Hence νόμος and ἐπίτηδείμα possess ἐφωσαρία (298b).

(3). In Hipp. Major 294c νόμος prevents the Spartans from changing their educational customs (ἐφωσαρία). D. Tarrant, Plato's Hippias Major p. 39, compares with Thucydides I, VII 20.

(4). Hipp. Major 295d-e. One may compare with the laws 1, 638c ff.

(5). Hipp. Major L.c.

(6) ὁ παίδευτὴς ὁ νόμος ὀρθονομενών... Πλατ. Λάκ. 199α.
athenian practice because in most cases the generals were rather dependent on the utterances of the southsayers (1). On the other hand there is no evidence known to me which suggests that there was any written legal enactment of this kind. Socrates' point is apparently that the unwritten customary law should express the requirement of ὅρδος ἄργος according to which the art possessing a broader insight over a given field should "command", as its instruments, the arts with a narrower view of this field (2).

This use of νόμος is akin to that alluded to by Hippias in the Hippias Minor (3). Hippias apparently does not refer to any particular city but to the criminal law which should apply to all the cities. If this is so, the rule referred to here is an instance of the ἀγαραφοί νόμοι defined

(1) This particularly applies to Nicias himself who was ἄργαν ἔχων τὸ τοιοῦτον προσκείμενος Thuc VII, L, 4. Socrates perhaps criticizes him in that ground. So, Wilamowitz, Platon1, vol. 1, p. 184 n l.
(2) This is suggested in Laches 198e. It is noteworthy that Nicias himself supports in 195e - 196a the same view. He is obviously here the "porte-parole" of Socrates whom he praises in 188a-c.
(3) ὁ Οἰοί νόμοι ἄμενοι τοῖς ἔχον τὴν ἕρμαγραφον ἱσίον τοῖς ἔχοντι καὶ τοῖς δικονοι 372a. Op. his view in 292b Hippias Major that every city should be ἔνοικοι.
by the sophist in the Memorabilia (1). Socrates does
not insist on this sense of νόμος because
he thinks that the law is the expression of reason (2)
but through the enactment of a particular city (3).
This standpoint does not preclude the possibility that
in some cases all the cities should take the same
steps in enacting their laws. In that case Socrates
approximates the notion of a "natural law" without
however explicitly stating it (4).

An instance of this approximation is the use of
νόμος referring to a general principle
of social organization, whether written or not, namely

(1) ἀρδαίοιος... ῥον γ' τειν παλιόν καταραγμενο νομιμομένον, IV, 4, 19. As H. Cairns,
op. cit. p. 133, says these views approximate to the
Roman conception of the "jus gentium" rather than to
the stoic conception of the "jus naturale".
(2) In so far as οἷα ἡ ὁντὸς is its aim,
Hippias Major 284c, and it cannot be unjust Crito 54c,
the whole speech of the laws answers to the
requirements of the 'εις πρακτικ’, 47d. On this
point see ch. 128. Plato develops this view in the Laws,
I, 644d, 645b.
(3) This is the point of the speech of the laws in the
Crito. Cf. Plato's view το' ἔργον το' παραδειγματονον
γομον εμενον νουν νομον προς by Socrates in the Memorabilia,
IV, 4, 13.
(4). G.R. Morrow, in Essays in Political Theory
presented to G. Sabine, p. 17, exaggerates when he says
that Plato anticipates the stoic view of natural law.
This view is connected with the cosmopolitanism of the
stoics, which is a view completely alien to Socrates
and Plato. As H. Hegel, lectures on the History of
Philosophy, 11 p. 8 of Haldane's tr., said, Plato
always thought within the context of the historical
the division of labour (1). Unless Sparta and Crete are alluded to, it is unlikely that Socrates has in mind any Greek city having enacted laws regulating the social division of labour (2). It may be suggested then that this sense of "law" expresses a Platonic requirement grounded on the nature of any community as such. This sense is particularly important because of its relevance to the understanding of the connexion between νομος and ἀγαθὸν.

Socrates says in the Hippias Major that the natural end of the legislator is the good of his city and he seems to equate the lawful (νομον) and the good (ἀγαθὸν) (3). The same point is made by Socrates when he says that in the law-abiding cities virtue is the most valuable

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(1) ὁ ἀνθρώπος οἰκεῖται ἀπὸ τῶν κελευθουργῶν... ὁ λόγος ἀμοίβισι... ἦν ἀντιπρος δήμων. Charmides 172a. L61a

(2) Socrates is criticizing here as in the whole dialogue the Spartan view of social organization, as Plato does with the Spartan educational system in Rep. VIII 547d-e, 548a-b, Laws 629a-630c, cp G. Morrow, Cretan City, p. 41ff who however considers the Charmides as an evidence for the influence of Spartan ideals on Plato and does not see their implied criticism here also.

(3) ἐν τούτοις ἡ ἀρετὴ τῆς πολιτείας... τῶν νομῶν... ἐφαιδεύειν, νομοθέτην καὶ νόμιμον ἀμοίβας. Hipp. Maj. 284d. This passage explains the meaning of the equation σίκαλον = νομίμον in the Memorabilia (IV, 4, 13). Cp. Instit. Cyril 1, 3, 17d. 

νομίμον is the standard of the just in so far as νομος is the expression of the good.
He does not explain what the good, which the law seeks to preserve, is. Nevertheless, it appears, from what was said previously about the science of the legislator, that this good is the healthy social organization of a city (2). If so, the ability \( \alpha' \rho\epsilon \tau\eta \) sought after by the law is the moderation of the citizens (3), which makes possible the salvation of their city.

The statement about the good as being the end of the law introduces the question of the connexion of the law and the advantageous \( \omega' \rho\epsilon \tau\eta \) (4). Hippias says that the aim of the law is the advantage of the city. A law however may be harmful if it is wrong (5). Socrates objects that this is the view of

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(1) Ενταίς ευγόμοις πολέω τιμώγατον άρνη
Hippias Major 284a.

(2). referred to as \( \epsilon\;\psi\;\mu\;\psilon\;\tau\;\sigma\;\delta\;\alpha\) in Charmides 162a. On the relation between virtue and health see Gorgias 479b-c, discussed in ch. 4 § II of this thesis.

(3). Charmides 171e. The socratic criticism of this view of \( \sigma\;\omega\;\rho\;\rho\;\sigma\;\nu\;\eta\;\nu\) points to the fact that it cannot be identified with the ultimate \( \alpha'\rho\;\chi\;\omega\;\nu\;\sigma\;\alpha\;\) sought after in the earlier dialogues. The citizens however should possess it as it is said numerous platonic passages, e.g. Rep. IV 431b, 431e ff, Laws 1630a ff. Its definition in terms of \( \sigma\;\phi\;\alpha\;\) in Rep. explains why Socrates is unhappy with it.


(5) Ιεραί ... ομογενείς τέκνη, ἔνιοτε δὲ καὶ θλιπτεῖ καὶ θακώστε ἑνὸς νόμος 284d.
the ΠΟΔΡΑΩΙ. Strictly speaking (1) a law qua law is necessarily advantageous. If it is not it is no law at all (2). This is a restatement of the view of the Crito, that a law qua law cannot be unjust. It is grounded on the socratic principle that no one does wrong willingly. So, any action is meant to be advantageous. If it is not advantageous it is no action at all (3). This practical principle obviously covers the field of legal enactments (4).

In so far, as the meaning of the advantageous is concerned, Socrates uses it in the Charmides in order to describe an action which does not miss its mark (αναμάρτητος) (5). He constantly uses ωφελήμον in connection with the good (6).

(1) Γω α' κριθήτερι δόγμα 294ε. It is Hippias's expression but Socrates accepts it.
(2) ορ' ειν' είς τοι ωφελείμων τοῦ ἀνήμερου κύρους, εἰς τὸν ωφελείμων γενήθηναι Hippias Major 294ε, Τα ωφελείμων τερα
νομικῆς τερα 285α.
(3). This may be inferred from what Socrates says on θονδοροσθενες in the Gorgias 468c and so on ΠΡΑΠΙΣ in general 468b. One may compare the statement of the Euthyphro 13b and Rep. 1 346d that every art is advantageous for both its agent and subject. See also ch. 1, b. I. of this thesis.
(4). The ωφελήμον applies to written and unwritten law in the Rep (ΙΙΙ 395a-b, 457e, 458e).
(5). Charmides 171d.
(6) Γὰν. ωφελείμων ωφελείμων ωφελήμον τι καὶ
αγαθοῦ· υπὲρ τούτων εἰκάστα γίγνεσθαι καὶ ωφελήμων Charmides
163b, Γ' ἐν θετοὺν εἰκάστα γίγνεσθαι καὶ ωφελήμων
174d. As Tuckey, Plato's Charmides, p. 92, says, the advantageous is the good for the soul as opposed to the material benefit.
This connection is further defined in the Gorgias where we are told that a step is advantageous if it is conducive to the good (1), i.e. the normal condition for both its agent (2) and subject (3). While in the earlier dialogues, presumably because of their practical concern, the starting point is the advantageous, in the Republic it is the good which when mastered is necessarily advantageous (4). Both approaches however emphasize Socrates and Plato's point that the advantageous is the predominant character of the good, in so far the latter is viewed from a practical, particularly legal, standpoint (5).

The customary law is assumed, in the Hippias Major, to be "beautiful" or "honourable" (καγόν). This approach is due to the fact that the investigation about praiseworthy conduct is the main

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(1) ἡ ἀρετὴ ὑποτελεῖται ἐν αὐτῷ, ἀφ' ἀραγὸν τι ποιεῖσθαι
499d-e, cp 470a and Hippias Major 296d-e.
(2) So the advantageous pleasures secure the health of the soul, Gorgias 499d-e.
(3) of the passages previously cited on ἔξωθεν and ἐραπαντιστα
(4) So Il 379b, VI 505a-b, X 608b. Cf. R.L.
Nettleship Lectures, pp. 61, 138-139, 164, 171, 268.
The Socratic approach from the ὧ φιλήθηκεν prevails however in V 457c, 458d where the practical steps of the legislator are dealt with. In VIII 558e-559a the necessary desires are those securing the ἐνέχοντα of the individual. They are described as advantageous in a way reminiscent of the Gorgias.
(5) As P. Natorp, Plato's Ideenlehre2, p. 113, suggests, ὧ φιλήθηκεν is in Plato an exclusively practical standard.
subject of the dialogue (1). Moreover, the starting point of the discussion is Hippias' statement on in his \( \text{epipteu} \) (2).

Socrates says that the customary laws and collective patterns of conduct can be described as beautiful just like any other instrument (3). This is so because they fall perhaps within the field of perception, namely sight and hearing (4).

Socrates purposely leaves this statement unexplained (5). From the Symposium however it appears that the "glance" of the philosopher (5) is necessary in order to perceive the beauty of laws and pursuits (6). in Plato may refer to the

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(1). Hippias Major 286c, 287b, 304d.
(2). Op. cit. 286c. The content of the \( \text{epipteu} \) is a speech by Nestor to Neoptolemus. It may be connected in some way with the \( \text{archaiologia} \) of Hippias alluded to in 285d. Cf. D. K. 10, 86 All.
According to Philostratus (86 A 2) the speech by Nestor belongs to a \( \text{troukios dia' logos} \)
(3). \( \text{epipteu} \) 295d.
(4). \( \text{epipteu} \) 295d.
(5). \( \text{epipteu} \) 298d.
(6). \( \text{epipteu} \) 298d.
(7). 210c5. The difference between the \( \text{kalon} \) and physical beauty 210c, 211c, does not contradict, I think, my suggestion that the \( \text{epipteu} \) of the Hippias and the \( \text{epipteu} \) of the Symposium refer to a fundamentally similar spiritual act. Simply this contrast is unnecessary for the purposes of Socrates in the Hippias Major.
(7). Symposium 210c, 211c.
consideration or insight which is required to perceive spiritual truths like beauty or the good (1). The analogy between this insight and visual perception rests on the fact that both are intuitive approaches. So, the laws and conducts are not εἰκῶς αἴσθησις because they require the intuitive "glance" of the individual whose task is to appreciate their "beauty" (2). i.e. their "fitness" (leasing) to perform their function, so the well-being of the city. So, the ability to discern what may be termed the "physical" beauty of the law, i.e. its fitness, is required if the legislator is expected to understand its "usefulness" (3), its "beneficial"

(1). Laws II 653e ff, εἰκῶς αἴσθησις ἐκ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοῦ τοwatershared in the dialogue is the 296d, independently of the good.
character (1), and its "praiseworthiness" (2).

Hippias Major 296e. One may compare Gorgias 477e, where Socrates makes the same point and treats the laws and customary conducts, like ὑπάρχοντα ἡματα, ὑμνᾷς...

(2). This is made clear in the Laws 1 638c-d. An ἐπίτηδεύμα will be praised ὀνόματι τοῦ ὀνοματοσχῆνος by the legislator if he considers what amounts to its fitness. Thus, in so far as the legal theory is concerned, the notion of ὀνόματι as honourable can be reached only if one previously perceives ὀνόματι as fitting.
V. **Eunomia.**

The healthy condition of the city is described, in the aporetic dialogues, in terms of obedience to the law (εὐνομία) (1) and sound organization of the community (εὐ οἶκ εὐθα) (2).

One must be reminded, before starting the discussion of the relevant passages, that the ideal of εὐνομία could apply to the existence of good laws as in the case of Solon (3). Nevertheless it referred mainly to the respect of the existing legal order (and of the traditional rules of conduct (5).

In the "positive" sense, εὐνομία was the

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(1) Hippias Major 283e, 284a.
(2) Charmides 16e.
(3) Eleg. 3, 36 (Dichl fr. 3). Solon makes εὐνομία depend on the existence of just rulers and of some degree of equality among the citizens. Cf. V. Ehrenberg, Aspects of the Ancient World, Oxford 1946, p. 82. He thinks, against what is said here, that the solonian εὐνομία does not rest on the idea of νομός (4). Aristotle, Politics VII 1326a 30 rather ambiguously equates εὐνομία with εὐθαζία.

He is clearer in IV 1294 a 3 ff where he says that "μίαν μὲν εὐνομίαν ἑπιστήμης γίναντον συνέργα τοῖς ἱερεύσεσθαι ἱεροὶ τοῖς ἱεροῖς ὑποτεθοῦσα μνήμην, τοὺς νομοὺς ἐκ μεν ἱερεύσθαι, ἐκ τῆς ἱεροτεκνίας, ἐκ τῶν εἶδέν τε ἐπὶ τοῖς ἱεροῖς ἐπιτηδεύομαι ἱεροτεκνίας ἐπὶ τοῖς ἱεροῖς.

(4) Aristotle, Politics VII 1326a 30 rather ambiguously equates εὐνομία with εὐθαζία.

(5) The doxographers ascribe to Plato the following view, ἡς εὐνομίας ἀπα τῇ μὲν ἑστὶ νομοὺς συνεργάτες, εἶναι, ἀλλ' ὅτι εἶναι τοῖς συνεργάτες ἑπιτηδεύομαι τοῖς ἱεροῖς, εἶναι εἶδεν ταῖς ἱεροτεκνίαις, ἐπιτηδεύομαι τοῖς ἱεροῖς, ἐπιτηδεύομαι τοῖς ἱεροῖς.

Diag. La. III, 103. The 3rd was a characteristic of the so called laws of Lycurgus which were mainly unwritten, Plutarch, Lycurgas 6.
common catch word of both the popular and the
oligarchic parties in Athens. The former meant by it
the need to respect the written legal enactments (1)
especially the laws of Cleisthenes (2) and
occasionally those of Solon (3), which were
identified by them with the πατριός πολιτεία
(4). The latter maintained, after Theognis (5), that
ευνομία implied αιωνύς (6)
and ωφρόσυνη (7), i.e. the
more or less conscious submission to the unwritten
rules, in so far as these justified the existing social
hierarchies (8).

(1). Cleon in Thuc III, 37, 3. The oligarchic
government, for which Peisander and his faction stood,
is described as υπονομία by the leaders of the popular party in Thuc VIII, 63, 5.
(3). Aristotle I. e. Cleitophon cannot be
described as a leader of the popular party. He
introduced however the amendment to Pythodorus's
proposals, in which he refers to Solon and Cleisthenes,
in order to induce the popular party not to oppose the
government of the Four-Hundred. Aristotle underlines
the fact that the laws of Cleisthenes were favourable
to the people, so 22, 41.
(4). Aristotle I c and 35, 2. The oligarchs also
maintained that they respected it.
Theory of the Greeks p. 75.
(6). R.E.A. εν αίτραγον νομος
(7). According to the oligarchs of the late 5th
century it implied the avoidance of any excess either
in internal or in external policies, Thuc VIII, 1, 3.
(8). e.g. to give way to elderly people as the
Spartans did.
In so far as these traditionalist views were not grounded on adequate rational principles, it is unlikely that Socrates accepted either without close scrutiny. If so, the attempt to enlist him as a supporter of either the popular or the oligarchic side rests upon a misunderstanding (1). This may appear from the analysis of the views on \( \varepsilon \nu\rho\omicron \upsilon \alpha \) expressed in the aporetic dialogues.

In the Euthyphro, \( \varepsilon \nu\rho\omicron \upsilon \alpha \) is not directly dealt with. This dialogue however contains implicitly a reply to the accusation against Socrates's alleged lawlessness (2). Hence, it may throw some light on the religious conditions of \( \varepsilon \nu\rho\omicron \upsilon \alpha \) as Socrates understood them.

We can see from the criticisms of Euthyphro (3)

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(1). E. Wolf, Griechisches Rechtstunken, III 1, p. 18. One should remember that occasionally opposed both the popular (Xen. Memor I, 1, 18) and the oligarchic (ib. 1, 2, 29-30) contempt of the laws.

(2). Euthyphro 2c, 3b. The point of the accusation was to establish the \( \alpha \' \delta \iota \kappa \iota \alpha \) of Socrates, Apol 24b, Diog. La. II, 5, 40. That \( \alpha \' \delta \iota \kappa \iota \alpha \) is equivalent to "an injury done to the state", as Burnet, Euthyphro... p. 8 says, appears from the fact that the legal action taken against Socrates was not a \( \sigma \iota \kappa \eta \) but a \( \gamma \rho \alpha \varsigma \eta \) Euthyphro 2b.

(3). as Burnet, op. cit. p. 5; 6, says, Euthyphro was by no means "imbuies croyances traditionnelles" (Croiset). On the contrary, he considers himself as an innovator on religious matters (4e) and "regards Socrates as a kindred spirit (2b-c)."
what were the traditional athenian views on religious customs. One of their most important features was the unconditional respect of the links of kinship (1).

This view was conducive to the restriction of the right of accusation for murder (φωνική δίκη) which could not apply e.g. to one's parents (2). The respect of the rules concerning such δίκαια was a part of the respect of the ἠτατρα (3) and appears therefore as a fundamental feature of εὐνομία.

The common view on such matters, as those concerning rituals and purification from μίασμα, was that the "expounder" should definitely settle them if any contest arose (4).

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(1) α' νόθιον... γοννίν ἠτατρῆ περίζεναι 4α. The traditional view presumably emphasized the quality of ὄρκειος (4b), ὑγιείας and διοριστέρος 4c, cp. 6a.
(2) Burnet, op. cit. p. 22α.
(3) So, the φωνικοὶ ἐθνοί of Draco where respected both by Solon and the democrats who upset the constitution of the Four Hundred in 411 B.C., according to Aristotle, Athenian Constitution VII, 2, XXXIX, 5, where it is required that τὰς δὲ δικὰς τοῦ φῶνος εἶναι κατὰ τὰ πατριὰ (4) ἐνόθδικον τὸν ἐπιγνωστὶ καὶ ἐρίν ποιεῖν
(4) ἐνόθδικον τὸν ἐπιγνωστὶ καὶ ἐρίν ποιεῖν — Euthyphro 4c, 9a.
Socrates apparently shares these views. He respects the link of kinship and is startled when Euthyphro says that he is accusing his own father of impiety (1). He does not apparently feel any doubt concerning the authority of the ἔργοι νῦν τῆς, whether Athenian or Delphic and it is well known that Plato submits to him (2).

This traditionalist attitude may be due to the socratic view that an "exact knowledge" of "divine" matters is outside human reach (3). Any way, one's efforts should be directed towards more serious matters, like selfknowledge (4). Any allegoric interpretation of the traditional myths on rationalist lines is an instance of "lack of taste" (ἀγορικος θοφια) (5).

(1). biol 4a.
(2). Laws VI 759c-e, Rep IV 227b-c.
(3). this is alluded to, I think, in Euthyphro 4e.
(5). ibid 229d.
Nevertheless, Socrates rejects all the myths describing the gods as behaving immorally (1). His point presumably is that such beliefs are thoroughly inconsistent with the no less traditional requirement of reverence and moderation on which the lawful city rests (2). One cannot accept that the gods are hating each other and then condemn στα’σις within the city (3). So, the ethical requirements must be prior to the religious ones (4). the traditional beliefs must fall "within the limits of reason" (5), if the lawful city is to come into existence at all.

(1) Πάταγον ἡμῖν τοις περί των δειν οὐδὲν πιστεύειν νομίζειν.
(2) Rep II 377b, 378b. In 380b the acceptance of right religious beliefs is a fundamental requirement εἰ μὲν οὖν ζήσεως ἐννοεῖ, ἀναστὰ ἡ ἀγαθή (sc the city of the future guardians)
(3) Euthyphro 6b-c, 7b. In 7d we are told that those ignorant standards of moral standards, whether gods or men, are bound to fall into a state of στα’σις.
If the gods are supposed to be unable to reach any agreement on the ethical sphere, the same will a fortiori happen to common mortals. cp Rep II 378c-d.
(4) The determination of piety depends on its οὐ σοι ἡ, (11a, Euthyphro) not on the wishes of the gods (10e). Hence piety may be species or a part of justice (12d). The dialogue remains aporetic in so far as the question ποιον ἄρμενος ἐν τοῖς ἱκανοῖς τοι σκεπτόμεν ἐστι, is left unanswered. One is reminded by these views of Leibniz's Theodicy.
(5) Cp. the requirement of the respect of ἀγαθότητα in matters of religious belief, Rep II 378c, III 391d.
In the Hippias Major Hippias alludes to the Spartan view that the future citizens should be educated according to the traditions of the city (1). This view is shared by such traditionally minded Athenians as Anytus and Meletus (2). Socrates accepts this view in so far as the right education secures what matters most for him, i.e. ἐν ταῖς ἐνυιοίσ. He seems also to agree with Anytus on the rejection of "alien education" (4). He adds however that if the traditional education fails to be advantageous, it is not ὃμημος (5), his point being that the lawful city cannot be "saved" in that case (6). Hence, really advantageous education and the

(1). Hippias Major 284b-c. He says here that ὃν πατρίον... μακραίνοισιν... παρά τά ἐνυιοίσ... τούς ἐνυιοίσ. This is a characteristic of Spartan ἐνυιοίσ, referred to in 284d, cp. Crito 52a.
(2). Euthyphro 2c-d, cp Apology 24d-e, Mele 92b, and R.S. Black, Plato's Meno, p. 362.
(3). This expression is used in the Laws (XII 960d). It expresses however a constant platonic requirement, as is suggested by the definition of courage in Rep IV, 429b-430a. This is what Socrates also looked for.
(4). ὃν... πατρίον... ἐνυιοίσ, Hippias Major 285a, cp Apology 19e-20a, and Burnet's comments, Euthyphro..., p. 85.
(5). Hippias Major 285a.
(6). The Lacedemonians are ἐνυιοίσ (285a) and πατρίοισ (285b) and their claim to ἐνυιοίσ (284a) is unfounded if they fail to educate their sons advantageously.
legal order depending on it will be secured only if the education is provided by the

(1).

Now, the traditionalist education is dictated by the \( \mu \nu \kappa \iota \nu e \iota \nu \tau \omicron \nu \iota \varsigma \nu \omicron \upsilon \nu \) principle (2), which meant not only that the laws should not be changed formally but also that they should be actually respected (3). In the common view the former sense was emphasized at the expense of the latter (4). Socrates and Plato are aware of this situation and unhappy with it. So Socrates emphasizes that, unless a law is actually respected, it does not exist at all even if it is not formally abrogated (5). Hence, to "maintain the laws" means first of all to respect them.

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(1) Buthyphro 2c. This is entirely serious in spite of the ironical disparagement of Mellitus's pretences. *op the beginning of the Laches.*
(2) Hipp. Major 264b.
(3) This distinction is suggested by Andrewes, Eunomia, c.q. XXXII, 1938. He emphasizes the latter point.
(4) So the constitution of Lycurgus remains formally unchanged but it was actually disregarded as early as 480-479BC when Pausanias started his lawless dealings with the Persians; for the evidence, G. Morrow, Cretan city, pp. 46-47. The Athenians also formally maintained laws obsolete in practice, which described as \( \alpha^\prime \kappa \upomicron \omicron \iota \nu e \iota \omicron \nu \iota \varsigma \nu \omicron \upsilon \nu \) on this point, G. Hignett, *op. cit.* p. 299 and Aristotle's *Rhetoric*, I, 15, 1375b 10-15.
(5) *In the Crito* (50b, 52c) *op Rep VIII 557e-558a, 563d.*
The conservative attitude is adopted by Socrates and Plato (1) in so far as the well-being of the city is likely to be realized by means of order and stability and not through continues changes and upheavals. This feeling dictates their sympathy towards Sparta, which, inspite of all qualifications, remains the best historical state (2).

However, the maintainance of the laws is not praised for its own sake. The laws which comply with the standards of ὕστερον should remain unaltered (3). But if any law fails to meet them it should be "perfected" in order to imitate the "true law" as faithfully as possible (4). So, if the

(1) see the passages of the Crito and the Republic cited previously.
(2) Rep VII 54c, cp. Aristotle N.E. I, 1102a 10
(3) This is suggested by what Socrates says on the connexion between ὕστερον and νομίσματι in the Hippias Major 284b 5-6. The implication is that any "legal" practice conducive to ἐξαρτήσεως should be radically altered. In the socratic dialogues this is restricted to obviously wrong legal decisions like Pericles' one granting the Μιθριδαρχία to the citizens, Gorgias 515a. Plato emphasizes the need of alteration of any actually existing law in the Politicus (293d, 293e)ff.
(4) even in the Politicus, where the feeling of the imperfection of the actually enacted laws is particularly strong, these which approximate most closely the practices of the ideal city should remain unchanged.
lawful state is to be achieved, the existing laws should be "completed" possibly altered but not pointlessly changed (1). Hence, any situation, like the excessive development of the importance of the courts, which might lead to the disregard of the existing legal order (2), should be carefully avoided. (3).

If the former conditions are secured, they are conducive to a normal overall organization of the community, which is described by Socrates in terms of εἰς οἶκεῖν ὁδόν (4). Socrates sometimes restricts the term οἶκεῖν ὁδόν to the organization of one's household (5). If so, it may be something different from εὐνομία . But, he already uses οἶκεῖν in relation to the

(1). On the gaps of legislation and the need of ἐν τοῖς ἀγαθοῖς, Laws VI 769d ff., for the application of this principle in matters of dance, VIII 835b.

(2). The common Greek feeling was that in the "well administered" (εὐνοµητικῶς) cities judicial oratory could not develop. Hence, the requirement that as little as possible should be left to the discretion of the judges, Aristotle, Rhetoric I, 1. This feeling may possibly lie behind Socrates' somewhat ostentatious unfamiliarity with judicial practices, Euthyphro 2b, Apology 4c. (3). Hence, the attempt to reduce the number of lawsuits in Rep. VII 405b ff.

(4). οἶκεῖν τῶν οἰκίας ἐν οἶκεῖν ὁδόν Charmides 161e, cp Rep VII 521a.

(5). Charmides 171e.
organization of the city (1) presumably because he
tacitly assumes that the unity of the city is of
the same nature as that of a household (2) Plato,
who expresses this requirement more explicitly (3),
is therefore more inclined to use the term
εὐ οἶκετοῦ in reference to what he
considers as the lawful city (4). In doing so, he
may want to suggest that the lawful city can be
achieved only if, like an οἰκίστης (5),
the legislator builds it from its foundations, with
the aim of εὐ οἶκετοῦ in his mind (6).

The common assumption of the aporetic dialogues
and the later works of Plato is any way that the
lawful city is that most resembling a well managed
household. One can recognize the former by the
existence of a "constitution" working well (7), i.e.
enabling its citizens to perform correctly their social

(1) α"κείν τούτου μετα εὐνομίασ α"δολήνου οἶκείν
Hippias Major 284d. As D. Tarrant, op. cit. p. 39,
says οἶκείν here stands for ἔτοιμες οἰκεῖα
(2). Memor. III, 4, 12.
(4). εὐνομίας οἰκεῖα in Rep III 380b, III 406c,
V 462c, X 605b, 607c and εὐ οἶκετοῦ Rep V 473a
εὐ οἴκομεν, VII 52la, refer, I think, to the
same requirement.
(5). Rep II 379a, Laws XI 950de the expression
καὶ ὁ οἰκίστης in Rep IV 421e.
(6). Plato's point is presumably that a city will be
εὐ οἴκομεν if it is καὶ ὁ οἰκίστης
Rep IV 427a
(7). εὐ ποιημένη στόχος Charmides 171c. The
equivalence between εὐ ποιημένη and
εὐ νομομενή is obvious in the Laws (XII
950a), cp Rep IV 427a.
and political function (ἐν πρατεῖνυ) (1) secure their own happiness (εὐδοκεῖνειν) (2)

Socrates and Plato use the traditional and poetical term εὐνομία (3) in order to express their notion of the best city.

Now, Plato maintains that the best or lawful city will be achieved if each individual and each social class perform their own function (4). Socrates, in the Charmides, apparently rejects this view (5). He understandably does so ἵππα ἐαυτοῦ πράτειν, in the Charmides, refers to the ability to satisfy one's needs in a state of isolation. If so, one is reminded of Hippias's technical abilities (6) which implied the acknowledgement of a certain degree of

(1). Charmides 172a.
(2) εὐνομοῦσα εὐδοκεῖνειν Laws XI 927b.
(3). cf. Tyrsæus' Εὐνομία quoted in Aristotle's Politics 130–701. The earlier evidence about εὐνομία is poetic, as V. Ehrenberg, Aspects, p. 70 ff, says. Aristarchus on Odyssey 17, 487 suggested that it is even earlier than νόμος and derived it from ΝΕΚΕΩΣΑΙ. The platonic use εὐνομοίν ἀγοριν, Laws VII 815b beans, I think, a poetical flavour.
(5) ἅκετον ἐπί ποιεῖτο Ὀκεντεῖον Ὀλυσσεῖον...τοῦ νόμου τοῦ Κρηστοῦνος...τοῦ εὐνομοῦν ἐκατον ἐφοροῦσαν...καὶ πράτειν; Charmides 161e.
(6). Hippias Minor 368c. Both passages refer to ιμαγία and νιποδηματα. The comparison between them is suggested by P. Friedländer op. cit. II p. 65.
self-sufficiency for the individual. Neither Socrates (1) nor Plato, who emphasizes so much the necessity of linking together the citizens in order to make them profit from each other's abilities (2), would be prepared to accept this view.

Moreover, if the parallel between the Charmides and the Hippias Minor is accepted, Τα ἑαυτὸν πράττειν would imply that each individual might be allowed to perform various tasks. This would ultimately lead to Ποιν πραγματίζειν and contradict the requirements of the Republic (3) and the view of εὐνομομένην πόλις developed there (4).

Finally, the view of doing one's task, which is rejected by Socrates in the Charmides, contradicts the platonic standpoint because it concerns menial, banausic tasks (5), it disregards the inward

(1). Crito 50d, e, 51c.
(2). The οὖν ὕσις πόλεως is achieved if the legislator makes the citizens μεταφεύγαι αὐτοῖς τῇς υἱῆς ἀνθρώπων εὐεργετίκῳ καθιστήσειν Rep VII 520a.
(3). Εἴκαστος ἐν ... καὶ ἔπιτυποῦσίν
Rep III 394e, 395b.
(4). Παρατυπεῖσθαι εὐνομομένως ἐργαστὶ προστετακται
Rep III 406c.
(5). Οἱ κυριότεροι ὑπηκοόνων ἐργα ὑπερασπίζονται,... μέγα θέλγας, πολιν οὐ πάνω... Rep IV 434a. The "doing one's" task principle does not apply or at least is not much concerned with such instances as those quoted in the Charmides.
character of the relevant platonic requirement (1) and also the fact that it applies mainly to the relationship between rulers and ruled (2). It may be concluded that the socratic elenchus of the Charmides renders possible the positive understanding of the "doing one's task" principle, on which the mature platonic conception of the lawful city is founded.

Socrates achieves the same pioneer task in relation to courage and moderation. Courage is defined by Nicias in the Laches as the knowledge of what is to feared or not in war and any other circumstance (3). This view bears undoubtedly a strong socratic accent. It partly agrees with what Socrates says in the Protagoras on courage (4). Nevertheless, Socrates points out its deficiency. Courage defined in Nicias's way implies the knowledge of the good and

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(1) μη ἔσθαντα γάρ ἀρετὰ πράττειν ἑκατόνειν αὐτῷ... ἐν τῷ τῷ οἴκεια εὑρέμενον
Rep IV 443d.
(2) ἐκατόν τα αὐτῶν πράττει ἀρχαῖα περικαὶ τοῦ ἀρχιστα
(3) ἡ αὐτήν (i.e. τὴν ἀνεργίαν) τὴν ἐν ὑπὸ δεινῶν καὶ δαρδαζέων
ἐκείνην ἐκ τῇ πολέμῳ καὶ εὐτοῖς ἀκατοσίας ἀκαταθήν
194e-195a Laches.
(4) ἦ δὲ θορίῳ ἀρνήτων δεινῶν καὶ μηδὲ δεινῶν ἄνθρωπος ἔστιν Prot 362d. It is noteworthy that Socrates uses θορίῳ here instead of science.
the bad (1). If so, it may be ultimately identified with total virtue (2). Socrates does not accept this view because it is inconsistent with the starting point of the dialogue i.e. that courage is a part of virtue (3). Since this hypothesis led to contradictory results it must be revised (4). If this was done, it would be made clear that, while courage cannot be identified with virtue as a whole, it cannot be developed in isolation (5). Hence, what the Ἀθηναίος ἱστορίας Θερμπάζειαν should aim at (6) is the ὀν ν ἀρετή (7).

This view opens the road for the mature platonic conception of the ethical foundations of the lawful city. In so far as this is related to courage, Plato says in the Laws that the legislator of the lawful city should aim at the whole virtue of the citizens (8) and that true courage cannot be achieved in isolation (9).

(1). Laches 199b-c.
(2). Socrates says that Ἀντίκης view of courage leads to its identification with ἰνήματα ἀρετῆς 199e.
(3). Τίκους Ρήματις Laches 190c, cp 199e.
(4). This is required in the passage of the Republic on hypothesis, esp 511b.
(5). This is implied in 199d. It is a platonic view that the courageous man will also be just, moderate and pious.
(6). 185e, 190b.
(7). Laches 190c, cp the expression ἰνήματα ἀρετῆς in 199e. This is the term used in the Laws.
(8). Πρώτος ἰορκαὶ ἰνήματα ἐν θεσισιν ὑστεροθίαν ὅλην ἰν ἤπειρο ἰὸ ἀνθρώπουν Laws 1, 630b, cp 630e.
(9). Laws, l.c.
Even if it could, it would verge, in the first occasion, into lawless μανία (1).

The discussion of the Laches establishes two further points, courage cannot be defined in terms of ζ' πιθανον μήν, without at least some qualification. Nevertheless, if courage is to be achieved at all, a standard of the good and the bad must be provided, which must not exceed the limits of the understanding of the courageous man, qua courageous. So, it is possible for Plato to say, in the Republic, that the guardians of the lawful city will have only a belief about what is to be feared (2). This belief will submit to the laws (3).

(1). Many mercenaries, who are courageous in war, γραμματειας και δ' ικανοι και α' θρωπονθιατοι Laws I 630b, The existence of courageous persons, and even victory in war, is not sufficient for a city, if it is to be έναφόμος lb. 1, 638b. Moreover victory is dangerous, since it is easily conducive to θέρεις 1.640b. The fact that in the traditional greek feeling έναφός is opposed to the individual inclined to θέρεις (Odyssey 17, 437) shows that the lawful city had to fear from excessive development of courage, cp Laches 192a-d, and Prot 349d, 350e.

(2) α'ν'ρεια ποτ'ις... ει δι' εικος θω'θετι τιν έπερι των δεπτων, δαντεας παραγωγιαντας τοιοτα, αιδιο'ς και σαν ποιησαν τον νομοθέτην τον τηπαιδιν Rep IV 429b-c. This is the καλ' ις εφ' ουμένοι έναφόμος ποτ'ις referred to previously.

(3) ο'να α'ν'ρειαν δι' ικανονθεν οδεψτης τη' την νομοθετης ιπ. Του νομοθετης πατείας γεγονυσιας l.c, cp 430a.
of the legislator, who will secure the courageous attitude by means of a proper education. This passage enables us to understand why Sparta, who only cared for the education of her citizens in a conscious and systematic way (1), was considered by many Greeks, including Socrates, Plato and Aristotle, as the πολιτικός ἐπαύγαστος par excellence (2), inspite of her shortcomings.

One of the features of the lawful city was also the "moderation" of its citizens (3), particularly their attitude of refraining from claiming to be "wiser than the laws" (4), which was referred to as ἀκορασία (5) or even ἀρετέων (6).

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(1). Aristotle, Politics VIII, ch. 1, 1337a 32ff.
(2). C. Morrow, Cretan City, pp. 51-52.
(3) Σύμμετρα καὶ ἁρμονία has a strong political flavour. It referred to the attitude of avoiding any excess both in the interior and external affairs of the state. Thus, VIII, 1, 3, LXIV, 5. The usual translation by "temperance" is far too narrow.
(4) οἰκείος καὶ τῶν τεννίμων τοιχών ἄριστος διά οὐκ ἄνευ ταὐτοτηθεοσι...
(5). σχετικός πρὸς τοὺς χρωμένας πότις ἀκορασίαν ἔχοντας ἄκορας, ἀμα. διά τι μετὰ Ὀλυμπίας βέλτιον ἄριστον ἁ δεξιότητι
(6) Betant, Lexicon Thucydideum, s.v. He renders ὄροντειν by "superbia". See also ch. 3 Υ. V of this thesis.
The results of the Charmides are particularly relevant to the understanding of the connexion between moderation and the lawful city. Since ωρονον in any sense of the term, cannot be identified with the supreme science securing the happiness of the city (1), Plato is enabled to say in the Republic that it must be the quality of the αρχομένον (2). Moreover, moderation cannot be realized in the ways suggested by Charmides and Critias because it might then verge into its contrary (3), or, as the Phaedo puts it, into ακροασία (4). So, moderation must depend on the wisdom (φρόνησις) of the legislator (5) and be secured by the education provided by him (6).

(1) Charmides, 171e-172a, 172d.
(2) Rep IV 43lb. It belongs, like courage, to the level of σοφία (43le, in the Phaedo 82b it is considered as a kind of διανοικών αρετή)
(3) Charmides 160a, 162a esp 161b.
(4) δι' αρχοξωμαίναι αυτούς σεθωφρονίσθαι.
Phaedo 68a-69a.
(5) In the Laws (1,631d) the legislator will have to comply with the requirements of ρόδος (53), according to which προσόν...τιτιτιτιν αρχομονον ετειν' αγαθών, ἡ φρόνησις, σεθετον ὅπως...μένα νοεθερον ὄντως ετείς
631c. That wisdom is a specific quality of the ruler and the legislator is a common Platonic topos, e.g.
Rep IV 433d, κενοίς αρχοξωμον φρόνησις or the expression φρόνησις εαυτίκεια in the Politicus (300e-301a).
(6) In so far as the aim of παιδεία is to make the ruler επιστωμενόν τοις γενέσθαι πολίτην τεκνον...αρχεσθαι επιστομενόν μετα αἰκίν
Laws II, 643e.
If this requirement is complied with, ὀμόνοια, i.e. agreement about who should rule (1), will be secured and sedition will be excluded from the city (2), which will then deserve the praise of being a well-organised (ὡπογείτευσκεῖν) one (3). It may be concluded that the critical inquiries of Socrates in the Laches and the Charmides were necessary prerequisites for the elaboration of a positive doctrine of ἐνομοσ in its mature platoic form.

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(1) Γάντιν τὴν ὀμόνοιαν ὑψηλοστίνην εἶναι, ἵστορον τε καὶ ἀμείνοιον κατὰ τὸν τόν ὅμορφον, ὀμότερον δὲ ἄρχειν καὶ ἐν πόρθει καὶ ἐν ἑνὶ ἐμαθεῖν.

Rep IV 432a, ὀμόνοια is also referred to in 431d-e as identity of belief about legitimate rule, and in 431e-8 in terms of ὀμόνοια.

(2) Phaedrus 237d-e, τὸ τε μὲν ὀμόνοιο ἔτι τοῦ, ἐστι δὲ ὀτι ὃτα ἱδοτοῦ.

cp Symposium 186e. Eryximachus says here that Asclepius endeavoured to establish ὀμόνοια between the antagonistic elements of the human body.

cf. J.W. Jones, op. cit. p. 79.

(3) Ὑπ. Xenophon, Memorabilia, IV, 4, 16. Socrates says ἀνένυ δὲ ὀμόνοιας οὕτ' ἂν πολιτὶν ὁδείν, οὕτ' ἂν' οἰκὸς καὶ ὁικὸς οἰκοδείπ.
VI - Lawlessness

There are no elaborate developments on lawlessness in the aporetic dialogues but a few hints which must be used as evidence for Socrates' views on the matter. In the Hippias Minor, he says that if education fails to be advantageous it becomes unlawful (παράνομος) and even utterly lawless (ἀνόμος) (1). This use of the terms may be due to the well-known Socratic disregard for ὀνόματα. It also reflects the common Greek usage (2). But it may also disclose a more serious standpoint, namely that the state in which the laws are not obeyed is after all not much different from the society which does not acknowledge any law at

(1) Ἡππίαν παιδεύσθαι νομιμώτερον ἐστιν, ἠπό τῶν πατέρων ἀνομώτερον, ἐπὶ τῶν ὁντὶ ἀπὸ θον πρειών ὄφειλον ὁ πόλεμος λάκωνας εὐρίσκομεν.

Hippias Major 285a-c.

(2) L.S. s.v. does not draw any clear cut distinction between ἀνόμος and παράνομος.
all (1). As Socrates has a rather static point of view on social and political phenomena (2), he does not draw any clear cut distinction between the potential and the actual destruction of the legal order (3), at least in the aporetic dialogues.

The mature Plato seems rather inclined to restrict παράνομία to the infringement of a moral and spiritual law rather than of a law of the state, in the technical sense of the term (4). So, he can refer to a παράνομος ἐπίθυμία i.e. the desire of the irrational part of the soul, in so far it enters in conflict with ἰδίος (5) παράνομία, in its mature platonic

(1). Thucydides II, LII, 4 may express the same feeling. The оμοσμαί and ταραξίν νομών in matters of funeral custom differs only in degree, not in nature, from mere ανομία, LIII, 1, i.e. complete annihilation of any human law, LIII, 4. Παράνομον in LIII, 1, suggests however the idea of a development of social and moral upheavals, which may imply that ανομία, denotes a more serious disorder than παράνομία. In the first case there would be complete chaos while in the second the disregarded laws would continue to exist.

(2). This of course must be qualified, see ch. 1

(3). He does so in the Gorgias (518e-519a) where there is distinction between οἴδατε τις νομίσεις εἶσιν καὶ καταβομαί αἰσθησεις in relation to the affairs of Athens. See ch. 4 E V of this thesis.

(4) παρανομοῦσα ἀσίκος καὶ παράνομος ἐθνικασμία Phaedo 113e. As the context suggests, the disregarded law is a sacred religious one.

(5) οὐκοσμίτε νομίσας μου ἐγώ, παράνομοι, αὕτε κορασίμα, ὑπὸ τῶν νομίσεων καὶ τῶν ἐθνικασμῶν ἐπιδημίαν μετα τὸν θρόνου. Rep IX 571b. As Adam, ad l. IIP 319, says παράνομος is not equivalent to "lawless" here. He fops with Phaedrus 254e and Phaedo 113e
use, may also refer to the disregard of traditional moral beliefs (1) in a way very close to that of Socrates in the Hippias. Ανομία seems to be stronger than παρανομία and express the complete absence of any moral rule, as happens with the tyrant (2). This internal πονρία may assume an external shape (3) if the circumstances happen to be favourable (4). It seems then than Plato emphasizes more than Socrates the dynamic character of lawlessness (5).

He is also aware of the fact that the transition from παρανομία to ανομία is not unavoidable (6), while Socrates is more pessimistic, particularly in the Gorgias (7).

The causes of this state of things are dealt

(1). Rep VII 537e-538e. One may compare the fear of dialectical education of the young expressed here with the spartan distaste for παιδεία in the Hippias Minor.

(2) Τυραννικῶς εν αὐτῷ ὁ ἔρως εὐπάθης αναρχία καὶ ανομία γινώσκεται, ἐπεὶ αὐτὸν ὑπερβλέπει ἀπὸ τῆς παρανομίας.

Rep IX 575a.

(3). As the γίγνεσθαι τοιοῦτος from εὐπάθης αναρχία to τοῖς παῖσιν suggests, 574e.

(4). Namely, if the rest of the people does not ἐμπορευθεῖ 575b.

(5). In Rep IV 424c-ε ανομία applies to the ultimate effect of lawlessness.

(6). This is suggested by the former passage and Plato's decision to interfere a second time in Sicily after his first failure, Rep VII 328b-329a, in spite of his awareness of the tyrannical characters of the government of Syracuse of what might be described as the παρανομία of the Italian and Sicilian customs.

(7). see eh. 4 Β of this thesis.
with by Socrates in the Euthyphro (1) and the 

Aelibiades I (2). Socrates does not consider, in 
these passages, παρανομία as 
such but rather διαφορά and 
στασις, discord and sedition 
between the individuals within a city (3), and war 
between the cities (4). Στασις 
however is conducive to παρανομία (5), 
just as ομονοια and ζέλον 
secure ευνομία (6). Thus Socrates' 
account of "conflict" or "sedition" may also express 
his views on the causes of lawlessness. 

These are connected with the moral appreciation 
of particular acts or human characters (7). It is a 
common belief of mankind that justice should be 

(1) 7b-8e. 
(2) 111b-2, 111e-112a, 112d, 111e, 116b-c. 
(3) της ὑποτατῆς λογίας των ἀθυμών. 
Euthyphro 7d, cp 8a. 
(4) αἰ πόλεως πρὸς ἀκροβακτον 
τοὺς, αἱ μὴ ταῦτα ἀληθῶς ἀρχηγόνοι. 
Ael I, 111e 
(5) In the Politicus (307c-d,) the conflict 
( ἐ ἀθυμών ) between courage and 
moderation results in περὶ τῶν μεγαλοτά 
νόμων within the cities. This 
includes certainly lawlessness as Rep VII 563d-e 
suggests. I take this passage, in which the disregard 
of the laws is referred to, to be a description of the 
diseased city. 
(6) Χερμ. Memor. IV, 4, 16, cited above. 
(7) περὶ δικαιοσύνης καὶ ἀθυμῶν 
καὶ πράγματα. Ael I, 111e-112a.
respected (1). The disagreement starts with the distinction between just and unjust acts (2). Since men are unable to determine a mark or character (3) which will make this distinction certain, they are "wandering" on this point (4). This confusion leads them to a practical relativism (5). In this situation, each individual, just like Euthyphro (5), and each city considers her own action as the standard of the just (6). It is easy then to adopt a selfish view and to consider as just what one thinks of as being in keepin with his interest (7). When this stage is reached, seditions, conflicts, one may add

(1) Τοῦτο γὰρ ὁ θεὸς οὐ τομημένος ἥργηζεν ὁ οὐτάς ἀμφιβολίας, ὡς οὖν, εἶπε τὸ δικαίου, δοτέον δικίν
Euthyphro 8c-d.

(2) Προλεγόμενοι περὶ διαφορομενοί οἱ οὐν δικαιῶς ὡς ἄνω τοῦ πεπραχθῆ, οἱ δὲ τὰ δικὰς
ibid 8c.

(3) ἐὰν ὦ ὁ θεὸς ἢ ἄρα ἤδεια 6e.

The determination must be founded or sufficient evidence τεκμηρίων 9a. Note the judicial terminology.

(4). Πλατ. νην, Alc. 1, 117c, 112d.

(5). P. Friedländer, op. cit. p. 83, maintains that Euthyphro, in his dealing with his father, acts according to the protagorean man-measure principle, because he says ὅπειρα μὲν ὁ ὁθονεν ἐκτιμήθη ὁ κεραυνοῦντοι, Euthyphro 5d. This view appears to me difficult to maintain. The protagorean principle applies to speculation, not to action, since there may be a ὅπειρα ὦ, who may have a superior understanding of the δικαίων in so far as the action of the individual and the city is concerned, Thaetetus 167c, cf. ch. 3d. III of this thesis.

(6). Euthyphro, l.c., op Alcibiades 11d.

(7) Δρομοὶ ἀλήθεια στικὰς ἰδουνται
ibid. 7e.
lawlessness, fatally arise within the city just as war is declared between the cities (1). Thus the ultimate source of lawlessness appears to be, according to Socrates, ἐπειδ' ἐστὶν ἀμαθία (2).

This ignorance consists of the fact that they contrast openly or not the just with the advantageous (3). They do so because they fail to understand that the really advantageous coincides with justice (4), whose οὖσία they are unable to grasp. So they are unable to avoid "missing the mark", i.e. the normal condition of the city, in their practical

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(1) Ἀκοποεῖν οἴτωτερα οὐνοίοις ἀρά θεῶν ἢ ν λέγεται
(2) ἐπειδ' ἐστὶν ἀμαθία  Αικ., 113d. This is an extreme attitude, since ὀκαίον is not referred to at all. The cities prefer usually to name ὀκαίον what is beneficial for them, Théqet 172a, op. Thuc 111 89. But when they faced critical circumstances and felt themselves stronger, they openly pursued their supposed self-interest without any care for the ἐντάξεις which required to describe their course as just, Thuc. V 86-112. In their dealings with Melos the Athenians spoke with a Παρ' ὁ θαλάσσα comparably to that referred to by Alcibiades.
(3) εἰ ἐπιτείνθησαι σὺν περὶ αὐτῷ γινεῖ  
(4) τὰ ὅπισθα ἐκ τοῦ κυρίου καὶ συμφέρονται ἔστιν 
ibid 116d.
decisions (1).

Socrates suggests two remedies for this abnormal situation. The best course would be to enable individuals and cities to distinguish with certainty a just from an unjust act just like one who deals with "heavier and lighter things". This would require the establishment of a μέτρον comparable to that used by the mathematicians in their measurements (2). So, if an art of measurement could be devised, which would be relevant to the settlement of practical problem, the city might secure ὑμόνοια (3) and cure itself from lawlessness.

(1) ἀρχὴ μὴ γαρ ἔργα ἔχειν τῷ πρατεῖν Ἀλ. I, 117d. The argument supporting that the just is necessarily advantageous is summarized in Alc I 116b-c., who acts secures the good for himself (ἀγαθὸν). If so, he acts in keeping with his true ὑμόνοια. Hence εἰ πρατεῖνειν secures both ἀγαθῶς and ὑμόνοια. Now, it, was assumed that the man performing just acts (τοὺς τὰ ὁρκαὶ ἑκαί πρατείοντας) was acting well and ὑμόνοιᾳ. Hence, the man who performs just acts in keeping with his own interest. The argument rests on the socratic view of ἁγαθὸν, dealt with in the IV of this chapter, and on the view that the true ὁρκαὶ belongs to the sphere of the just and not the unjust as Thrasymachus maintains in Rep I. This is so because the just corresponds to the normal condition of the soul.

(2) ὡς ἐν μὲν ἦν ὁ θεός καὶ ἦν ὁ ἄνθρωπος, Κυπερσίης p. 39, on 74a, says, "Right and wrong... were just the topics to the investigation of which Socrates sought to apply the methods which had proved so successful in mathematics".

(3) Ἀλ. I, 126d. One may suggest that political ὑμόνοια should be not fundamentally different from agreement in the field of mathematics, according to Socrates.
If this course is impossible, either because an ethical \( \mu \varepsilon \tau \rho \nu \tau \varepsilon \kappa \eta \) cannot be devised (1) or because, even if it could, the citizens would be unable to understand and apply it, the "second best" course would be to allow the competent man to define the standard of the just and unjust acts (2) and to accept his appreciation (3). In that way disorder will be avoided and peace (4) which is characteristic of the lawful city (5), will be secured.

This view is restated by Plato in the Republic. He says there that one may act lawfully even if he

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(1). Socrates never acknowledges this possibility, at least explicitly. Nevertheless, the insistence on his own ignorance, the reliance on the \( \varepsilon \pi \alpha \iota \omega \nu \) which would be meaningless in the sphere of mathematics, may express the feeling that such a \( \mu \varepsilon \tau \rho \nu \tau \varepsilon \kappa \eta \) is outside human reach. (2) \( \varepsilon \pi \iota \sigma \gamma \mu \varepsilon \nu \omega \varepsilon \pi \iota \tau \varepsilon \pi \iota \nu \). A1c 1, 117c.

(3). As Socrates himself does in the Crito, \( 47 \beta - \epsilon \), 48a. Such views may have influenced Aristotle's views on the \( \delta \pi \sigma \alpha \tau \alpha \iota \sigma \) as \( \kappa \alpha \nu \omega \nu \) and \( \mu \varepsilon \tau \rho \delta \alpha \nu \) of the right action, N.E. 1.166a 13, \( \varepsilon \pi \rho \theta \alpha \kappa \pi \varepsilon \zeta \lambda \varepsilon \kappa \sigma \lambda \) (Rose n 617).

(4) \( \pi \sigma \nu \chi \iota \alpha \nu \alpha \gamma \varepsilon \iota \nu \). A1c 1, 117d.

(5). The Spartan \( \delta \) taste for \( \pi \sigma \nu \chi \iota \alpha \) Thuc 1, 71, may be one of the reasons for their reputation as lawful.
obeys a rule of which he has no true understanding (1). A city may be lawful even if it imitates the decisions of the royal statesman, as they are applied in the "divine" city (2). Finally, the laws of the wise legislator can be "saved" even by magistrates, whose understanding does not exceed the level of "true belief" (3). A good illustration of this requirement is the status of the judicial function in the healthy city (4).

This important aspect of Plato's views on political authority may be considered as a fuller

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(1) αὐτὸν ὅν πάντι ὑπ’ ὅλον καὶ ὕπονομον 
 
 ἀρχηγὸν ἡμᾶς ἐν δίκης ἑαυτῷ, εἰ δὲ μὲν, ἐφεξῆς ἐφεστὶν Rep IX 590d.

(2). Politicus 301a. I think that the sort of true understanding of the model, i.e. the decisions of the "πολιτικός". Hence he may alter his decisions freely (299c-d) while the imitators, who are deprived from true understanding of the "πρὸς ἔστειλεν" of the true statesman, must abstain from changing their laws, which are copies of the true statesman's decision.

(3) οὐκ ἔστι τοὺς νόμους... οὗτας ἐπιστῶν 
 
 τοὺς μὲν διὰ ὑπονόμους, τοὺς δὲ οsons οὖν ἐν τοῖς... Laws 1, 631c. One may suggest that the notion of the right or true belief, as expressed in the Meno (97b), is meant to provide an adequate theoretical basis for this practice.

(4). See ch. 1 & II b and c of this thesis.
expression of the socratic requirement

In spite of the insistence on the theme of the
competent man, the socratic analysis of the
causes of lawlessness remains intellectualistic.
Political disorder arises from intellectual error on
behalf of the so-called "statesmen".

Socrates does not apparently make any allowance
which might anticipate the later platonic view,
according to which there might be some innate
disease of the soul which may account for the
conflicts between men (1) and the 

of the rulers of some actual historical

Sophist 223a. Stobaeus and the Bodleianus and
Venetus manuscript have "ek tivos diaforas
diaforas". I think however that
Galen's reading, which is adopted by Burnet, is more in
keeping with the later platonic view of guilt and
evil doing. In the Timaeus also, 36b, Plato suggests
a distinction between "nai" and
"ai". On the whole point.

cf. E.R. Dodds, Plato and the Irrational. op. cit.
p. 29.
Another point in which the later platonic treatment of political disorder is different from that of the aporetic dialogues concerns war between cities. The ignorance of the just is also the source of war, e.g. between Greeks and Trojans (2) or between Athenians and Lacedaemonians at Tanagra (3).

Although courage in war is considered as

\[ \kappa \alpha \rho \omega \nu \] (4), by Socrates, according to the common greek feeling (5), war is treated by him as an instance of \[ \delta \lambda \alpha \xi \varphi \sigma \rho \alpha \] (6). This implies that war is an abnormal or at least undesirable state of affairs, just

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(1). In the Laws III 691c the \[ \alpha \mu \alpha \delta \alpha \] of the kings of Argos and Messene caused the breakdowns of their kingdoms. This "ignorance" is due however to an interference of the desiring part of the soul \[ \eta \nu \alpha \nu \alpha \nu \tau \epsilon \kappa \alpha \iota \pi \omega \nu \alpha \nu \alpha \nu \] 689a. Therefore it appears to be equivalent to \[ \pi \xi \rho \omicron \omicron \nu \epsilon \beta \omicron \alpha \] (691a) and \[ \omega \theta \rho \omicron \omicron \] (691c). This acknowledgement of an irrational drive in the human soul, different from error, induced the old Plato to the doctrine of the mixed constitution (691e ff), according to which \[ \nu \alpha \] absolute sovereign will be allowed to exist, because of the corrupting influence of unlimited power, 691c-d. This remedy for lawlessness is entirely absent in the earlier dialogues.

(2). Alc I 112b.
(3). Ibid 112c.
(4). Alc I 115c, 116a. It is \[ \kappa \alpha \rho \omega \nu \] unless it leads to mischievous results.
(5). Expressed by Alcibiades in 115b.
(6). The examples of the Trojan war and Tanagra illustrate the point made in 111c about the

\[ \alpha \mu \rho \iota \omicron \beta \omicron \tau \nu \pi \omicron \omicron \] between the cities,

\[ \delta \mu \omicron \sigma \iota \alpha \iota \tau \rho \omicron \omicron \sigma \alpha \gamma \eta \alpha \]
like ἐὰν ὅρπα, ὅρπρυν' and ὁ ὀχαθίς (1).

Plato, in the Republic, departs from this standpoint and suggest that war, at least between greeks and barbarians is normal because it is between "aliens" (ἀγγειοριόι) (2). This restriction is not taken into account when the qualities of the future guardians are dealt with (3), or, in the Laws, when we are told that an advantageous result of internal concord is that the orderly city will be able to wage war more efficiently (4). One may infer that the mature Plato, even if he does not consider war as something highly valuable (5), would by no means treat it as an indication of a disorderly state of things, although he should do so in the light of his own view of ὁ ὀχαθίς. One might suggest that he indulges in a compromise, dictated by the awareness of the historical conditions of the greek city-life (6). The earlier socratic dialogues are, to a greater extend, free from this unavowed inconsistency.

(1). Cp Phaedo, 66b.
(2). Rep V 470b.
(3). Hence the theme of the ἐ-κ ν' αφ. Rep V 451d.
(4). Rep IV 422a, ff, Laws I 628b, we are told here that reconciliation between factions is highly desirable for the sake of προβεκτίν τοῖς νοοῦν τοῖς ἐξεεωδείς.
(5). In the Laws(I, 628a)war is ὁ δ' ... τῶν ἀριστών, ἀπὸ τῶν ἀναρκοὶν.
Chapter 3

Legislation in the Protagoras

I. Origin of Legislation

The traditional Greek view about the law of the city is that it is both divine and natural. Probably this view is connected with the belief in its antiquity. It is difficult to distinguish the natural from the very ancient. (1)

This view appears, in some way, in Protagoras' speech (320c - 326c). We are told there that by Zeus' decision, a "law", i.e. a divine decree is established which hinders anyone from being deprived of the sense of justice and reverence (322d). Justice, or rightness, and reverence are divine and so is political skill (322d). This amounts to the view that they are natural. (2)

Does this apply also to legislation? We are told in 318e that the political art enables one to govern rightly his household and city. This is obviously the same with the art revealed by Hermes to the mortals on behalf of Zeus. Although this is not stated in the dialogue, we can reasonably infer that legislation is the most important species of this art, because it is also an art ruling the city.

If so, legislation is τ' αρετή (3) and to say that it is a gift of Zeus is just a traditional way to express it. (4)

Protagoras presumably thinks that there is some natural inclination

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(1) D. Loenen, Protagoras and Greek Community, p. 86.
(2) This is not Pr. Kerferd's view in J. R. S. LXXII (1952), p. 43.
(4) Plato, in the Laws 1, 634e, 635c also thinks that the view of the divine origin of law is a wish of the lawgiver and political scientist. Of. Loenen, op.cit., p. 86.
in man towards social life but that it needs some extranatural power to actualize it. This is evident from the spontaneous but unsuccessful attempts of men to create polis, as long as they were deprived of political skill. Divine intervention, giving birth to legislation, happens to be successful when there is a most urgent need of it. This is the case with every human device and legislation seems to be the result of an intuitive discovery stimulated by need. (322b).

This is explicitly stated in 326d. We are told there that the laws are discovered by wise and able lawgivers. These may be related to the "old sophists" who concealed their real art (316d) or to the seven wise men, referred to in 342a (1), with the qualification that Protagoras would not admit the — perhaps ironical — socratic view of their doric culture.

Hermes, acting under the guidance of Zeus may be considered as a figure of what the wise lawgiver should be.

The wise lawgiver's discovery must be enacted by the decision of the community, if it is to be considered as a legal pattern (326d). It is noteworthy that this description is not so different from the account of the origin of law in Laws III 680b.

So, we may distinguish in the birth of legislation three main stages a. the social need of legislation b. the "divine" inspiration of the lawgiver, that leads to the discovery of legislative art c. its enactment by the community, which is the birth of the law proper.

(1) Most of whom were lawgivers as Zeller, "A History of Greek Philosophy from the earliest period to the time of Socrates", 1 p. 129 says. Morrison, in Durham University Journal, IX, 1947-48, pp. 55, 58-59 observes that they were also considered as "sophists".
The legislative art and the law are by no means the result of personal and arbitrary inspiration (1). Neither are they the expression of a somewhat artificial contract, although we may read in 326d the idea of a voluntary acceptance of law by the community. This implies that the law is enacted through some sort of covenant. (2) The origin of legislation is different from that of the other Because it is not only the result of a spontaneous, i.e., fortuitous process.

It is rather the outgrowth of the convergence of the three factors described. This being so, it is in itself a progress and by no means a decay or even a "second best" (3). Thus, it may not be opposed to the claims of nature, as Hippias maintained and is by no means a "tyrant". (4)

It may be added that, for Protagoras, as for Plato, the moral generation of legislation precedes the enactment of the written law. On the tacit assumption that communities and individuals develop on the same lines, presumably νόμιμα, i.e., the socially established moral standards appear first (325d). They are systematized and established as written laws by the "body politic" (326e) through the counsel of the wise statesman (326e-6).

(5)

II. Who is the Legislator

Protagoras says that the holder of the legislative power

(1) Cf. Loenen, p. 73.
(2) For the distinction between contract and covenant see M. Oakeshott's introduction to Hobbes' Leviathan, p. xxxviii and J. W. Gough, The Social Contract, p. 3.
(3) W. G. Guthrie, In the Beginning, pp. 50-61.
(4) See E. Heinmann, Nomos und Physis, p. 117. C. M. Gillespie in Mind XIX (NS) 1910, pp. 470-492 wrongly assumes that Protagoras admitted the nomos-physis opposition.
and authority is the city -- \( \Pi \sigma \) (326c-e, Thætætus 167b-c, 177c) when he enacts as law the counsel of the wise and establishes moral standards, \( \dot{\iota} \pi \nu \gamma \rho \alpha \rho \varepsilon \iota \nu \) (326d).

He does not make precise what the nature of the polis really is. Presumably the polis is an ethical entity grounded on the moral unity of the citizens. This is secured by the fact that all citizens share identical feelings about the honourable, \( \kappa \alpha \rho \nu \) and the right, \( \delta \iota \kappa \alpha \iota \nu \) (322c, 322d). This involves sharing identical beliefs, about what moral standards should be (325d), and displaying the identical virtues of rightness and moderation.

So, the city as legislator is functionally defined, through the description of her educational and coercive function. (326d) (1) Protagoras follows on this point the Greek political tradition as Loenen convincingly demonstrates (2). The same mode of thinking appears in Thætætus 167c.

Now, the city is not only defined as legislator, since Protagoras allusively recognizes her as a physical reality too. (322c). When the former function is specifically referred to, Protagoras uses the expression \( \kappa \alpha \iota \nu \nu \nu \; \tau \iota \nu \; \pi \sigma \; \varepsilon \iota \) i.e. "body politic" (319d, Thætætus 172b). Obviously, this "body politic" is the totality of the citizens, whether assembled or not, as far as their common legislative will and decision is concerned.

So, the city or the body politic is the sole legislator.
The wise lawgiver acts only as adviser and counsel. He may be the source of legal suggestions as in 326d but the city is free to admit or reject them.

(1) G. Calogero, Il Protagora di Platone, p. 54.
This view is obviously akin to those of Pausanias, when he deals with the Greek "erotic law" in Symposium 162b-6. He says that the Athenian or Doric communities are responsible for this "law" although he pays some regard towards moral traditions of the respective communities. Similar is the meaning of the "legislator of language" in Cratylus 389d. As Taylor says, this is a reference to the linguistic tradition of a community.

There is no, however, such hint in Protagoras' speech. Moreover, in the Thaetetetus (167, 172, 176-178), the legislating city is such because she has the will and power to enact her decisions. Obviously there can be no moral authority when there is no effective ability to exercise it. On the whole Protagoras' thinking on the matter is more positivistic than Pausanias'.

This is very close to some platonic utterances. Plato also suggests that the city is the sovereign (Crito 50a, Laws 1, 645b, 111 691c-d). These however are statements of what the good citizen is expected to believe or views relevant to a historical analysis leading to probability but not necessarily to truth. (1)

III. Scope and Principles of Legislation

Protagoras thinks that the sovereign city has a mainly educative function. She proceeds as an elementary schoolmaster γραμματίσμος - (326d), who establishes outlines, so that children will be taught correct writing (2). The community draws legal and moral ἱπποχραφάδισ which must contain and lead the whole individual and social life of the citizens. Not only the evident acts but also the conscious or unconscious beliefs that these imply are to be regulated.

(1) So, E. Weil, Archeologie de Platon (ed. of Laws III), p. 58.
(2) See, J. Adam ad l. p. 123 for the legislator's ἱπποχραφάδισ,
Laws V 734c.
The term ἡπόγραφον suggests however that the legislator must satisfy himself with the enactment of a general moral and legal code, without seeking to establish too minute a legislation. This may take the form of an appraisal of the already existing customary patterns of behaviour νόμιμα (325a), which of course implies the acceptance of adequate moral standards (327b). Similar is the proceeding of Pausanias in Symposium 182b–c. For him obviously


Plato would not disagree with this view. His view of the law in Republic II 383c describes it as a ὁνομαζόντας, pattern, which is expected to mould the souls and behaviour of the citizens according to the right standards, as grasped by the lawgiver's wisdom (III 403b). As the correct development of legislation depends mainly on its starting point, it is superfluous to elaborate minute codes about trivialities (IV 425b–d).

The agreement with Protagoras ends when this view is admitted by him without qualification. The above stated theory is - Plato thinks - only relevant to the healthy city, whereas it is considered by Protagoras as a universal principle.

This lack of precision of Protagoras' view is presumably due to the fact that, in our dialogue, he appears mainly as a political thinker, not really interested in theory of knowledge (1) as such. This was probably the most important side of his thought and activity, as the whole ancient tradition confirms. Reference however is to be made to the Thaetetus, in order to

(1) So E. Schwartz, Ethik der Griechen, p. 77.
grasp the epistemology of legislation. That there is some connection between Protagoras' epistemology and his practical philosophy is also suggested by Prot. 334c.

The famous statement that "man is the measure" (Thaetetus 151e, 160e, 166d, 167d, 171c etc.) is also relevant to the city as legislator. This is so since "for every city the right and honourable is what she considers as such, so long as she does." (cf. 172a-b) So the assent of the city is the "measure" of the socially desirable.

We cannot deal here analytically with the μέτρον problem.

Sextus Empiricus (1) says that μέτρον = κριτήριον, i.e. the characteristic sign which enables us to distinguish a true from a false statement. This κριτήριον is the assent or value which the city confers on her legal enactments, so long as she does so. This makes perfectly good sense with the qualification that μέτρον enables us to distinguish not between true and false but between right and wrong or rather advantageous and disadvantageous statements (2).

As far as the activity of the community is concerned, Protagoras avoids the term ἀγνοεία. Socrates introduces it in (172a) the Theaetetus in his account of Protagoras' political relativism but τῆς ἀγνοείας may mean "effectively". Protagoras is obviously reluctant to use the term, because of its realist connotation in Greek, and is unconsciously bent on admitting the aristotelian distinction of ὁρδόν standard of

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(1) Outlines of Pyrrhonism, p. 216.
practical statement, and áγνίδες standard of theoretical judgement (1).

There is no explicit reference by Protagoras to the standard of the right as legislative principle. One evidence is the well known anecdote of Plutarch (2). Protagoras seeks here to determine penal responsibility in accordance with ὀρθότατος. This is obviously the right standard, securing the determination of the really responsible, and, by no means, the "persuasive" or "successful" discourse as H. Untersteiner thinks (3).

This is a slight piece of evidence. We may however infer from it that the standard of right - if used at all - should apply both to the relation of a particular enactment with the ἐπιθέσεις of the community and to its relevance to the particular circumstances, i.e. opportunity. This is substantiated by the fact that Protagoras is said to have precise views on καιρός (4).

The standard however referred to in the Thasctetus is what the community takes as advantageous for herself (167b-c). This is defined as ἁρπτιόν and χρόνοτον. Now, the measure of the advantageous is the fact that the community acknowledges it as such. Although Protagoras is said to consider áγνίδεα as irrelevant to the practical judgement or to equate it with subjective approval of a practical standard (5), he is compelled to refer to what is really advantageous to the community, as contrasted with what is only apparently so (167c)

(1) Nic. Ethics, VI, ch. 1.
(2) Pericles 36.
(3) ed. of Protagoras' text in Sofisti, II, p. 25.
(4) Diog. La. IX, 52.
This leads to the interference of the wise man, comparable with the physician (Th. 167a) or with the orator (167d). He is able to grasp what is really advantageous either to the individual or to the community and to suggest it to them by using the adequate means. This is so because the wise man - of whom one species are the already mentioned ancient lawgivers of Prot. 326d - is possessed with εὐβουγία, i.e. practical wisdom (1), which Protagoras claims to be qualified to teach. This practical insight about what should be done is very similar to the "science of shadows" described in the Republic VII - 517a.

It can be adequately expressed as δόξα, in that context practical judgement rather than "belief" (2). Doxa may be related either to the αἴσθησις of the community feeling of what the particular circumstances require (179c), or to what the wise man perceives intuitively as such. In that case the latter doxa improves the former. Then, the assent of the community is no more the standard of the advantageous legal decision. This is rather her belief that the wise man - thanks to his εὐβουγία, has a more adequate view of what the moment requires. So, the community is disposed to abandon her own former δόξα for the sake of a new one, thought of as more advantageous to her (3).

It is reasonable however to infer that during the supposed modification of the practical decisions of the city there is no

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(1) Jowett, Dialogues of Plato3, p. 140, translates it as "prudence".
(2) N. Gulley, Plato's Theory of Knowledge, p. 87 equates δόξα with belief. But, as L.M. Gombrich, An Examination of Plato's Doctrines, II, p. 53 says, doxa defines the mainly practical decision resulting from a mental process, which may or may not lead to truth, δόξα is necessarily a belief for him who admits it, not for the man who expresses it. For its practical character, Meno 97b.
(3) N.E. Cornford, Plato's Theory of Knowledge, p. 81.
legal enactment at all. So, the inference to which Protagoras is politically led is legal positivism. A law is right and fair as long as it is really enacted as such by the community, with the qualification however that the legislative community reserves to herself the right to modify this law, if she is convinced by a wise and experienced statesman to do so.

The contrast between Protagoras' and Plato's epistemology has probably been overstressed, at least as far as philosophy of law is involved. The advantageous - ὅψημον - for the whole of the community is at least as important a legislative principle for Plato as it is for Protagoras (1). This is so in the Republic (II 379b, V 462d-e). In some cases, Plato says that the advantageous is the standard of what is to be held as sacred and honourable within the community (V 462d-e).

Generally the advantageous is connected with the right ὅψημον which depends on the insight into the true scale of practical values (Laws I, 631a-d, cf. IV 705e). So, the advantageous is really so if it is reduced to the right. This must reflect the true Scala bonorum and so it depends on the good. This is however the case for the philosopher, or the wise lawgiver. As far as the non-philosopher citizen's conduct is at stake, the legal decision is not connected with the true ἄγνοια but with the "good" χρονοτόν whose epistemological status is doxa, and not science (Crito 47a-e). In the Crito, a δοξα is good - χρονοτόν - or bad - κακί - , not true or false (2).

(1) As Loenen, op. cit. p. 60 says. See ch. 2 § 111, IV.
(2) This is adequately precised by W. Lutoslawski, A Growth of Plato's Logic, p. 201 (London 1937). In the Crito the validity of the law depends on the competent man's insight into the normal condition of the soul, although the citizen's conduct is satisfactory if he submits to the ἐπαινον. See ch. I, § II. of this thesis.
The expected attitude of the citizen towards it is that of an emotional submission (47d) and the legal enactment must probably appear to the citizen as a principle to be believed, not a proposition to be discussed. Therefore it is described as doxa.

The attitude expected from the non-philosopher magistrate in the Politicus (297d) is not very different. Probably his duty is to believe what he understands as the δόξα of the wise lawgiver. He must abstain from scrutinizing too closely the wise lawgiver's decisions, since he is unable to grasp their ultimate principles.

So, what the right minded citizen or magistrate can grasp from the wise lawgiver's decisions, and what the latter may say to the former for their persuasion is not very alien from what Protagoras says.

IV. Functions of Legislation

The scope of legislation is as broad for Protagoras as it is for Plato. The whole citizen's life falls within its field. Presumably this view may be referred to the generality and vagueness of the Greek view of law.

The most important task of the legislator is however the regulation of political power, understood in its executive sense. This is described as ἀρχεῖν καὶ ἀρχεσθαι (326d). It is obvious then that the legislator's most urgent duty is to establish a πολιτεία i.e. the constitutional law of the state. So, he will be able, to precise who is the κύριον τῆς πόλεως (1) and how the ἀρχή is to be

(1) Aristotle, Politics, III, 4, 1278b 10.
exercised. The urgency of this task is due to the fact that all

The urgency of this task is due to the fact that all citizens are likely to be endowed successively with such a responsibility. Moreover, their whole life is otherwise connected with it.

This function, however, cannot be spontaneously and fortuitously exercised. It implies first a δίαμοιρα (322a). This means that man naturally is endowed with some sense of divine reverence (1) which leads to the respect of the city. So, the future citizen is likely to feel reverence and rightness (322c). The city has to develop them into actual and active virtues (2).

This educational task is first performed by means of νόμιμο, which, as moral standards embodied in social customs, are implicit and unwritten statements on the pattern of conduct approved by the city (325a, 327b) (3). This is described as a moral Γροσθή (4), secured indirectly by the city and directly by the parents or the “tutor,” παιδαγωγός (325c). It is noteworthy that, in a sense, every citizen contributes to it (327b) and so he is in some way a legislator (5).

This nurture is followed by a more intellectual and spiritual instruction, whose aim is however identical (325d-326c). This is bestowed by the schoolmaster (325d) and the master of gymnastics. This view reflects common Greek practice.

(2) As Adam, Protagoras, p. 115 ad 1, says. Cf. Loenen, op. cit, 71.
(3) In Herodotus νόμιμον or νόμον καθιστώναλ = νόμιμων τι ἀρτόν. So, in IV 63, 68, 103.
(4) Although Protagoras does not use the term. Cf. Ch. I § II.
(5) The statement of 317a simply points out that the citizens are often unable to do so. Vlastos, in his Introduction to Protagoras (Liberal Arts ed. p. xx), makes too important a case of it.
and presumably Protagoras' own policy, as lawgiver of Thurii (1).

The physical training aims at a merely negative purpose, i.e. to suppress any hindrance likely to make the citizen unfit for the performance of his political duty.

The intellectual education (325e-326b) is very akin to platonic μονοκλίνον. As in Plato, it includes intellectual and literary education as well as music in the strict sense.

The means are bright examples of the historical and literary tradition and molding of the pupil's personality through musical techniques. These are combined with compulsory devices, consisting probably of threats of corporal punishment (326b). (2)

The expected results are described as orderly manners

εὐκοσμία — (325e), quietness and harmonious, i.e. rightly adjusted character (326b). The most important is obviously the third feature, as it secures a fitness to the future citizen's function, i.e. αὐρχεῖν καὶ αὐρχεῖται (3)

The third stage is the education directly afforded by the law (326d fol.). While the two former stages were indirectly secured by the community and largely depended on the parent's social and financial status (326c), this is secured directly by the legislator. As all are expected to share in the κοινὸν ἀνθρώπων all have to understand the letter and the spirit of the law and to behave according to them. This is a universal education (4) and no citizen may be deprived of or ignore it (327a). So all will act responsibly and not fortuitously (326d).

(1) So, G. Morrow, Cretan City, pp. 319-320 and 321 n. 8.
(2) For Plato's position on this point cf. G. Morrow op. cit. p. 339.
(3) So, G. Calogero, p. 53 on 326b.
There is a heavy stress on the compulsory character of this type of education (1). This may be referred to the universality of this education by the law. Nevertheless, Protagoras understood in a more authoritarian way than Plato the legislator-citizen relation and he never exalts persuasion above compulsion as Plato does (2), the \( \varepsilon \iota \kappa \gamma \iota \pi \rho \alpha \tau \iota \varepsilon i \nu \) being particularly hateful to Protagoras. Protagoras stresses — in spite of his alleged liberalism (3) — \( \alpha \nu \alpha \gamma \kappa \eta \) more than \( \pi \nu \iota \delta \omega \)s.

There is presumably some connection between this view and Protagoras' educational endeavour, as he himself describes it in 318c-319a. He says that he aims at enabling young men "to speak and act for the best in the affairs of the state," by developing their ability to reach a correct decision.

This agrees with what he says in Theaetetus 167c. We are told there that "the wise and good rhetoricians make the good instead of the evil to seem just to states".

This substantiates the view that his whole activity was directed towards \( \alpha \rho \chi \varepsilon i \nu \) rather than \( \alpha \rho \chi \varepsilon \iota \theta \alpha i \) and only partially coincided with the legislator's education, as he understood it (4).

The above stated views are not really different from what Plato says on \( \pi \alpha \ddot{d} \varepsilon \iota \alpha \) in the Republic and the Laws (5).

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1. The term \( \alpha \nu \alpha \gamma \kappa \eta \) is repeated thrice from 326c 5 to 326d 8.
2. F. inst., in Laws IV 720c. See also ch. I § III, ch. 2 § III of this thesis.
3. For such a view, E. A. Havelock, The Liberal Temper in Greek Politics, p. 167. Havelock's inference that Protagoras is "liberal" because he does not admit a priori and eternal truths is by no means evident.
4. J. S. Morrison in Classical Quarterly XXXV (1940), p. 8 observes that the term \( \alpha \gamma \alpha \delta \sigma \pi \nu \iota \iota \iota \zeta \varsigma \) used in 319a is ambiguous while \( \nu \iota \beta \omega \omega \gamma \iota \alpha \) is a quality of the able statesman only.
5. A recent analysis of the latter is afforded by G. Morrow op. cit. ch. VII.
The general view that sound education is the main function of the legislator is common to both (e.g. Laws II 659c). The educational stages are roughly identical although in Plato the legislator is more involved with the whole of education whereas in the Protagoras its earlier stages are relatively independent of him. This analogy is an evidence of their common dependence on the Greek historical background.

There are however two important differences between them. Protagoras excludes scientific knowledge from his own educational activity (318e-319a) and leaves it unmentioned in his analysis of the education of the community. Plato reserves it to the future magistrates (Rep. VII 525c). Mathematical knowledge is particularly connected with leadership, as a revelation of order and logical necessity (1).

This leads us to state the second difference concerning the extension of education. Protagoras thinks that education - and especially the most important part of it, education through law - is to be extended to all the citizens (322c, 325a, 327b). This is so because the political activity is universal and inherent in the very character of mankind. So everybody acts as an educator and a pupil (327b). The will of the citizen coincides with the purpose of law and there can be no competition in that sphere (327c), whatever may be the moral shortcomings of the citizen as an individual. So, the craftsmen or traders are to be educated just as the other citizens (324c) (2). The

(1) So, G. Morrow op.cit., p. 345.
(2) Vlastos op.cit., p. 11 n. 2 thinks that this applies also to the slaves.
ground of this view is that political art has a particular status which can not be similar to that of the other arts.

Plato would probably not agree with such a view, although his thinking on this point has been oversimplified. (1) A craftsman cannot be a real citizen (Laws VIII 346d) and must not be educated as if he could. The ground of such a view is a. the political art qua art is not different from the other arts and requires not only intellectual but also moral competence. b. the citizen's activity and life does not leave enough "leisure time" for a lucrative profession (Laws V 7â€²1e and fol.) (2).

As the Greeks usually held, the legislator is endowed with the right of punishment (3). This is widely understood, so that everybody acting on behalf of the legislator may exercise it. So it does not strictly coincide with what is now described as "penal law". The penal function arises from the educational one and is to be understood as complementary to it. This is vividly stated in 325b.

"And if he obeys, well and good; if not, he is straightened by threats and blows, like a piece of bent or warped wood."

Punishment is grounded on a view of responsibility stated from 323c to 324c. Protagoras is reported by Plutarch (4) to be interested in this problem. He says that the responsible is the

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(1) Cf. Laws I 665c, Rep. IX 590c where some kind of moral equality is the aim of the legislator. For a sound discussion of this aspect of Plato's political thought see V. Goldschmidt, Le Paradigme dans la Théorie Platonicienne de L'Action Revue des Études Grecques, LVIII, 1945, pp. 129, 155, 159. Socrates, in the earlier dialogues stands nearer to Protagoras. See ch. 2 § III of this thesis.

(2) See ch. 2. § I b. of this thesis.


(4) Pericles 36.
cause - aitios - of a particular event, whether he acted voluntarily or not. Responsibility is determined according to the standard of ὁρθὸς ἁγέας.

So, the notion of responsibility covers even inanimate things, as far as they produced the wrong result. Our dialogue expresses quite different views on this point, probably because responsibility is not considered as such but in connection with penal law. It is stated as an evidence of the "teachability" of virtue (323c). We are no more to answer for what we are naturally than in the case of a fortuitous weakness or ugliness (1). One is held to be responsible either for his voluntary shortcomings or for his neglect to improve himself through the available educational possibilities and cultural influence (323d) (2). We are told that "... if a man is wanting in those good qualities which are attained by study, exercise and teaching, and has only the contrary evil qualities, other men are angry with him, and punish and reprove him."

This is described as Athenian practice that Protagoras obviously agrees with. It leads to a rather wide view of responsibility, including acts, evil qualities and, in some way, the absence of the socially desirable good ones. (3)

The same wide view is held of methods of punishment, far less strictly understood than now (323d, 323e). To punish is

(1) It is then obvious that χρόνος refers here to physical nature. This is illustrated by the following examples of weakness or ugliness. Physia understood in that way has nothing to do with ethical standard because it may be the result of fortuitous connection of events, ἔτη. But, we cannot say that ἀίδως and ὁμοίαν are χρόνοι in that sense. If they are so, χρόνοι must be understood as the whole innate - and susceptible to grow and develop - world of man.

(2) A. Adkins, Merit, p. 295, observes that, in that way, aitios and ἐκοῦσιν depend on each other.

(3) This is also evidence that Protagoras is far from being a "liberal".
mainly "to be angry with", to blame and to qualify anyone's act as
\( \alpha i \varepsilon x \rho \omicron \nu \) (1). Only the really incurable is to be banished
or sentenced to death (325a-325b).

Punishment is an educational practice, as Protagoras says
when he deals with the ends of penal practice. He thoroughly
rejects the retributive view, which identifies punishment to
vengeance and is the archaic one, predominant when the clan-links
were strong and written law not sufficiently developed (2).
Although Protagoras uses interchangeably the terms \( \tau i m \omega \rho e i \tau a i \)
relevant to the retributive view, and \( \kappa [t] \alpha \lambda \epsilon \tau i \), referring
to the educative and preventive view of punishment, he stands for
the latter (3). In 324 ab he says

"No one punishes the evil-doer for the reason that he has
done wrong, only the unreasonable fury of the beast acts in that
manner. But he who desires to inflict rational punishment does
not retaliate for a past wrong which cannot be undone; he has
regard to the future, and is desirous that the man who is punished
and he who sees him punished, may be deterred from doing evil
again."

The purpose of punishment is educative up to a point.
What is sought is to redress and amend the offender's personality
(325d-326e). Nevertheless this appears to be somewhat secondary,

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(1) As Adkins op. cit., p. 170 n. 10 apparently suggests,
Protagoras gets rid of the ambiguity of \( \alpha i \varepsilon x \rho \omicron \nu \) =
shameful and ugly. Obviously Protagoras uses that in the
former sense. In 323d-e \( \nu o u \delta e i \tau i \) is closely
associated to \( \delta \mu o i \tau a i \) as is \( \delta \mu o i \) to \( \kappa [t] \alpha \lambda \epsilon \tau i \).

(2) Such is the Ermyes' view in Aeschylus, Choepora v 310 and
fol.

(3) As Calogero says on 324 ab (p. 48), Protagoras is unaware of
Aristotle's distinction of the terms, in Rhetoric 1, ch. X,
1369b 12.
the primary aim being to prevent the possible future evil and the social disorder this implies (324b). So Protagoras is led to admit that punishment may have also an "exemplary" aim. It is inflicted, so that by its "example" everybody may be deterred from acting mischievously (ib).

Moreover, Protagoras thinks that "he who rebels against instruction and punishment is either exiled or condemned to death under the notion that he is incurable." (325a-b, esp. 325b 5-7). This statement, which was foretold in the traditional language of 322a, is utterly inconsistent with the educative aim (325a). Given Protagoras' view of man, to put one into death is to annihilate him, not to improve or educate him.

Protagoras presumably refers to two rather loosely connected theories of punishment. The educative is his own. The exclusion from the city by way of banishment or death may be a survivance of the ritual, archaic view on this point. The traditional link from the educative to the retributive view is provided by the concepts of prevention and example (1).

The above stated views may be considered as a foreshadow of what Plato has to say on this point (2). Plato admits both the educative and an exemplary purpose of the penal procedure (Laws IX 654a), even the view of the annihilation of the evil-doer (Gorgias 525a). He is nevertheless consistent with himself in doing so, because even death is profitable, as the necessary purification, to the incurable evil-doer who suffers it (3). It is so because chastisement re-establishes in the culprit's soul the real κόρασις (Gorgias 505c) (4).

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(1) On this subject, W. Nestle, Protagoras', pp. 98 and 101 n. 27.
(2) I don't take into account Laws IX in detail.
(3) Gorgias 477e-479e and Dodds ed 1 p. 254.
(4) As Pr. R. Robinson, Plato's Earlier Dialectic?, pp. 12-15 says even the socratic εγγενείς amounts to a kind of spiritual κόρασις.
Anthropological Implications

Protagoras, like Plato, underlines the importance of what Montesquieu describes as a "ressort de la Legislation" (1). The effectiveness of the legislation requires a general reverence on behalf of the citizen towards social and moral values. This must be exercised as virtue. The legislator has therefore to state what human nature should be, in order to shape the citizen in accordance with his own requirements.

Protagoras deals with brevity and ambiguity with this point. As far as he does, he is partly inconsistent with his general view of law which was described as legal positivism. If he was consistently positivist, such a problem should be superfluous to him. It should be sufficient for the law to exist.

He says of course in 323c that "political virtue" is neither natural nor fortuitous. As it was described as a gift of Zeus in 322c, many scholars found an inconsistency between those two statements, while Pr. Kerferd inferred that according to Protagoras political virtue is by no means "natural". In his view it is simply equally imparted to all citizens though not all are equally endowed with it (2). Pr. Kerferd neglects the previous reference to δεια μοίρα, the various possible senses of φυσικά in Greek terminology. It may be observed that 323c 5 refers to ἀρετὴς of 323c 4. This again refers to δικαιοσύνης - ἀφοροσύνης of 323a 1. This again is equivalent to δικαιοσύνης τῆς καὶ τῆς ἀγορᾶς ἀρετὴς of 323c 6-7. This is a strong evidence of Protagoras!

(1) Esprit des Lois, Book III, chs. I to IX.
(2) J.R.S. LXXII (1952), p. 43.
distinction between the case of δικαιοσύνη - ὀφρυσύνη and that of αἰσθής - ἰκνη. Even if the former is not φιλοσ (1), reverence (αισθής) and righteousness (ἰκνη) of man are so, since they imply the natural abilities included in ἴημοιρα, b. as gifts of Zeus through Hermes (2). So, the legislator must assume that man is a perfectible being, as the discovery of fire, this symbol of his cultural potentialities, (3), substantiates.

The legislator also must assume a trend in man towards communication with his fellows. He relies for this on the development of language (322a, 327c-328a, cf. 327b). In 322 language is described as an art. This however is particularly connected with its ἴηροφρους, i.e. its formal order. In 327c-328a, language is described as a universal feature of mankind, as is the social and political instinct. In 327b we are told that this is so because through the medium of language is secured the socially and "legally" desirable education of each citizen by his fellow citizens (4).

This implies that the most important function of language is an ethical appraisal of one's behaviour by his fellow citizens and the legislator. Protagoras presumably, as any other ancient

(1) Although if Protagoras rejects this view in 323c, he does so because he feels that φιλοσ is connected with αὐτόματον or at least that this may be the case.

Now, Protagoras obviously hates αὐτόματον as much as εἰκα πρατεῖν.

(2) "The divine gift" is in Plato's and probably Protagoras' language a solemn terminology to describe some innate quality or instinct, Ion 535b, 534c, 535a, not deprived of some character of irrationality, as opposed to τέχνη. Neither ὄρεστος nor ἴημοιρα may refer to a quality shaped through "exercise", "art" or education. If then the least important "arts" are according to Protagoras the result of "divine dispensation", is it sound to suggest that αἰσθής and ἰκνη are something artificial?

(3) So, Nestle, op. cit., p. 96 on ἴημοιρα of 322a.

(4) ἴηρείν and σιδηροθέκειν refer to the same act of social education.
thinker, would never imagine dealing with "communication media" for their own sake (1).

This function would remain however a mere requirement, if mankind would have been deprived of reverence and righteousness. Reverence is natural, because it is a characteristic feature of human nature, animals being deprived of it (2). Reverence, in Plato, is a species of fear, mainly the fear of one's fellow citizens and the blame he may suffer if he infringes the law or moral custom (Laws II b 71d). It is therefore a social link and, as such, creative of "friendship" (322c). This is so because all citizens feel the same reverence towards the law. So, they escape moral loneliness, since they instinctively avoid any act prohibited by the standards established by the legislator.

Through aidos the citizen's intimacy with these standards grows and so, in spite of Antiphon, (5) they respect them even in the case of absence of direct social pressure for that purpose.

Thanks to his reverence, a man becomes a citizen because he abandons his natural - animal - inclination towards ἑρόσ, which would lead him to increase without limitation his personal power or share of goods, being indifferent to the prejudice caused to his country men or the community (4). He is in that case ἄθικος, since he respects his fellow citizens ἄθικοι (327b 3) i.e. legal claims and more

(1) Aristotle refers to this tradition when he says that men is a "political animal" because he is able to praise or blame through language one's acts. Politics I, ch I, 1253a 10-20.
(2) This is a traditional Greek view, as Nestle observes, aptly quoting Hesiod's Ἐρωτ. v. 192, 199.
(3) Quoted by Gough, Social Contract, p. 11.
(4) Such would be the case if he adopted the τιμή standard. See J. S. Morrison CQ XXXV (1940), p. 10 n. 4.
generally what agrees with law and justice, \( \dot{\text{dikaioc}} \) (325d 2).

So he may be described as a righteous man, possessing the feeling of \( \dot{\text{dikaios}} \) (1).

Righteousness is therefore a species of reverence, i.e. that part of reverence connected with others' rights. In another sense righteousness may be positively what "reverence" or rather shame is negatively. Shame arises when one is inclined to neglect or suppress what his own sense of righteousness obliges him to do or avoid (2). Nevertheless reverence may be the outgrowth of righteousness, since this involves traditionally a fear of a chastising authority, wherever external or internal (3).

These feelings, when actualized through the legislator's education, evolve into justice (\( \dot{\text{dikaios}} \)) and moderation (\( \dot{\text{tempe}} \)) (323a) (4). Protagoras, as Socrates does in Republic 1, considers these virtues as arts. This means a. that they are teachable and rational (5) b. that they permit a successful action meeting the requirements of opportunity. They prevent fortuitous agitation which is not only lawless but also regardless of \( \text{kaipos} \). They differ however from the other arts, since their exercise does not raise competition (323a-b).

To possess them apparently and not really is more or less satisfactory (323b 5). This is so because the legislator's requirements are not openly challenged, as the \( \dot{\text{agroio}} \) would have done. Moreover, Protagoras does not accept the opposition

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(1) I take \( \dot{\text{dikaios}} \) of 327b 3 as a substantive = rights.


(3) So, L. Pearson, Popular Ethics in Ancient Greece, p. 45.

(4) To translate invariably \( \dot{\text{tempe}} \) by temperance seems in many cases misleading.

(5) So, Vlastos, op. cit., p. xi.
of appearance and reality, since the seeming is real. Therefore to
grant to these virtues is appearance is to secure them some
degree of reality. Viewed in their interconnection and in their
application to the city-cult, i.e. holiness (1), they constitute
the "good man's" (325a) i.e. the man as required by the
legislator-virtue.

Probably this conception of appearance and reality is the
most unplatonic part of Protagoras' politics. When Protagoras
deals with moderation, he describes it as the virtue which enables
someone to act advantageously, by escaping any open conflict with
existing social standards (332a-b). So, he will avoid acting
disorderly and unreasonably, which is qualified as
κακοσύγκειν (326a). This view is admittedly loose and
vague. Nevertheless, if pressed hard it may be recognized as a
sound view of moderation, comparable to that required from the
lower class or element by the platonic legislator (2).

Similar is the case of courage. We are told of a "manly"
virtue in 325a (3). This however does not formally include
courage. Obviously Protagoras refers to manly excellence in
general more than to courage in the narrow military sense. As
Nestle says (4), the legislator of Protagoras here establishes as
an educational ideal the homeric αἰὲν ἀριστεύειν καὶ
ὑπεροχον ἐμεναὶ ὑψιων (Homer IL-VII 706).

(1) For the Greeks to be pious is to be respectful of the gods
θεωρησαι θεωρησαι. Buthyphro and Socrates take for
granted the general connection τοῦκαιών-θεοίον.
For a recent discussion of this point see P. S. Bluck, Plato's
Meno, pp. 261-262.
(2) 323c simply points to a common V century topos, that the
μεθορεύον man may act for his own disadvantage and so be
the opposite of the traditional view of θεωρησαι. He is
for tradition the man acting "sensibly" and not through
"madness". Cf. Tuckey, Charmides, p. 7-15, quoting the
alleged etymology θεωρησαι λόγοις-γνωσιν
(3) Nestle, p. 103 compares it with Euripides's
(4) P. 107 n. 17. Calogero, p. 52, correctly explains it as
"incitamento ad alte cose".
Protagoras is suspicious of courage. He is inclined to identify it with daring spirit which may easily turn into blind and lawless temerity (329e, 349d). This criticism implies the average Greek view describing courage as fearlessness of death and, more extensively, of anything frightful (1).

Protagoras then is understandably reluctant to admit courage as a virtue desirable from the legislator's standpoint, since it can so easily be corrupted into \(\delta\)\(\theta\)\(p\)\(i\)\(a\). Now, Socrates thinks that this view of courage is wrong on the ground that it implies science and wisdom of what is really to be feared (2). Plato qualifies later Socrates' or his own earlier view by observing that courage for the subordinate element of the community is to maintain internally the legislator's view about what is to be feared (Rep. 4,30b). For that element courage is an opinion and not a science. So, there is a conciliation of courage and law (3).

In spite of this, Plato seems to feel uncertain on the matter, if the criticism of Doric constitutions and Tyrtaeus' educational ideal (Laws I, 629c) may be taken into account. We are told in the Laws that courage is the lowest virtue (I, 631d). To that is added the view that courage may turn into blind temerity (641c). The conclusion is that victory in war is by no means a standard of appreciation of a healthy state of politics (1628c-d, 639a-b). This view is not so alien to Protagoras' reluctance towards courage. Protagoras seems also reluctant to accept pleasure as an ethical standard (351c). In doing so, he probably

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(2) Socrates' criticism of Nicias' definition in Laches 195a simply points to the fact that the science of the future cannot differ from science as such. The definition of courage is not really challenged.
(3) As J. Moreau says in Construction de l'Idealisme Platonicien, pp. 235-236 and 238.
yields to the popular bias on this point (333e). He may however
be inclined to such a view because of his excessive confidence on
compulsion as a legislative proceeding. Plato, on the opposite,
prefers πείδους to ἀνέγκν. Persuasive means can be
successful only if the citizen feels that the legislator's
suggestions are agreeable or at least less painful to him than if
he rejected them. This being so, the citizen must be educated in
such a way that he will be able to feel as agreeable, or at least
painless, what the legislator establishes as right (Laws II 658a-
659d, esp. II 662a and V 733a) (1).

As Nestle says (2), there is a platonic hedonism, provided
that pleasure is "real". It may be added that when the
legislator-citizen relation is involved the former can appeal only
to pleasure standards, in order to persuade the latter to abandon
his spontaneous ἀόριστο. The citizen may however take as
pleasure what is commonly held as a pain. The legislator's task
will be to convince the citizen to seek real pleasures only. If
the legislator is to be successful in doing so he must himself
refer to a criterion enabling him to distinguish real from unreal
pleasures. This is precisely what Socrates suggests in 356d-357b.
The required standard appears here as resting in the art of measure
which is contrasted to the impact of appearance, μοτον

φαίνομενον δίναμιν. Socrates requires that this
standard must be as certain - βεβαιόν - and intelligible as

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(1) It is strange that Jowett, Dialogues of Plato3, I, p. 126
thinks that Socrates' hedonism may be considered as unplatonic.
(2) P. 153 n. 5 on 351c-d.
mathematical measures are (1). This entails that there must be a rigorous science of human practice, at least up to the mathematical rigorousness.

Plato appears to give up this claim of his master, partly at least. In Politicus 259d-e and Laws I 636e, where ἐπτροπον is very akin to Aristotle’s ὑπον, he is more anxious about flexibility and applicability of the required standard than about its rigorousness. He will however never satisfy himself with Protagoras’ standard of ὅπα

So, Protagoras’ view of legislation is not a false one for Plato. It lacks what Kant describes as “discursive clarity”. It is philosophically vague as being inadequately established. So, it may easily be overthrown by some Thrasymachus or Antiphon.

In spite of this criticism, as far as the citizen’s social behaviour is involved, the platonic legislator cannot tell him any persuasive explanation very different from what Protagoras says in his myth. So, his views are, from a platonic standpoint, as sound as a “noble lie” can be.

(1) Cf. Alcibiades I 126d fol. and ch. 2 § II. of this thesis.
Chapter 4

Legislation in the Gorgias

I. The definition of legislation in the Gorgias

It is a good method to start the study of any aspect of Socrates' politics by considering the standpoint of his sophistical opponents with regard to it. This is so not only because Socrates develops his own views in contradiction to those of some particular sophist, generally quoted with great fairness. But, as the following development will establish, he very often assimilates the pattern of their argument (1). So, it may be interesting to consider first what Kallikles has to say on legislation.

He claims that there is a legal order, which is established by the weak multitude (2). This legislation includes the establishment of written laws, e.g. those concerning the contracts between private persons (3). It also includes the enactment of such moral standards, as will enable the multitude to praise or blame the conduct of individuals (4) by applying to it terms like _καλόν_

(1) See ch. 3, particularly III and V.
(2) α' ὁδεγείται καὶ πολλοὶ, Gorgias 483b.
(3) οὐκ ἐξωθήσεις, Gorgias 484d.
(4) Gorgias 483b-c.
or αἰοχρόν. Polos, for instance, was unconsciously influenced in his attitude towards Socrates by the αἰοχρόν as determined by the law of the multitude (1).

This appraisal is not necessarily clearly stated but may be embodied in customary patterns of conduct (2). Therefore τίδεναι (3) and νομίζειν (4) are not clearly distinguished but apparently refer to the same act of establishing unwritten, customary laws. These are indifferently described as νόμος, ξογος ξογος (5).

From a practical, utilitarian viewpoint, Kallikles considers seriously this type of legislation. The citizen and the statesman, who wants to be successful, must take it into account (6). The main defect of philosophical education is due to the fact that it prevents them from doing so. The strong man will be nothing but a coward (7) and a "slave" (8) if he has not a thorough knowledge of this legislation.

But from the theoretical standpoint, Kallikles suggests that this type of legislation deserves the

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(1) Gorgias 483a.
(2) Τα των πολλών νόμιμα Gorgias 488b, cf. Kallikles in 489a.
(3) Gorgias 485b.
(4) Gorgias 488c, cf. ch. 3 2 III. of this thesis
(5) Gorgias 489b.
(6) Gorgias 484c, 485a.
(7) α'νανυρίζεσθαι 485a.
(8) έλευθερον μηδεποτε φθέγγαναι 485a.
utmost contempt (1). The true statesman has to adapt himself to it only seemingly and while compelled by circumstances to do so (2). Otherwise he must disregard it and act as a tyrant (3).

The laws of the ἀνθρώποι are despicable because their strength is artificial, against nature and, to some extent, due to their own weakness (4). They contradict therefore the claims of true justice (5). The multitude use "wiles" in order to secure the maintenance of their laws (6).

The only legislation which rests on nature (7) and might be qualified as "just", i.e. in keeping with "natural justice" (8) is the law of the strong (9) whose nature is physically superior (10). It might however be asked a. what exactly is the "natural justice" or "law of nature" which grounds the claims of the mighty, b. what is their strength, c. how far Kallikles is seriously interested in the function of legislation as such.

a. "Nature" in Kallikles' mind applies to anything that might happen when human arts, conventions or designs

(1) Gorgias 483b, 492b.
(3) Gorgias 492b.
(4) Gorgias 492a.
(5) δικαίον 483a.
(6) γραμματά, μακρανεύματα, ἐπιστολάς, νόμους Gorgias 483a.
(7) νόμος φύσεως Gorgias 483a.
(8) πάντα φύσινταιντο δικαίον 483c, τούτοις φύσεως δικαίον 484b.
τοιν οὖν οὐντος τοῦ δικαίου φύσας 484c.
(9) τον ἐπειρόν Gorgias 483d, τὸν κρείττων ibid. τὸν συναιτίστερον ibid.
(10) φυσιν ιδιαν Gorgias 484a.
do not interfere to alter the spontaneous course of events (1). In ἄφοις is essentially what is opposed to ἀφόις. In so far as nature is subject to a positive definition, it is tantamount to freedom from any internal or external restraint. It involves freedom for satisfaction of one's desires (2), shamelessness in their expression (3), unrestrained action from any sort of prejudice (4). This sort of freedom is itself understood in opposition to a life of submission or obedience to any authority (5).

The pattern of such an absolutely natural and "happy" life (6) may be provided by the tyrant or the dynast (7). Such are Dareios, Xerxes (8) or Archelaus of Macedon (9). This life requires "imperium" over others and it might be suggested that the natural life implies the existence of "slavery" in the broad sense. This is why Kallikles' view of natural law is completely different from that suggested by Hippias (10) and developed by the Stoics.

b. The strong, who naturally ought to be the

(1) Cf. Laws X, 889a-b, Protagoras 323d, discussed in ch. 3.
(2) Μακεδονία η 339d.
(3) ὡμοια Gorgias 483a.
(4) Gorgias 492b.
(5) The life of an ἀνθρώπων Gorgias 433b, cf. 484a, 491a.
(6) ὡμοια Gorgias 491a.
(7) Gorgias 492b.
(8) Gorgias 483d.
(9) Referred to by Polos in 471a ff.
legislator, achieve the human type endowed with overwhelmingly intense desires at any human level, with the qualification that the biological ones should prevail (1). They must also possess a sufficiently strong daring spirit to seek the satisfaction of these desires at any cost (2). They should be prepared to overthrow the various conventional rules in order to secure it (3). They may however behave as a Kallikles, in order to secure for themselves a useful good reputation in a society where the laws of the weak prevail (4).

The socratic criticism suggests that Kallikles' view of the superior man is internally inconsistent as it includes both physical and moral superiority (491b-c) (5). Kallikles thinks that the superior from an amoral point of view and not merely the physically stronger (6). The strong man must have also a mental superiority such as ἔστι τὰ τῶν ποίεσιν πράγματα (7). But this is instrumental to his happiness, which

| (1) | Gorgias 491e-492a |
| (2) | The worst vice for Kallikles is ἀνανοσία, Gorgias 492b, or the synonymous ἡ λοιπὸν συναρτικὰ, Gorgias 485a. |
| (3) | αὔποθεσιν ὁμοιότατον... στραφόμενοι... συμπαθήσας...
Gorgias 484a. |
| (4) | Εὐδοκίμος Gorgias 434a. |
| (5) | Socrates and Plato rightly assume that one has to choose. So Rep. I 341d, 342b, d, e, 345a, esp. 347a, 350b. |
| (6) | A slave might be so. He is nevertheless μονετὸς ἀχρόνιος Gorgias 489c. |
| (7) | Gorgias 491a. Here as in Thucydides III, VII θρόνειν is opposed to ὀμηροθρονεῖν. Cf. 492a. |
consists in the free exercise of power (1). On the whole Kallikles' notion of the strong man may be compared to the idea of Athenian αρχέων as Pericles (2) and especially Cleon understood it (3).

α. So, it is perhaps slightly inaccurate to suggest that Kallikles is merely an individualistic dilettante with no interest in politics or law as P. Lachieze-Rey does (4). Kallikles apparently thinks, like Thrasyllus (5), that the relation of the "legislator", i.e. the tyrant or the dynast (6), to the city is similar to that of a military commander to a subdued enemy (7) or of a city to its subdued allies (8). He disagrees however with Thrasyllus in so far as for the latter the stronger is neither the Κρατοῦν nor the Βειτίων but simply the Κρατοῦν (9). The legislation is what the actual ruler enacts. Kallikles would not share this positivistic view. He acknowledges the fact that the "natural" legislator is seldom the actual one (10).

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(1) εὐδαίμων Gorgias 491a.
(2) Thuc. I, XLI, 3, XLIII, II, LXII, 1 cf. Laws I 638a, 641c, IV 706b-c.
(3) Thuc. III, XXVII, οὐ δικαιοποιήσεις ὅτι Τυραννίδος ἔχετε τῆν αρχήν cf. Pericles in II LXIII, 2.
(5) Republic I 338e cf. 344a on tyranny referred to as perfect injustice.
(6) For the distinction between them see Aristotle, Politics IV, 5, I 292b 10.
(7) Gorgias 492b.
(8) Cf. Thucydides II, LXIII, 2.
(10) Gorgias 483a.
Plato would not necessarily disagree with this markedly individualistic conception of political and legislative authority. Darius, for instance, is praised by Plato as legislator (1). He is ranked with Solon and Lycurgus (2) and considered as a real legislator (3) probably because he was able to maintain his laws, while Kallikles praises him mainly as a military commander (4). Династия (5), commended by Kallikles (6), is generally considered as a pejorative term by Plato (7). It is however praised by him as a normal stage of the development of legislation, particularly connected with primitive law (8). Tyranny itself happens to be approved by Plato as being an opportunity for the much hoped for coincidence of philosophical knowledge and political power (9).

The real ground of disagreement with Kallikles lies in the fact that Kallikles praises the most limitless and lawless aspects of personal government (10).

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(1) Symposium 209e ἐν βαρβάροις
(2) Phaedrus 258c cf. Laws IX 358d–e.
(4) Gorgias 493a.
(5) "That form of polity in which the son succeeds the father" Adam in Rep. VIII 544d.
(6) Gorgias 492b.
(9) Laws IV 711b ff. As it is suggested in 711c 
Τυραννία = δυναστεία
(10) Gorgias 491e on ἀκολογία
The emphasis is on the fact that the tyrant is free from any hindrance (1) and able to enjoy any pleasurable "good". Kallikles is led to this view because of the vagueness and ultimate incoherence of his notion of power (2).

As Socrates suggests, the weakness of Kallikles' practical "philosophy", is due to the fact that he accepts the opposition of nomos and physis while he maintains that the ΚΡΕΙΤΤΩΝ must be also βΕΤΙΤΙΝ and αΜΕΙΙΝΟΝ (3). Socrates assumes with a slight inaccuracy that Kallikles confounds simply ΚΡΕΙΤΤΩΝ and βΕΤΙΤΙΝ. It is then easy for Socrates to establish that, in this case, the appeal to physis against nomos is meaningless (4) and that Kallikles ought to accept Thrasymachus' legal positivism. If, on the other hand, Kallikles maintains the distinction between the morally "superior" and the physically stronger, as he is compelled to do (5), then the opposition between nomos and physis is valid. But Kallikles must then recognize that the stronger should also be prudent (6). Even if this

(1) Gorgias 492b.
(2) Pericles himself was not perfectly clear on the ultimate ends of the athenian αΡΧΗ, as J. de Romilly says in "Thucydide et l'Imperialisme athenien", p. 117.
(3) Gorgias 493a.
(4) Gorgias 492b.
(5) Gorgias 493c.
(6) ὑδρόνιμος Gorgias 490a.
is a merely political, utilitarian one (1), it involves wisdom, i.e. knowledge of one's good (2). In that case Kallikles must accept Socrates' view-point.

The criticism of the views of Kallikles provides Socrates with the opportunity to establish that true legislation cannot be a mere ὑναμίσ to enact a decision whatever it is. As Socrates suggests, this term is ambiguous and might denote good as well as evil effects (3). But if the ambiguity is removed, power will be defined as the ability to realize what one is willing (βιωτετά) as opposed to what he desires as being seemingly good for him (5). The discussion of this term enables Socrates to connect legislation with two other attributes, namely

βουήνοος and τεχνη

Socrates makes clear in the Gorgias that the will (βουήνοος) is always of an end, as opposed to the means (6). As the end is chosen because it is thought to be advantageous for the agent (7),

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(1) Gorgias 491d.
(2) Gorgias 490c-d.
(4) Gorgias 466a.
(5) Gorgias 466e ποιετα ὑμεῖς ὑμεῖς.
(6) Gorgias 467c-d. Cf. Laws I 646c.
(7) Gorgias 465b-c.
Têgos cannot be distinguished from ἀγαθόν.

In so far then as the legislator intends to realize a system of ends (1) his ὀφαλμὸς implies a ὑπόγνωσις (2).

Now, it may be asked why the "will" is not a sufficient attribute of legislation and why the analysis of political art in general is compelled to refer to the ambiguous notion of power. This is so because ὑπόγνωσις considered independently from ὀφαλμὸς, might denote a mere intention (3). Legislation then must be a true power and, if so, beneficial not only for the citizens but also for the agent himself (4). To that extent, Thrasymachus’ view that the laws are beneficial for "the powers that be" and that of Kallikles’ that they must be advantageous to the "superior", who is the natural legislator, are true from the socratic standpoint (5).

(1) Laws IV 705e, 707a, V 726a ff., 728a, VIII 836a, I 631b ff.
(2) This is explicit in the Laws III 687e, 742a and implicit in the socratic views in the Gorgias about the educational function of the statesman.
(3) Gorgias 509d-510a. Cf. Laws II 668c, ὑπόγνωσις might even refer to the implicit meaning of any text and, in that case, it can hardly be distinguished from ἡμινονοία. See Rep. II 378d-e, Laws II 668c.
(5) See ch. 2 & II and V of this thesis.

there refers to a practicable scheme because its connection with ὀφαλμὸς is established.
We are not explicitly told that legislation is a power in the Gorgias. This however may be inferred from (a. the fact that power is always linked with art (ΤΕΞΧΥΩΝ). As legislation is an art (1), it is unlikely that it would not be also a δύναμις.

b. When Socrates and Plato describe the weakness of the seemingly powerful tyrant who does what he wants (ΕΠΙΔΟΜΕΤΕΡ) but not what he is willing (2), the implied contrast is with the real power of the legislator who does what he is willing i.e. what is good for him because it is advantageous to the citizen (3).

The legislator — as ΤΕΞΧΥΚΟΣ — must act rationally since an art cannot be an ἀμόθον πράγμα (4) and excludes activity at random (5). As every art realizes the real well-being of its object, in contradistinction to mere "experience" (ἐμπειρία) which realizes the apparent one (6), it may be expected that legislation realizes an effect of this kind. This is said in 465b where legislation — in contradistinction to sophistry (7).

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(1) Gorgias 465c.
(2) Gorgias 466a-467a, 468a.
(3) Cf. Laws X 903b ff.
(4) Gorgias 465a, 467a.
(5) Ibid. 465c.
(7) Gorgias 465c.
- is defined as a part of the political art (1). Its function is to maintain the real well-being of the soul, and, as this will be established further - of the city, its complementary art is the judicial art ( dikē or dikaiosynē ) whose function is to restore this well-being when it happens to be disturbed by some spiritual disease (2).

Now, the well-being of every real thing is restored when its particular order - Κόσμος or Τάξις - is secured (3). The order of the soul - and the city - is its law (4). The task of the legislator is to maintain it.

It may be asked if legislation is also an ἐπιστήμη. This may be inferred from the following: a. the terms Πολιτικὴ Ἕχων and Πολιτικὴ ἐπιστήμη are interchangeable in Plato (5) as Ἕχων and ἐπιστήμη are (6). This "lexical" argument is inconclusive as far as Plato is concerned. As

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(1) Gorgias 465b
(2) Gorgias 478b.
(3) Gorgias 506e. On III LXXVI, 2, CVIII, 3 where it refers to the orderly aspects of the ranks and motions of an army or a fleet.
(4) Gorgias 503e-504a, 504d.
(5) Politicus 296c-d, cf. 304a. See also ch. 2 II of this thesis.
(6) Prot. 344c-δ.
L. Campbell suggests, ΠΟΛΙΤΙΚΗ ΕΠΙΘΝΗΜ, might refer to an abstract knowledge while ΠΟΛΙΤΙΚΗ ΤΕΧΝΗ might be relevant to an applied knowledge depending on particular circumstances (1). But in both cases political art is also a science because b. it can be an object of knowledge, since it is not either as such or with reference to its results, 

a. political art requires the knowledge of the χρήσεως of the citizen and the community (2) and is therefore able to give an account of its own steps (3).

It might be objected that this knowledge is not the real platonic ΕΠΙΘΝΗΜ whose object is being. From this point of view, dialectic only is a science (4). The "order" or "good" of the Gorgias is by no means transcendent because it is what the legislator realizes and not what he contemplates (5).

The knowledge of the nature of the citizen might be compared to the knowledge of matter by the creator in the Timaeus (6). Furthermore legislation, as a

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(1) "Sophistes and Politicus of Plato", p. 7. See also the Retrospect of this thesis.
(2) Gorgias 465a, 501a.
(3) Cf. Phaedrus 268a-b, Laws I 636d, 650b, XII 962b-50.
The preambles of Laws IV will be a legal application of the requirement of ἄγον ὁδοναί.
(4) The νόμοτον being the only γνωστον.
Rep. VI 510b.
(5) As the ὁ σύμμοιρος of Rep. VI 500b, is
is related to a world of change and cannot attain truth in its purity (1). But the knowledge of the end of his action - which is proper to the legislator as it is to every ΤΕΧΝΙΚΟΣ or διημορφωτικός - involves ultimately the knowledge of the model, whose picture is this end. And the ψυχή of the citizen reflects to some extent the order of the world (2). It might then be suggested that even the legislator of the Gorgias, who only knows the ends of his enactments, possesses an applied knowledge (3) which "partakes" of the knowledge of the "true being" (4).

It remains to consider if legislation involves "experience". The account of έμπειρία in the Gorgias is on the whole depreciatory (5) on the threefold ground of its unreal character due to its concern with appearances, its irrationality, resulting from the fact that it is a mere guesswork (οροχαλαχική), and its immorality, resulting from its being a flattery interested in the pleasure.

(2) The evidence is according to the Laws II 653c-654a the sentiment of rhythm and musical harmony.
(4) Philebus 61a.
(5) Gorgias 501a-b, 462c, 463b, 464c, 513d.
rather than the good of its object. It appears then that there cannot be a sound legislation merely consisting of μνήμη τοῦ εἰμιθὸς γίγνεται (1).

And, assuming that the doctor's knowledge is strictly empirical, it is only in a metaphoric way that the legislator or the ΤΕΧΝΙΚΟΣ may be compared to the doctor (2).

"Experience" resulting from memory of the past through association of ideas, as Polos (3) and Aristotle (4) understood it, cannot secure the well-being of the soul of the citizen and the city, even if it enables one to guess the future.

But if "experience" is the ability to recognize that a particular case reproduces the "nature" and the relations of a general pattern, there is nothing in the Gorgias which contradicts the later platonic statement that the true legislator should possess it (5) and that it is a requisite for practice and dealing with particulars (6).

The analogy of the political art and the other

(2) Cf. F. Wehrli, Der Arztvergleich bei Platon, Museum Helvetica VIII, 1951, p. 182.
(3) Gorgias 443c.
(4) Metaphysics I, 1, 981a 1-10.
(5) Rep. VII 520c. This is also a socratic requirement. See ch. II and II of this thesis.
(6) Philebus 55d-56b, esp. 62a-b.
crafts (1), which implies that the legislator and
statesman should have the qualities of the
δημιουργός, points to the same
conclusion.

The whole description of νομοδετίκη
as an art throws some light in what is commonly
referred to as aristocratic prejudices of Plato.
These prejudices are something rather uncertain since
the aim of political art is to make the citizens the
equals of the wise ruler (2). The apparent ground of
the supposed aristocratic feeling in Plato is his
contention that the multitude decide hastily,
irrationally, through emotional drives (3) and are
therefore ready to repeal their former decisions.
Plato may be reminiscent of such decisions as those
concerning the Lesbians (4), the admirals of
Arginusae (5) not to say anything of the death of
Socrates (6). As legislation is an art it implies unity
of purpose (7). This in turn implies knowledge and the
unity of the subject of knowledge. Hence, there should

(1) Gorgias 503e-504a.
(2) Gorgias 516e, Republic IX 590d-e, ἵνα εἰς δύναμιν
πᾶντες ὁμοίωμεν καὶ φιλοι, τῷ αὐτῷ
κύβερνωμενοι, cf. Laws VI 772c.
(3) Gorgias 475e-476a, cf. Crito 48e, 44a-e, 46b.
(4) Thuc. III, 43.
(5) Apology 32b, Xenophon Hellenika I, VII, 15 ff.
(6) Ep. VII 325e.
(7) Politicus 300e.
be one ruler and legislator unless they are able to speak "with one voice" (1).

II. The functions of legislation in the Gorgias

Socrates assumes (2) that the natural function of every art is the improvement of its particular object. This is the differentia specifica which distinguishes an art a. from mere power (3), b. from any other kind of πράγματεια (4) or ἐπιτιθεμένα (5).

This distinction particularly applies to those arts, which are concerned with the moral and spiritual activities of man, as the political art or legislation (6). Since legislation cares for the well-being of the soul (7) it can also be described as υἱον σωτηρία or attendance of the soul (8). To that extent, legislation is meant to keep the soul safe from any harm (9), this being tantamount to the maintenance of its healthy condition. One should note that πολιτικία for its own sake is held to be valueless by Socrates (10).

(2) Gorgias 501b. See also ch. 2 in II and III.
(3) Cf. ch. 2 II of this thesis.
(4) Gorgias 1 c
(5) Gorgias 463a.
(6) Gorgias 465b.
(7) Gorgias 515b, cf. 513a.
(9) Politicus 297a-b, 293b-c.
(10) Gorgias 512b, cf. ch. 2 V of this thesis.
whose alleged "conservatism" is only the requirement to
maintain the best and most rational order of the soul or
the city (1). This is the proper function - ἐπίπλεον -
of the legislator. By performing it, the legislator
realizes his own ἀφτιέν and therefore secures his
real happiness (2), which does not necessarily involve
his material advantage (3).

The analysis of the function of political art in
the Gorgias might be paralleled with the analysis of
political sovereignty (ἀρχή) as defined in Republic I.
Here also we are told that the function of any ruler is to
secure the well-being of his subjects (4). So political
art is self-annihilated when it is exercised with
"greediness" (Πλεονεξία) (5). The material
advantage of the ruler - in contradiction to his
happiness - must not be secured through the exercise of
his functions. It should be the object of a distinct art,
which is μισθαπροντική (6). This is an
absolute requirement, if the healthy city is to be
realized (7). The ἀρχή of the Republic differs

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(1) R. Natarp, Platon's Ideenlehre, pp. 49–50.
(3) Rep. V 466a–b, cf. IV 419a–420b, 420c. Aristotle, who,
in Politics II 5 I.264b 15, restates the objection of
Adimantus does not take into account I 352d–353a.
Ibid. 346d.
from the $\Theta \chi \nu \alpha \tau \omicron \nu$ of the Gorgias in the respect
that it is held to be possible ($\delta \nu \alpha \tau \omicron \tau \omicron \omicron$) (1),
i.e. practicable, while the true statesman of the
Gorgias (2), as the wise statesman of the Politicus (3)
might possess their art without actually exercising it,
if the actual situation of the city is hopeless, as is
assumed in the Gorgias (4).

It may be asked now what is precisely the object
which the political and legislative art are expected to
improve. In 464b we are told that the task of
$\gamma \omicron \mu \omicron \omicron \omicron \omicron \alpha \tau \omicron \iota \nu\kappa \iota \kappa$ is to maintain the normal
condition of the soul. Also when the concept of
improvement ($\beta \eta \gamma \tau \iota \nu \mu \omicron \omicron \omicron \omicron \omicron \omicron \omicron$) is referred to
in the Gorgias, it is almost always related to $\phi \upsilon \chi \eta$ (5).

Since there is nowhere in the Gorgias — with the
exception of Kallikles' speech — any close examination
of the enactment of written or even customary laws, the
legislative art is apparently something quite different
from what the Greeks normally understood as
$\gamma \omicron \mu \omicron \omicron \omicron \omicron \alpha \tau \omicron \iota \nu\kappa \iota \kappa$, whose purpose was similarly the
moral improvement of the citizens (6) but which always

(1) Rep. V 456c, 457a, 457c.
(3) Politicus 259b.
(5) So Gorgias 501b, 502e, 503a, 503e, 505b, 505a, 511a.
Cf. ch. 2 & III of this thesis.
(6) Aristotle Politics I 335b 4-6, cf. Plutarch,
Cicogurias, 14, 1.
included the explicit enactment of written laws or the implicit approval of the unwritten ones (1).

On the other hand the fact that the legislation is a part - μοριόν - of political art (2), the argument of Kallikles and the whole discussion of the Athenian, as opposed to the true politics, implies that the soul, with whose well-being the legislator is concerned, is neither the strictly individual soul nor the soul viewed as an ontological substance (3). This view of the soul may be the ultimate principle of the Platonic political theory (4). The dialectical analysis - even as it is understood in the Laws - seems to point to this (5). In the Gorgias, however, Socrates' main concern is the soul of the citizens. The term soul perhaps stands here for not much more than what might be termed moral character (6).

A further argument grounding this interpretation is that the true statesman - namely Socrates - is equally concerned in this dialogue with the choice of the best life (7).

So, one must first choose for himself the best

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(1) Laws I 632a.
(2) Gorgias 465b, 475b.
(3) As in Rep. IX 611d, Phaedrus 245c, Laws X 896b.
(4) This may be so even in the Gorgias 504b, 506a.
(5) Laws X 896b.
(6) Gorgias 503a, 515c. If those passages are compared with 513c or 521a it appears that υψαλτευτικά πορίταν might stand for ποιτίς or even θάνατος. In Heraclitus Di 10 B 119 υγιή and νόσος appear to be interchangeable.
(7) Gorgias 527e, ἀριστος τρόπος τοῦ βίου. Cf. 500a.
life and only if this condition is realized will he be able to exercise true and worthy politics (1). The true statesman must be just and the Republic reminds us that justice is rather a matter of inward character than of external acts (2).

Now Socrates speaks also of the attendance of the city (521a) which certainly must fall within the scope of ПΟΛΙΤΙΚΗ and ΥΠΟΘΕΣΗ. This is identical with the care of the common good — КΟΙΝΟВ — as opposed to one's particular interests — ΙΔΙΟΔΟΣ — (3). Although there is no definite doctrine in the Gorgias about the relation between the individual soul or character (4) and the city, legislation, as attendance of the city, and legislation, as maintaining the well-being of the soul of the citizen, are identical acts.

This does not imply that we must decipher in the Gorgias a view about the correspondence of the μόρια of the soul and the social classes. Moreover Socrates does not appear, in the Gorgias, to accept the view that those involved in banal occupations represent an

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(1) Gorgias 527e.
(2) ΠΕΡΙ ΤΗΝ Ε'ΕΙΩΝ ΠΡΑΣΙΝ ΑΓΑΠΗΤΗΝ ΕΝΤΟΣ Rep. IV 443d.
(3) It is interesting to note that for Plato ΙΔΙΟΔΟΣ is the root of evil. So Rep. V 462b, Laws V 731e-732a.
inferior class. On the contrary, the activity of the

*μυιοργοι* is praised as being the pattern of rational activity (1) and no one – with the possible exception of the philosopher – is entitled to claim any superiority over them (2).

The view, which is probably implied in the Gorgias, is that the legislator is concerned with the city, in so far as this is the ideal totality of the citizens (3), something akin to the "volonte generale" as understood by Rousseau (4). The Gorgias assumes also that the moral features of the city are the expression of those of the citizens (5) and that therefore the same art may apply to *γυνη* as well as to *πορις*.

Now, the meaning of the improvement of *γυνη* or its outward expression, *πορις*, must be considered. The first point made by Socrates is that this improvement must be a real one – *ουσα οεβεια* as opposed to the apparent well-being which the various "experiences" ( *ἐμπειρίαι* ) or "guessworks" ( *ἐχθανατικά* ) claim to secure (6).

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(1) Gorgias 503a-504a. The contrast with Xenophon's
Economicus IV, 2-4, is strong.
(2) Such a claim is *καταγγέλων* Gorgias 512d.
(3) Cf. *κοινωνία* *πόλεων* in Crito 50a,
Protagoras 319d. Theaetetus 172b. On this term see
ch. 5 II of this thesis.
(4) Contrat Social, ed. M. Halbwachs, Paris 1943, pp. 139,
145, 361, 362.
(6) Gorgias 464a-b, cf. 466d.
The term εὐεξία, used in reference to legislation and political art, suggests that they have to maintain what might be stated - in a somewhat medical sense - as the normal condition of the soul. Although this is no more than a metaphor (1), it is thoroughly worked out in the Gorgias (2). Legislation then may be compared to some kind of preventive medicine, as Acauenus (3) or Herodicus of Selymbria (4) probably understood and practised it.

εὐεξία has also a strong sophistic, namely protagorean, flavour. Protagoras stated that the purpose of the "wise and good orator" is to establish the better condition of the city (5), as the sophist seeks it as far as the souls of his pupils are concerned (6). Therefore, according to Protagoras, discourses may be compared to γάρμακα (7).

The main difference between Socrates' view of εὐεξία and Protagoras' view of ἡγονὺς ἔξις is that the former is real and the object of a true science while the latter is sufficiently secured even if

(1) In so far as medicine is empirical.
(2) As the use of terms like ἱπποσεφερείν in 463a, ὑπερίσ πονηρία, 477c-470a and the penal theory of Socrates (e.g. 470a) suggest.
(3) Phaedrus 227a.
(5) ἡγονὺς ἔξις. Theaet. 167c. See ch. 3 of this thesis.
(6) Theaetetus 167a.
(7) Theaetetus ibid.
it is only apparently possessed by the citizen (1). So, an art possessing the epistemological status of ΟΤΟΧΑΩΣΙΤΙΚΗ might efficiently produce it. Such is the political art of Protagoras (2) to which Plato may allude when he refers to what he defines as the divination (μοντεια) of the shadows, based on the remembrance of similar past cases (3) and by no means despised by Plato without qualification (4). Hence, it is partly right to suggest, as R. Ryffel does (5), that Plato has a conception of political art analogous in a sense to that of Protagoras. But Plato grounded it more rigorously from the ontological and epistemological standpoint. This really normal condition is beneficial for the citizen, as the advantageous (ωφειμος) is what is good for the citizen, i.e. what maintains his soul in its normal condition (6). The legislator's task is to secure it. This may account for the "utilitarian" element in Socrates' thought (7), which survives in Plato's mature

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(1) Prot. 323a-b. I assume that justice referred to here is a species of the healthy disposition of the Theaetetus.
(2) Prot. 319a, 328b, cf. Theaet. 167c.
(3) See ch. 3 III of this thesis.
(4) Ibid.
(5) ΜΕΤΑΒΟΛΗ ΠΟΛΙΤΕΙΩΝ, pp. 95, 32, 56.
theory of the state and law (1) e.g., in his views on 
κατά τον άνθρωπον. If he is successful in this pursuit the legislator will secure the true happiness — εὐδοκία — of the citizen (2), who will live and act according to his true self.

The εὐδοκία of the soul, which the legislator seeks to maintain and the judge to restore, is further defined in Gorgias 504b. To "make the soul better" is to preserve in it its own inherent order, referred to as Τάξις and Κόσμος, which in the case of the soul is identical with its own law (νόμος) (3). This analysis is formal up to this point. But its meaning gains in clarity, if the two analogies, with which Socrates illustrates it, are taken into account. These are the analogy of the crafts and the analogy of nature.

In 503e we are told that each craftsman seeks to ensure that the elements of the object he is producing should mutually fit and join (4) in order to compose a well ordered whole (5), which will therefore have εἶδος.

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(1) Republic V 458e, 461a-b, 459d.
(2) Gorgias 458c.
(3) Gorgias 504b.
(4) προπονετε εἶναι καὶ αρμόττειν
These features should apply also to legal codes, cf.
Laws I 630b. See on προπονεῖν ch. 2 6 of this thesis.
(5) εἶπε τὸ ἀπανθεοσκόπος ἐκτεταγμένον καὶ κεκαθημένον πρᾶγμα
Cf. Laws IV 719a, V 746d-e, VI 769b, VII 799c.
Philebus 26e on νόμος as περατ.
Socrates further says that this form is the regulating principle, which orders the activity of the craftsman himself, by excluding any fortuitous element from it. This applies to discourse and to action as well (1).

This analysis applies to nature as a whole (2). So Socrates probably and Plato certainly shared Aristotle's view that nature proceeds as a wise craftsman and that every true art, legislation included, is therefore natural (3). The affinity of legislation with nature is due to the fact that the principle of finality dominates both (4).

These two analogies make clear a. that the soul also must be a Kōmos b. that only if this is so will the soul be organized according to its own νομος, which c. is the ειδος that the legislator has in mind and seeks to realize approximately in his legal enactments. It might be suggested that the νομιμον or νόμος of the soul (5) performs exactly the same function, from the point of view of the legislator, as

(1) ὁ αὐτὸς ἰδιὸς ἰδιόω...οὐκ ἔχει ἐρεῖ, ἀλλ' ἀπὸθέμενον πρός τι, ὁμοροφία ἐκτοι παῖνος ἰλαμιονυροῖο Cf. Laws X 902a.
(2) 507e-508a. The θεοὶ to whom this view is attributed might be Pythagoras himself. Cf. E. B. Dodds ed. loc. pp. 338-339.
(3) Aristotle's Protrepticus frgs B 12, B 14 (During), Physics Ἐ, 2, 19Aa 21, Plato, Laws X 890d.
(5) Gorgias 504d.
that realised by the εἴδος which the craftsman keeps in his mind, while working (1). This "form" or "law" of the soul provides, as far as politics are concerned, the final cause which Socrates vainly sought in Anaxagoras' Νοῦς (2) and discovered only in the ἐκεῖνα τὰ πολυβρύγητα (3).

d. The analogy of the crafts suggests also that the law of the soul will bestow unity and consistency on the legal code, which the legislator is expected to achieve. This is not explicitly stated in the Gorgias, because νομοθετική is not dealt with here on its own right but only as an instance of an art maintaining the normal condition of its object. It is however clearly stated in the Laws (4), where the ῥέγος or θόκος of the legislator provides εἴδος for his legal enactments and makes them contrast with the so-called "legal" enactments which are determined only by opportunity and therefore frequently present a self-contradictory character (5). Although the analysis of the laws is strictly ethical, since the hierarchy of virtues or "scale of goods" stands for what is termed in the Gorgias as the "law" or "order" of the soul, both

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(1) Gorgias 503d-e.
(2) Phaedo 97c.
(3) Phaedo 100b. This does not imply that the εἴδος referred to in the Gorgias is χωριστόν.
(4) I 630e ff.
(5) Laws 1 e.
passages express the view that the rationality of its purpose is the condition of the consistency of any legislation.

Now, as the improvement of the soul is achieved through persuasion and compulsion, namely punishment, we have to consider these two procedures of the legislator.

III. Legislation and persuasion

It is apparently difficult to suggest that, in the Gorgias at least, legislation may resort to such means as ΠΕΤΕΤΩΣ, since the political art, of which legislation is the most important species, is contrasted with oratory, whose main function is persuasive. The opposition ΠΟΛΙΤΙΚΗ-ΣΕΠΤΟΡΙΚΗ might be easily reduced to an opposition.

It seems that the opposition of true politics and oratory is grounded on the opposition between persuading (ΠΕΤΕΤΩΣ) and teaching (ΣΩΤΗΡΙΟΣ) (1). Persuasion is irrational because it can be subordinated to any purpose and does not imply the knowledge of any set of ends, in spite of Gorgias' reluctant self-emendation (2). The oratory which resorts to it is a mere ΣΩΤΗΡΙΚΗ (3) which

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(2) Gorgias 460a.
(3) Gorgias 501a ff.
Socrates professes with some ostentation to be unacquainted with (1).

Political art, on the other hand, involves knowledge of the well-being of the soul and ability to "teach" it since Socrates and Plato assume that what is known can also be taught (2). Hence teaching is always of something true (3) because there cannot exist a false knowledge.

We must take into account however the distinction between true and false ΤΙΔΘΙΣ in the Gorgias (4). It obviously corresponds to a distinction between true persuasion, which is the result of "teaching" (5), and false persuasion, as Gorgias probably understood and practised it. The "true persuasion" does not produce knowledge, which one ultimately discovers in himself by recollection. Its effect may be described as the acceptance of right principles stated by someone else. In this act of belief one does not grasp the ultimate foundations on which his beliefs are grounded. Such persuasion resulting in true beliefs and equivalent to an inferior kind of teaching, since it does not produce knowledge, is the sort which the legislator uses, e.g. in

(2) Protagoras 361a-b.
(3) Gorgias 454d.
(4) Gorgias 454d-455a.
(5) E.g. about justice 454d, 502e, 455a.
his legal preambles. He does so especially when he attempts to develop the "quiet" virtues in the citizens (1).

The Gorgias passage on "true belief", being, as Dodds says (2), a first statement of the doctrine of doxa, might be considered as a foreshadowing of the views of the Republic on courage, which is defined as the ability to maintain the opinions, which are desirable, from the legislator's standpoint with regards to what is to be feared or hoped for (3). True belief through persuasion is also the ground of "moderation" which is the "right opinion" about the titles legitimating any authority (4).

The importance of opinion, obtained through persuasion, is further developed in the Laws. We are told here that a "right" legislation can be maintained even if some of the magistrates have reached only the level of "true opinion", although the legislator should be endowed with "wisdom" (5).

So, it might be suggested that the Gorgias already establishes, by means of the doctrine of oratory, persuasion and belief, the logical possibility of the

(1) "μεσάρωτα αποδίδω" Gorgias 516b.
Cf. with the Politicus, where the persuasion referred to in 504a is expected to develop the "νοοχιατια και σοφορονικα..." (507a). Cf. also Laws XI 937a.
(2) Op. cit. on 454d - 455a. Doxa is however alluded to in the Crito.
(3) Rep. IV 429c-d.
(4) Rep. IV 431c.
(5) Laws I 631c.
views on "right opinion" in the Meno (1) and of their ethical and legal applications, which are referred to in the Republic and the Laws. The Gorgias also grounds the view that the legislator should preferably resort to $πιθώσ$ rather than to $θία$ (2).

This interpretation is confirmed by what we are told about pleasure in the Gorgias. The general doctrine is stated in 497a. According to this passage pleasure is different - $ετρεπόν$ - from good on the ground that (3) the presence of good implies the absence of evil, while the principle of contradiction, perhaps alluded to here, does not apply to pleasure, which may co-exist with its contrary, i.e. pain, "in space and time" (4).

The distinction between pleasure and good does not prevent Socrates from suggesting that there are "advantageous" pleasures (5) and that those are to the "good" as means are to an end (6). This doctrine is by no means inconsistent with that of the Protagoras. In

(1) Meno 97b. The whole doctrine of $πιθώσ$ in the Gorgias contradicts J. Gould's views that Plato, by stressing the importance of $δικαίον$ in connection with virtue, relinquished the socratic doctrine equating virtue with $δικαίον$. See his "Development of Plato's Ethics", p. 76.
(2) Laws IV 720a, 722b-c.
(3) Gorgias 496c.
(4) Gorgias 496e, cf. Phaedo 60b. As Dodds, op. cit. p. 309, quoting Olympiodorus, says, pleasure and pain are not strictly simultaneous in the Phaedo, as they are in the Gorgias.
(5) Gorgias 499d-e, cf. 495a.
(6) Gorgias 500a.
the Protagoras (1) we are told that pleasure qua pleasure is good. It might be suggested that a. this pleasure refers only to the "advantageous" pleasure of the Gorgias, b. the good is necessarily pleasurable (2), since it secures happiness for its possessor. It is nowhere assumed by Socrates or Plato that true happiness might involve pain. c. Moreover we are told, in the Protagoras (3) as in the Gorgias, that refraining from $\chi\alpha\iota\rho\varepsilon\iota\nu$ might be described as means to secure "greater" i.e. truer pleasures. This is a restatement of the constant platonic doctrine of the instrumental status of pleasure.

This view of pleasure is directly relevant to Plato's theory of legislation. We are told in the Laws (4) that the education provided by the legislator is an attempt to secure agreement between the desires of the citizens and the requirements of reason ($\gamma\omicron\omicron\upsilon\omicron\sigma\omicron$). The legislator should make the citizen $\chi\alpha\iota\rho\varepsilon\iota\nu$ $\tau\omicron\iota\varsigma\ \kappa\alpha\omicron\omicron\omicron\omicron\sigma\iota\varsigma$ as he himself defines them (5).

(1) 351c ff., see also ch. 3, \textit{V} of this thesis.
(2) Protagoras 354a-b.
(3) 354c-d.
(4) II 655b ff.
(5) Plato would probably accept Meno's definition of virtue in Meno 77b if Meno had a real understanding of $\kappa\alpha\partial$. 
and only if the legislator persuades the citizen to consider as pleasurable what he himself defines as good, is he a "true legislator". This is ultimately the persuasion he resorts to (1).

These views are seemingly inconsistent with those of the Gorgias. The orator, who will be shown to perform in a sense the function of the statesman and legislator, may produce pleasure as well as pain in the soul of the citizens. As the true political art - legislation included - is concerned with the "good" and not the "pleasures" of the citizens, the true statesman is likely to make use of painful devices towards them (2). At least Socrates acted in this way (3).

This apparent disregard of pleasure, as far as practical politics and legal methods are concerned, is due to Socrates' assumption that Athens is a corrupted city (4). This is why the theory of punishment holds so important a place in the Gorgias. But the Gorgias already assumes what the Laws develop in detail, that the conduct of the citizen is mainly determined by his feelings and desires rather than by his rational evaluations (5). So, an important prerequisite for every art concerned with human

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(1) Laws II 659d-660a, 662e, 664b.
(2) Gorgias 502d on αὐτοπροπτική-διαναγγελία, 503e.
(3) Gorgias 517b, cf. 521d and Rep. VI 492d-e.
(4) Gorgias 515a.
(5) So it is implied in 510d and suggested in 503d.
affairs - as opposed to the equivalent *

- is to distinguish clearly the good from the bad pleasures (1). This requirement would obviously be meaningless if it did not imply that the legislator is expected to take into account what the citizens are feeling as agreeable, even if he must refrain from yielding to it. Nevertheless, if he is really a *TëXhikos* (2), the legislator must know the nature ( *

ΙΠΟΙΟΣ* ) and the disposition ( *

ΕΠΙΧΕΙΡΗΜΑ* ) of the souls of the citizens, their pleasures and pains included.

If so, the legislator and true statesman must act as an orator, since it is oratory, whose function is to persuade the citizens to accept any law or political decision. It might be objected to such an interpretation that oratory is treated with the utmost contempt in the Gorgias and that this precludes its close connection with either legislation or true statesmanship.

The opposition of oratory to true statesmanship is not only due to the epistemological and ontological grounds referred to previously but also to the fact that a* the orator, as described by Gorgias, seeks to dominate

(1) Gorgias 495a, 499e-e, cf. Laws II 654c ff. on *

kagón.

(2) Gorgias 500a, cf. Laws I 650b and VIII 836e-837a.
and enslave his audience (1). His so called \( \dot{\alpha} \rho \chi \eta \) may remind us of the definition of virtue by Meno, the pupil of Gorgias (2), also in terms of domination. In so far as the orator possesses an absolute \( \dot{\alpha} \rho \chi \eta \), he may be described as \( \varepsilon \gamma \varepsilon \nu \delta \varepsilon \rho \sigma \), an absolute master or tyrant over others (3). This kind of oratory is unacceptable from Plato's standpoint, who identifies \( \dot{\alpha} \rho \chi \eta \) not with unrestrained freedom and absolute domination but with attendance (\( \dot{\theta} \rho \alpha \pi \pi \varepsilon \omicron \omicron \) ) of its object (4). Moreover political art, legislation included, is defined by Plato mainly in terms of knowledge and exists even if it is not actively exercised (5) and the "royal statesman happens to be \( \ddot{i} \ddot{i} \ddot{w} \ddot{t} \ddot{n} s \) Socrates himself is a true statesman (6) while abstaining from \( \tau \alpha \ \Pi \sigma \lambda \pi \iota \iota \kappa \iota \kappa \alpha \iota \kappa \tau \tau \epsilon \iota \iota \nu \) (7).

b. This "domination" is more apparent than real. Hence the orator is really the servant - \( \delta \ddot{i} \ddot{a} \kappa \ddot{o} \rho \ddot{o} \ddot{s} \) - of the desires, the whims and the changing mood of the citizens. This far from contradicting his "domination" is its prerequisite (8).

(1) Gorgias 452a.
(3) Cf. Kalikles' views in 2.1. The disregard of logical consistency in the Meno, as Meno practised it, is a species of such an \( \varepsilon \gamma \varepsilon \nu \delta \varepsilon \rho \sigma \) Meno 86d.
(4) Ch. 2 2. III, 2. II of this chapter.
(5) Politicus 259b.
(6) Gorgias 521d.
(7) Apology 31d.
(8) Gorgias 517a.
But Socrates, in the Gorgias, admits that there may be a "good" oratory, which possesses the status of an art (1). Aristides apparently exercised it (2). Its function is to care for the well-being of the citizens. It involves a knowledge identical to that of political art and legislation as it performs partly the same function (3). The stranger of the Politicus obviously refers to it when he speaks of "that kind of oratory which partakes of the kingly art because it persuades men to justice and thereby helps to steer the ship of the state" (4). As legislation is identical with the whole or at least the most theoretical part of the kingly art of the Politicus (5), the oratory, which "partakes" of statesmanship, may be nothing else than a term denoting the persuasive function of the true statesman. It is already suggested in the Gorgias that "true" and "false" oratory are respective denominations of the persuasive function of the true statesman and the deceptive practice of the false one, including the tyrant.

The false statesmen of Athens are referred to as ρήτωρες (6). False oratory is parallel to tyranny (7) probably because both resort to διά through

(1) Gorgias 502e-503a, 504d, 527c.
(2) Gorgias 526b.
(3) Ibid. 504e, cf. with Laws I 631a, III 638b, IV 705d-c.
(4) Politicus 503e, Lamb's tr. Cf. Phaedrus 270b and M. R. Dods op. cit. p. 350 on ἑπτάκοια of Gorgias 503a. He rightly suggests that he is the "true statesman" of Politicus.
(5) 294a, 305c, 309d. Cf. also J. Moreau op. cit. p. 137. This point is discussed in detail in ch. 2 II of this thesis.
(6) Gorgias 503b, 515a-b.
(7) Gorgias 466e, 467a.
as Gorgias had realized (1) and both secure
"power without responsibility" (2).

It might be objected to this analysis that the
false oratory referred to in the Gorgias is mainly the
ἐμπειρία corresponding to the judicial art
(δικαστική or δικαίωσις) (3)
and that the function of "true" oratory is to denounce
evil rather than to keep — as the legislator does —
the healthy condition of the soul and the city (4). If
so, it cannot be described as a way of exercising the
legislator's persuasive function.

This kind of oratory is obviously different from
that exercised perhaps by Aristides, which was referred
to previously. It is mainly relevant to the citizen's
duty of denunciation of the evil done, which will make it
clear and curable. It might be compared to the
frequently given advice of μνεύματι in the Laws (5).
In that case, as in the Gorgias theory of καταγωγία,
an identical recognition of truth and clarity, as supreme
practical values, is implied.

On the other hand, the kind of oratory referred to

(1) Eunomium Helenae 6 (DK 10 B 11, vol. II, pp. 290-292.)
(2) Ibid. 13.
(3) Gorgias 520a.
(4) Ibid. 480b-4.
(5) Laws VI 754c, V 745a, 742b. Cf. V. Goldschmidt in
Revue de Métaphysique et de Morale LIX, 1953, p. 557,
also A. Delatte, Rasai sur la Politique Pythagoricienne,
p. 49.
in 503a or 504e might be compared to the mythical ἀργος of Socrates (1) as the protreptic style and concern is strong in both (2). This kind of oratory is also akin to the persuasive myths of the magistrates in relation to the citizens (3) or of the founder of the city in relation to the magistrates (4). Its most relevant application to our field of research is in the preambles of the legal enactments in the Laws (5). It is noteworthy that the legislator is compared with an orator in so far as he is concerned with these preambles (6).

It is then not unlikely that the experience of the "protreptic" activity of Socrates, as hinted at in the Gorgias (7) and the Apology (8) is at the root of Plato's views on true oratory, persuasion of the law and the moral use of the myth, the epistemological basis of both oratory and legislation, as a persuasive technique, being partly provided by the hippocratic or similar views on human nature (9).

(1) Gorgias 526d.
(2) Cf. the ἀγος of 507d and such expressions as ἐκτέουν, θακτέουν, οἱ φιλογυνατέουν in 512e.
(3) Rep. II 382d.
(4) Ibid. III 411b, 415a.
(5) Laws IV 723b, VI 772e, 774a, IX 870d, 880a-b, X 885α, 887b.
(6) Laws VI 773b-774a.
(7) παρακαλφ, όφειιττω, 526α.
(8) παρακαλυς ἐναμνητεας ... ἐν ονκρικναμνητεας ὄναστι, 23d-30a. It is noteworthy that this passage is quoted by Jamblichus, Protr. ch. XIII, (Platelli/17).
IV. Legislation, compulsion and punishment

Although the Gorgias provides adequate justificatory grounds for the doctrine of persuasion by law, the emphasis is on the whole on compulsion rather than persuasion (1). This is, to some extent, a consequence of the socratic method. Compulsion is involved in "teaching" in so far as the "pupil" is compelled to abandon his former ignorance (2). It is a common characteristic of true oratory and socratic elenchus (3), which might be due to the connection of elenchus with irony (4).

It is noteworthy that we have no doctrine of "opportunity" in the Gorgias as in the later Phaedrus (5) applying to all kind of "discourses" (6), including the legal codes of Solon (7). Neither have we any doctrine of measure according to the "becoming" (\( \pi \rho \varepsilon \iota \pi \nu \) ) (8) later developed as requirement of the "middle" (\( \mu \varepsilon \theta \omicron \omicron \) ), the determination of quantity (\( \sigma \pi \omicron \sigma \omicron \omicron \) ) (9) and of time (\( \delta \pi \omicron \tau \varepsilon \kappa \alpha \iota \rho \omicron \) ) (10). These doctrines, which are at the origin of the

(1) Cf. ch. 2 (4) of this thesis.
(2) Gorgias 454e-455a.
(3) Apol. 23c, Rep. VII 537b, Anytus in Meno 94e-95a, Kalikles in Gorgias 439b, 489e, 494d.
(4) So, R. Robinson, Plato's Earlier Dialectic, p. 18.
(5) \( \kappa \alpha \iota \rho \omicron \sigma \tau \omicron \pi o \tau \varepsilon \gamma \epsilon \kappa \tau \varepsilon \sigma \omicron \nu \kappa \alpha \iota \varepsilon \pi \omicron \chi e \tau e \omicron \nu \) Phaedrus 272a.
(6) Phaedrus 277d.
(7) Ibid. 278c and Laws II 663e-664b, IV 719c, esp. XI, 916c dealing with \( \kappa \alpha \iota \rho \omicron \sigma \) in relation to the legislator.
(8) Politicus 284c.
(9) Laws IV 719a.
(10) Laws I 636e.
aristotelian μεσοτας (1) have themselves a rhetorical and political origin. Their absence in the Gorgias may involve some disregard of persuasion.

Further evidence for such a disregard is the almost Cynic παραπόησις displayed quite frequently by Socrates in this dialogue (2). The socratic bent towards bia, as far as it is distinct from punishment, is a foreshadowing of it. Compulsion is treated as a threat (απειήνη) which will be applied if and when persuasion fails. The reduction of compulsion to "threat" is obvious in the case of "warning" (νουδετήσις) (3) in which persuasion implies "reproval" or "punishment with words" (4) in accordance, perhaps, with a traditional topos (5). A similar way of threatening in lieu of persuading is used in the case of the "example" of the punished incurable evil-doer, in relation to the conduct of the other citizens. So, the παραδείγματα of eternal suffering (6) in Hades are meant to be δείχνα and νουδετήσις for the arriving souls (7). As "warning" is closely connected

(1) See ch. 3 V of this thesis.
(2) E.g. Gorgias 494c-e.
(3) Gorgias 473d-e.
(4) L & for ειτιττω.
(5) Cf. Protagoras 323e ουκευοι, νουδετήσις, κομαντα.
(6) Gorgias 525b.
(7) Gorgias 525a. As Dodds says (ad loc. p. 361) it is difficult to understand how these souls will profit from the "warning". Perhaps when they return to earth, as he suggests, Rep. X 621a (cf. Adam II p. 461) seemingly precludes this possibility. The "examples" may act as warning in so far as they prevent the souls from getting worse. In Laws IX 864e this principle applies to the world of the living, cf. 862e-863a.
with "blaming" (1), it provides the link from education, through threat and compulsion (2), to punishment proper (3).

It is necessary to define the relation between legislative and judicial authority in order to understand the platonic theory of punishment (4). This analysis will provide an answer to the question, how far punishment is connected with \( νομοδετικη \), since normally it is a function of \( δικαιοτικη \).

We are told in Gorgias 464c that the judicial function completes the legislative and that they "communicate" with each other (5). It is further added that their corrupted forms, namely sophistry and oratory, tend to mingle mutually (6). As the relation of the corrupted forms is identical with that between the healthy ones, the inference may be drawn that \( ϕυρεθα \) describes also the very close connection between the legislative and judicial function. This close relationship is not only due to the fact that the judicial function restores what legislation maintains (7). It may also anticipate the later reference to the

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(1) \textit{νομοδετομενοσ τε και επιπανττομενοσ}  
Gorgias 478e.

(2) Protagoras in Prot. 323c, 323e, 325d emphasizes rather the connection between \( νομοδετιν \) and \( δικαιοτιν \).

(3) So Laws IX 879d. Here \( νομοδετιν \) is realized \( πινγηας \).

(4) See also ch. 2 \& III, ch. 3 \& III and IV of this thesis.

(5) \textit{ἐπικαινωνοτιν απαντας}  
(6) \textit{φυροντα} Gorgias 465c.

(7) See ch. 1 \& II and III, \& I of this chapter.
legislator as a judge, when he acts as a mediator between rival factions or cities in order to restore peace among them (1).

A legislator acts also as a judge, so that it is hard to draw a distinction between them, when he assigns to everyone, as Khedemanthys did (2), what he deserves to obtain, whether it is a "service", a material or spiritual advantage, blame or punishment. The legislator performs, through such an apportionment, his function of 

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and establishes "geometrical equality" between the citizens (3). In order to realize this distributive function he has to grasp the exemplary patterns – 

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of distribution. This is necessary in a very strict sense, in so far as distribution of pains is concerned. Therefore the legislator will particularly seek to establish the 

which the judge will have to apply to his dealing with singular cases of guilt (4).

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(1) Laws I 626a. It is noteworthy that a city acts as 

\[ \text{oikagorias} \] in Thuc. III, LIII, 3. In IV, LXII, 2, LXXV, 5 the same rules apply to the oikagorias of the individuals and cities.

(2) Laws I 625a, XII 945b. He was a legislator \[ \text{eido perias} \] to the oikagorias oikagorias diaxomiai oikagorias. In connection with archon of Gorgias 490c, Laws V 737c, 744c-d, 745d, VIII 848b.


(4) Laws IX 876a. This is a later platonic view, implied however in the Gorgias.
The whole penal theory of the Gorgias, even if it was inspired in reaction to the various practices of the corrupted Athenians (1), might be described as an "exemplary pattern" of punishment as it is meant to apply to typical cases of guilt and not to individual instances of evil doing. Such are, at any rate, the rules established by Zeus in Hades in relation to judgement and pain (2).

The fact that the judge is expected to apply general principles not discovered by himself provides an adequate explanation for the repeated statement of the inferiority of the judge, if compared to the legislator. This view is already expressed in the Gorgias (3). Here the superiority of the legislative to the judicial function is grounded on the principle that "prevention is better than cure" (4), i.e. on moral considerations.

But, as the notion of "pattern of punishment" requires, the judge is also inferior to the legislator on the epistemological ground that his science is an applied one (5), that he borrows his knowledge from the legislator and that he has only an "opinion" of what the just should

(1) See § 5 of this chapter.
(2) Gorgias 523a.
(3) 520b. Καὶ ἀνθρωπίνη ἀνθρωπίνη τεταρτία καὶ ταρτορίκης ἡ διωμοδοσία ἀνθρωπίνη τεταρτίας καὶ ταρτορίκης
(4) Doddas op. cit. p. 367 ad loca.
(5) Laws XI 934b, XII 957c-d.
be (1). There may be ontological considerations explaining the inferiority of the judge, who is said to deal with the "shadows of justice", as opposed not only to the dialectical philosopher but also to the legislator (2). This ground is completely absent from the Gorgias and it is noteworthy that the Gorgias never refers to a χωρίσμος between the legislative and judicial function like that existing between the soul and the body (3) or between the perfect city and its earthly imitations (4). It is therefore difficult to treat political and social superiority as a mere reflection of ontological transcendence, as Vlastos does (5). Political and social superiority is more akin to the epistemological one. True political superiority involves a higher degree of self-sufficiency as true knowledge does (6). This is why legislation and "justice" are linked like superior to inferior knowledge.

Now, what are the Γυναικεῖοι τιμωρίων according to the Gorgias? Three main "types" may be distinguished, namely a. accusation (κατηγορία), b. chastisement or check of the growth of evil passions

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(1) Theaetetus 201b-c.
(3) Phaedo 79b-80a.
(4) παρά διὸ καὶ ἐκείνην ἡ ἑκκοιτέον, οὗτος γὰρ ἀλλάτισθαι, ἐκτὸς αὐτῶν ἀλλῶς ποιήσαν Politeia 303b.
(5) Philosophical Review 1941 p. 295.
(6) Rep. VI 489a.
Accusation (1) is, in a sense, the mildest form of punishment, since the evil-doer suffers no pain and is not even threatened with the expectation of any, as he is when "warned". The purpose of accusation is to remove any dissimulation and to make clear (2) the evil done, as the "denunciation" theory of the Laws, where (3) θαίνειν stands for μανθίνσιν suggests. As Goldschmidt says, the notion of practical clarity secured by accusation greatly diminishes the acknowledged gap between μεισ and πραγματικο (4). We have a mythical statement of this requirement of clarity in the rule established by Zeus that the souls should stand naked before Minos and Rhadamanthus at their ultimate trial (5). The procedure of accusation enables the true statesman to make the practices of the corrupted individual and city appear as they really are by removing all the fallacious appearances (6).

The theory of accusation clearly shows that some

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(1) Gorgias 480b-c.
(2) είσ τοι γανέοι α'γανέω καταδονόν 490d Gorgias.
(3) V 745a. Cf. V. Goldschmidt, La Denunciation op. cit. p. 361.
(4) See ch. 3 & III and IV, § 1 of this chapter.
(5) γυμνόν of Gorgias 523c-524b, cf. Republic IX 577b. γνυμός is the mythical equivalent of παγνέοι and καταδονόν.
(6) θαίναι instead of θείνιν Gorgias 527b.
degree of truth is attainable in moral and political practice. This is so because, according to Plato, clarity (θαρές) involves purity (καθαρόν) and this is a necessary attribute of truth (ἀνδες) (1).

The doctrine of accusation may also be considered as a forestatement of the later doctrine of legislative purification - καθαροισ - as defined in the Republic (2) the Politicus (3) and the Laws (4). The connection of purification with elenchus (5) provides evidence for the view that the purpose of purification is, to a great extent, similar to the aim of accusation, namely the supremacy of truth in moral and political activity.

b. The direct aim of accusation is chastisement (κογαοισ) (6). The Socratic view of chastisement is developed as a reply against Kallikles' approval of ἀκογασία, who suggested that any self-restraint is unnatural and motivated by cowardice (7). Socrates objects that the unrestrained and intemperate soul

(1) Philebus 52a, 53b, 57c, 63c.
(2) VII 541a, VIII 567c.
(3) 293d.
(4) VII 735e-736a.
(6) Gorgias 478d-e, 505b, 507d further developed in 477a, 527b, 527c, cf. Kallikles' praise of ἀκογασία in 491a.
is a necessarily abnormal one, because its own greediness — πρεσβεία — deprives it of any
κόσμος (1). "Chastisement is meant to be a remedy to this unhealthy - πονήρα, μοχθόηρα —
state of the soul or the city. So is fulfilled the curative purpose of punishment (2) and the individual or
the city becomes "moderate" and "healthy" (οὐφράων ) (3).

Socrates does not give many details about the means through which the unrestrained soul is chastised.
Apparentlly chastisement is connected with "expiation" ( σιδώροις σίκνυ ) (4). This normally implies that this "cure" is quite far-reaching and is secured not only by discourses (5) but by more practical disciplinary means. On the other hand chastisement has a rather mild sense in the Gorgias and it may be defined as ethical self-discipline (6) while in the Laws there is no distinction between chastisement and expiation (7).

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(1) Gorgias 505b, 506a. Cf. the use of ἀκόαμπτος in 506b and Laws V 733c-734d.
(2) Gorgias 507d.
(3) Gorgias 507a. Ἐσφροσία is traditionally opposed to ἑκούσιοι, as in Thuc. III, XXXVII, 3.
(4) In nearly all the passages relevant to κούσιοι, esp. 527c, 478b, 507d.
(5) There is not such connection between chastisement and teaching in the Gorgias.
(6) εἰργεῖν αὐτόν (i.e. τὴν ἀνθρωπομορφῆν) δεῖ τῶν ἐπίστασιν. Gorgias 505b.
Here κοιροκείμεν is defined as εἰργεῖν αὐτόν ἐπὶ ἔννομον. Cf. Plutarch Lycurgus, 22, 2.
(7) So Laws IV 718b, V 735e, VI 762c κορακέον ἰδίας. 
κορακείητιν IV 731b is nearer to the Gorgias (ἀνίέρα) is opposed to undue "relaxation"
apparently milder tone of the Gorgias may be due to the fact that the concern for the individual and good life prevails over the problems of political and social organization. Moreover, the true legislator and statesman of the Gorgias is not supposed to be endowed with the political power, which he is assumed to possess in the Republic and the Laws.

c. The distinction between chastisement and expiation — διδόναι σίκνυ, τιμωρεῖοναι

(1) — is not easy to draw. As already suggested, even in the Gorgias, chastisement and expiation refer to very closely related procedures. In that case chastisement is understood to be a method whose purpose is expiation (2). There is however an important specific character of expiation, which does not belong normally to chastisement, namely its possibly eternal duration (3). If so, the sufferer does not expiate for his own benefit and happiness as it nearly always happens, in the Gorgias at least, with κόπαοις. Since he is supposed to be incurable, he becomes, by means of his everlasting

(1) Gorgias 472c, 525b-c, 525d, 476d.
(2) Gorgias 476d.
(3) Γόνοι ξέροντα μερομείνους 525c. A subtle distinction between σίκνυ and κόπαοις is suggested in Laws V 728c.
expiration - a salutary example to others (1). He might
be compared to the member which is to be severed from the
body for the sake of its well-being (2).

The respective origin of κοραοσις and
δικαίον may account for this difference. The former
probably has a medical use and origin (3). The latter
was grounded on δίκαιος rather than on νόμος.
It has a strong religious flavour and might have been
suggested to Plato by the orphic tradition (4). This
type of δικαίον is the central point of the whole Hades
myth in the Gorgias, although the other details of the
myth may belong "to a very ancient stratum of mythology"
older than orphism and pythagoreanism (5).

The religious character of δικαίον may account
for its extension to the whole universe, a feature not
belonging to κοραοσις (6). Socrates and Plato
may share Anaximander's view that, in a cosmic scale, any
excess is followed by expiration (7). Nevertheless,

(2) ὁ καὶ τὸν Χάος (i.e. Ἰατροὶ) ἔχει σχετικῷ
αὐτὴν τὴν αὐτὴν ἔπεισιν ἔχειν θείως σεῦρος
Rep. VIII 567c.
(3) Hippocrates, Prescepta 5 (quoted by L. S. Under,
κοραοσις 6-15).
(4) Laws IV 716a, where δικαίον is described as τῶν
ἀρχῶν ὑποτευκτῶν τοῦ θείου νόμου. Δίκαιον
is listed as an orphic fragment by Kalline (21, a, 2) and
Diels (DK 10 B 6).
(5) So Dodds op. cit. pp. 373-376. He does not pay however
much attention to δικαίον and δικαίον in Hades.
(6) Laws IV 715e. The universality of δικαίον is here
the consequence of a universal divine order.
(7) DK 10 B 1, cf. δικαίος, δικαίον in Gorgias 525b.
Socrates and Plato think that expiation should be the consequence of evil doing. This may be avoided by one's free will and is not an everlasting cosmological law as the "excess" was for Anaximander.

It seems that the previously defined forms of punishment correspond to varying degrees of guilt (1). Expiation, for instance, is applied when the most grave sin, i.e. disregard of divine law, is committed (2). Κοινάνθης, καταργία and νομοθετος are sufficient in case of a mere temptation for evil-doing or lack of moral discipline. Moreover a sin is greater in so far as it is at the origin of larger evils especially for the whole city (3). So, the false statesman deserves a more severe punishment than the ἱδρωτος (4) because he is responsible on a larger scale for the welfare of the state and may have to answer for greater mischief to others. So punishment becomes retributory and one has also to repair the ἐγκαθιστήσει he causes, even if he is not strictly speaking "unjust" (5).

One may wonder why, if punishment is meant to be a

(1) Gorgias 525d-e.
(2) Phaedo 113 d-e, cf. Laws IX 954a ff.
(3) Gorgias 519a.
(4) Gorgias 525e. See also ch. 2 i. V of this thesis.
(5) On the distinction between ἀστήρικτα and ἐγκαθιστήσει Laws IX 862a ff.
cure, one has to answer for the evil of which he is the cause (αἰτίος) (1). Socrates' and Plato's standpoint, as opposed to that of Protagoras (2) may be that retribution has curative effects (3).

Socrates' main point, at any rate, is that the most guilty is the man whose soul has been distorted and internally corrupted by his deeds. These can produce morbid affections (παθηματα) (4). As long as these affections are left without cure, the soul is in a morbid condition. The cure must be applied to the soul so long as this condition lasts. If the soul is hopelessly morbid the "cure" should last for ever (5). The soul is distorted if it is left without cure for too long (6).

An important point, in this conception of punishment, is the function of the penalty of death. The Gorgias (7) and the Phaedo (8) assume that the soul, which is distorted by morbid παθηματα due to a wrong nurture and education, keeps them after its separation

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(1) As implied in Gorgias 519a.
(2) Prot. 32b.
(3) Gorgias 480a-b.
(4) Gorgias 524d.
(5) Gorgias 525b.
(6) Gorgias 480a, 481a, 510a.
(7) 510d, 524d.
(8) 107a.
from the body. On the other hand, Socrates says that the worst fate for an incurable person is to live for ever and that death is an act of mercy (1). This is the ground of the constant approval of the death penalty by Socrates and Plato (2). But one may wonder about its utility if the soul remains after death as it is while incarnated. A possible answer to this question is that death is meant to be an exemplary and retributive, not curative type of punishment. But, if so, why is it an act of charity towards the sufferer to apply the death penalty to him? A more probable suggestion may be that Hades is the realm of practical clarity. This may prevent the disease of the soul from swelling through dissimulation.

Perhaps the difficulties connected with the death penalty are a consequence of some lack of unity and even consistency in the platonic view of soul and life. On the one hand the life in Hades appears to be a mere continuation of the life on earth, enabling the soul to maintain its fundamental ἐξουσία and πάθημα. This "soul" which is really not much more than moral character (3) is dependant on τροφή and ποιεία. It is corrupted (γιών, βαθιν) by its own

(1) So Gorgias 431b, Laws V 723b-c.
(2) Gorgias 431a, Laws V 728c, 735e, VI 776d, cf. Crito 51a, Laws IX 862e-863a.
(3) See § II of this chapter.
particular evil, namely injustice (1) and improved by an adequate education. This view of the soul prevails in the Gorgias. Perhaps this view is the working one as far as the socratic politics are concerned (2).

On the other hand, the soul, in the strict platonic sense is an independent substance which normally should be unaffected by bodily and external \( \pi \alpha \delta \eta \nu \mu \alpha \tau \alpha \). Its own evil, injustice, cannot "corrupt" (\( \varphi \delta \zeta \iota \rho \varepsilon \iota \) ) or "quench" (\( \mu \alpha \rho \alpha \iota \nu \varepsilon \iota \) ) it (3). Death is a way by which the soul may recover its \( \delta \rho \chi \alpha \iota \alpha \varphi \iota \iota \iota \) (4). This view of the soul may provide a basis for the death penalty perfectly consistent with Plato's ontology and dialectic but disagreeing with the views stated in the Gorgias and the Phaedo that the soul remains eternally distorted by its evil doing during its bodily life if this evil was serious enough.

Another difficulty is raised by the duty to abstain from defending one's country when it is guilty (5). A corrupted city should be chastised and punished (6) by its responsible statesmen and orators. This is seemingly

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(1) Crito 47c, Gorgias 51b. Injustice is also referred to as \( \mu \alpha \delta \eta \nu \mu \alpha \tau \alpha \) of the soul.
(2) V. Prochard, op. cit.
(3) Rep. X 609d ff. It may be pointed out that Ast translates by "corrupt" \( \mu \beta \omega \mu \varsigma \alpha \) of the Crito as he does with \( \varphi \delta \zeta \iota \rho \varepsilon \iota \) of the Republic. So, Des Places, Lexique de Platon, I p. 316.
(5) Gorgias 426b.
(6) \( \epsilon \pi \iota \delta \epsilon \tau \varepsilon \omicron \varsigma \iota \kappa \nu \nu, \kappa \omicron \rho \alpha \omicron \tau \varepsilon \omicron \nu \) 507d.
inconsistent with what the "laws" say in the Crito (1).
This apparent inconsistency is probably due to the fact
that the Crito is the only work of Plato devoted to the
duties of the citizens while Socrates acts as responsible
statesman in the Gorgias.

But even if this difficulty is removed, the notion
of the punishment of the city remains obscure. If the
analogy of the soul and the city is an epistemological
device enabling the dialectician to decipher the justice
of the individual (2), the punishment of the city is
tantamount to the punishment of its citizens. The same
result is obtained if we assume that a political society
reflects the "manners" ("μηνος") of its members (3). Perhaps Plato assumes that even in the most corrupted
city, the citizens are to some extent endowed with a
common will and destiny, which enables them to live
together (4). Therefore they are co-responsible for
the evils done by the city and should answer for them.

(1) 50c-51a. Dodds, op. cit. p. 258 suggests that the
Gorgias does not contradict the Crito because in the
former Socrates simply forbids the unconditional defence
of one's country. But he does not take into account
Gorgias 507c.
(2) Rep. II 368c-369a, VIII 543c, 544c. The city stands
as the clearer and easier pattern of Politicus 278b.
Cf. J. B. Skempton, Plato's Statesman p. 162.
(3) Rep. VIII 544d.
(4) This is suggested by the expression κοινον

της πολιως. See ch. I, II, ch. II, I, II.
V. Development and Corruption of Legislation.

A. Kallikles and Plato

As previously suggested (1) Socrates generally follows the pattern of his opponents, in order to refute their views (2). His aim is to show that their argument confirms his rather than their views. So, the starting point of the analysis of socratic views on social and legal μεταβολή is provided by the discussion of Kallikles' relevant statements.

Kallikles thinks that there is a stage in the development of human and even animal life (3) when the natural law (4) requiring the supremacy of the strong is respected (4). It is not clear if this stage is an ideal one or a mere description of what actually happens. The reference to animal life, which will later become a topos of the Cynics (5), suggests that:

(1) see above p. I of this chapter.
(2) This is relevant to rather than dialectical method. Cf. J. de Romilly, Histoire et raison chez Thucydide, p. 185. Also the dialogue of Athenians and Melians in Thuc, Bk. V.
(3) Οὔ τις ἄνθρωπος καὶ έν τοῖς ἀληθείς χώρις καὶ τοῖς άνυπερήφανοι έν ὀφθαλμώ οίς τοίς πόλεμικαί

Gorgias 483d.

(4) Νάρκος ού νείον τοῦ νόσου
Τόσο τε θαυμάζεως δικαιον
Τού δικαιου φυσικον εί ἐσσαι

483d
483e
484b
484c.

(5) Diogenes in Diog. La VI, 75. Cp the reference to Herakles by Kallikles in connection with Pindar (484c) and Diogenes in Diog. La, VI, 71.
the law of nature prevails in a somewhat primitive stage of human development.

Nevertheless, this account of natural law may be explained also through the opposition ἐργῷ ὁ ἀναλόγως, which is a consequence of the nomos-physis antithesis (1). The natural law prevails ἐργῷ, namely in the case of war between states (2) and in the case of tyranny (3). It is also referred to as the healthy and desirable state of things by the commending terms δίκαιον and καλόν, which are not used by Thrasymachus (4).

The connexion between natural law and legal and political development is uncertain. But there is some such connexion as Kallikles criticism of the existing social and legal order apparently implies. The current legal καταστάσεις is

(1). Cp Thuc VI, XXII, XVIII 6 and R. Heinimann, Nomos und Physis, pp. 43 ff.
(2). Gorgias 483d.
(4). Gorg. 491e. Ἀ κομάθια and ἐργῷ ἀναλόγως are referred to as αρχὴ ἀναλόγως by Kallikles in 492c.
grounded on equality— τὸ ἑόρον — (1)

and Kallikles mainly refers to the democratic

"ὁμορρία" (2) and "ὁμορρία"

(3) i.e. equality of rights in the eye, and according to the written law. It is noteworthy that Kallikles does not treat this ὅρος as a false in contrast to a true one, as did the oligarchs (4) or Plato in his concept of geometrical equality (5).

Kallikles rejects equality as a whole, without any qualifications. He is therefore led to deny any value to the virtues of justice and moderation, which imply the refusal of ἡ ἙΟΡΡΙΑ shared by all lawful states (6). It is an oversimplification to treat Kallikles as a representative of the opposition to democracy.

The existing legal order is, according to

(1). Gorgias 483c, 484a.
(2). Ῥπ Ὀτάνες in Herodotus ΠΙ 80, V, 78 on ὰνγόριν and Thuc II, XXXVII.
(3). Athenagoras replying to Hermocrates. Thuc VI XXXVIII, 5, XXXIX, 1.
(4) Ἡη ηοιτις άμοκρατίαν οὐτε ἑμετερόν οὐτε ἑόρον ἑρμα Thuc Κ.Ε.
(5). This true equality is implied in the platonic criticism of the false democratic equality of Rep VIII 56a, 56b, 558e.
(6). Gorgias 492b.
Kallikles, the result of an artificial (1) social contract. The weak multitude agrees to enact (2) laws grounded on the principle of equality. The social contract includes the moral values which the multitude agrees to commend (3) as being the condition of the stability of legislation. It also includes the patterns, standards and methods of education (4). This broad character of the agreement of the multitude is due to the fact that, according to the Greeks, to legislate is not only to enact written laws - referred to as γραμματα (5) - but also to praise or blame some type of conduct traditional or not - according to a scale of moral values, which the legislator is expected to define (6). It is

(1) Καλλικλῆς ο Μέγας
(2) Το Λέγειν, τις ή πιστεύων
Gorgias 492c.

Gorgias 483b.

(3) Επινοοῦντες... γεγονοῦν

Gorgias 492a

(4) Τον τον των πολλῶν,

Gorgias 492b.

(5) Καταδεικνύοντες, γνωστεύοντες

Gorgias 483a.

Ibid., Εκκριβούντες

Gorgias 483c.

(6) Kallikles in Gorgias 484a, op Phaedrus 277d-e, 278c Politicus 295c-e, 296b, 297a och αποθεωτάτες, 297d, Laws VII 822c.

(7) Laws V 727d, 728a, 728d ff. See also ch. 2 & II, ch. III of this thesis.
noteworthy that Kallikles does not draw any
distinction between these forms of legislation while
Thrasymachus (1) does.

The purpose of the social contract between the
members of the multitude is to protect themselves
from the encroachments of the strong (2). The
motivation of the social contract is fear, due to the
avowed or unexpressed consciousness of their own
weakness (3).

It may be illuminating to compare this view of the
social contract with the relevant passages of the Crito,
The Republic (II) and the Laws (III). In the Crito
there is a statement, according to which, a
\[\gamma \nu \tau \eta \kappa \eta\] is an agreement between the
citizen and the law (4). But this agreement is an
act of acceptance by the citizen of an already existing
legal order, which does not depend on the citizens will
(5), while, according to Kallikles, Thrasymachus (6)

(1). Rep I 338e. Cp Glauco in II 359a and Plato in
Laws IV 714d.
(2). Gorgias 483b, 486b, 492a.
(3) \[\rho \alpha \iota \omicron \upsilon \iota \epsilon \rho \omicron \iota \delta \upsilon \nu \tau \varepsilon \varsigma ~ \varepsilon \gamma \nu \tau \eta \kappa \eta \] 492a, \[\delta \alpha \iota \tau \iota \nu \lambda \alpha \iota \tau \iota \nu \] 483b,
\[\omicron \alpha \iota \varsigma \delta \epsilon \zeta \nu \tau \varepsilon \varsigma \] 492b, \[\omicron \alpha \iota \varsigma \delta \epsilon \zeta \nu \tau \varepsilon \varsigma \] 483b.
(4). Crito 52d. \[\pi \alpha \rho \alpha \tau \varepsilon \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigma ~ \omicron \nu \omicron \theta \iota \kappa \varsigma ~ \kappa \iota \tau \varsigma ~ \omicron \theta \omicron \omicron \omicron \iota \upsilon \alpha \varsigma \iota \varsigm
(5). In Crito 51d the disagreeing citizen leaves the
city. The law does not change.
(6). Rep I 338e.
and Lykophron (1) the law is the result of the will of the citizens or, at least, the κύριον τῆς πόλεως.

Glaucoc’s views (2) are nearer to those of Kallikles. He shares with Kallikles the view that the consciousness of their own weakness (3) induces the multitude to agree upon a legal order based on justice (4) and equality (5). What distinguishes Glaucoc’s from Kallikles’ views is the notion that the social contract rests on a compromise—μέσον—(6) implying renunciation of the best life, i.e. freedom to act unjustly (7), but also security from

(1). Aristotle Politics I-280b 10 quoted by Dodds op.cit. p. 266.
(2). Rep II 358e - 359b.
(3) α’ δ’ ο’ ο’ ω’ ο’ τι’ τι’ α’ δ’ ι’ κε’ τ’ 359b.
(4) ου’ θε’ θε’ δι’ α’ γ’ ν’ ι’ ς’ α’ δ’ ι’ κε’ τ’ κα’ ι’ ευ’ ν’ θι’ δι’ ο’ ν’ α’ ν’ α’ δ’ ι’ κε’ τ’ ν’ ι’ ς’ α’ Γ’ ν’ ι’ ς’ η’ ι’ κα’ ι’ ο’ ν’ ι’ θ’ ν’ ι’ τ’ ε’ μ’ τ’ α’ γ’ ι’ μ’ ι’ τ’ α’ μ’ ι’ τ’ γ’ ν’ ι’ ς’ 359a.
(5) Γαρ α’ δ’ τ’ ι’ ς’ α’ γ’ ι’ μ’ ι’ τ’ α’ μ’ ι’ τ’ γ’ ν’ ι’ ς’
(6) τ’ ο’ ν’ ι’ τ’ α’ γ’ ι’ μ’ ι’ τ’ α’ μ’ ι’ τ’ γ’ ν’ ι’ ς’ α’ γ’ ι’ μ’ ι’ τ’ α’ μ’ ι’ τ’ γ’ ν’ ι’ ς’ α’ Γ’ ν’ ι’ ς’ η’ ι’ κα’ ι’ ο’ ν’ ι’ θ’ ν’ ι’ τ’ ε’ μ’ τ’ α’ γ’ ι’ μ’ ι’ τ’ α’ μ’ ι’ τ’ γ’ ν’ ι’ ς’ 359a.
(7). This is what ἀθανασία φύσις ὁμοίως περινεκνωμένη 359c, cp Hobbes, Leviathan Part I ch 14.
the worst fate, to suffer injustice without help or protection from any authority.

This notion of a compromise makes Glaucan's views quite similar to those of Antiphon (1) and of the later Sophists, e.g. Lykophron (2). The absence of the notion of compromise or concession in Kallikles' account of the social contract strongly suggests that his ρνίας whole character, to some extent, represent what Plato would be unconsciously inclined to feel (3).

The account of the Laws (4) establishes that the opposition of natural and positive law, which is implied in Kallikles views of social contract, was expressed by a very ancient tradition, as old as Homer (5). Moreover it seemingly provides an evidence

(1) Γα των νομων ομορφωστειντα... ου ρηματα ηστειν... This agreement is a compromise necessary because of the existence of µαρτυρεις DK10 B 44 (v. 11 pp. 346-347).
(2). Lykophron compares political society to an alliance between states ( αυ µα ατια). This implies as in Glaucan the notion of compromise and reciprocal concessions. DK10 A3 (II p. 307).
(4). III 661ε-δ.
(5). Odys. 9, 112f quoted in 680b. From 680b-681d it appears that the natural communities are partially governed according to customs. To that stage succeeds that of social organization according to written laws.
that the enactment of written laws succeeds to social
dlife according to custom, as a later to an older stage
of development (1). This historical conception
may partly apply to Kallikles’ views on the
relation between ὑσός and

νόμος. Otherwise, Kallikles’
conception of the social contract is quite different
from that of the Laws (III). In the Laws (III) the
written laws are established by magistrates, acting
as representatives of the patriarchal

communities, appointed by election (2) with the
approval of the future citizens and magistrates (3).
The element of deception (αἰφαῖν) (4),
so important in Kallikles account of the law of the
weak, does not appear in the theory of the social
pact, as developed in the Laws.

(1) μετὰ ταῦτα 681c.
(2) αἱρετοῦ οικιστικὰς... 681c.
(3) τοῖς ἄημοις Ταὸν ἀξιόντες

ἐγερόσθαι... ibid. 681d.
(4) ἐκείνοις, πινεῖντες,
Gorgias 493b, ἀποκατοπτομενοι
492a.
The purpose of \( \alpha \pi \alpha \tau \eta \), whose powerful effects were already acknowledged by Gorgias (1), is to induce the "excellent natures" (\( \theta \zeta \tau \iota \sigma \tau \omicron \iota , \epsilon \rho \rho \mu \nu \epsilon \sigma \gamma \omicron \tau \omicron \)) to accept the false "ideology" of the weak multitude. So, they are spiritually enslaved (2) as their unconscious respect of the laws and moral values of the weak shows (3). The shame of Polos (4) is a good example of such spiritual slavery.

So, Kallikles thinks that the corruption of the natural law is due to a) the agreement between the weak b) the fact that they are able to deceive the strong. The references to the establish clearly that the legal order, which is the most opposed to the natural law, is the democratic constitution (5). The nearest to the natural law is tyrannical government (6).

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(2). \( \kappa \alpha \alpha \alpha \zeta \iota \nu \lambda \mu \varepsilon \sigma \alpha \) Gorgias 483a;
(3). \( \varepsilon \alpha \nu \tau \omicron \iota \zeta \omicron \delta \epsilon \iota \omicron \tau \nu \nu \) Gorgias 492b.
(4). ibid 482d.
(5). it should be pointed out however that every lawful city rests on some kind of equality.
(6). see \( \varepsilon \) end of this chapter.
This account of the corruption of the natural law is relevant to the understanding of the platonic view of μεταβομ of the constitution and the laws. The platonic view is on the whole opposed to that of Kallikles. "Fear" (φόβος) or shame (αιδος), which is a subsidiary cause of the corruption of the natural law according to Kallikles, is the principle through which a sound legal order is maintained or "saved" according to Socrates and Plato (1). There are however some common features between Kallikles' and Plato's theory of legal and political development. These are a) the connexion between a "healthy society" and the "innocence" i.e. credulity of its members. This feature of Kallikles' "excellent natures" (2) is also a characteristic of the inhabitants of the "healthy" or "true" platonic "city of pigs" (3), those of the city of Kronos (4).

(1). Laws III 699c op. Crito 47d.
(2). Gorgias 483a, 484a, 492a-b.
(3). Rep II 372b, 372d-e. This "naivete" is implied in their peaceful character and may be due to their αὐταρχία.
(4). Politicus 271a, Laws IV 713e, implied in the absence of strife or conflict (ἀγών).
and the members of the primitive societies, as Plato depicts them (1). Unless Plato expresses Kallikles' views within his own frame of μέγα βοήθη both accounts may owe something to a minor socratic or antisthenic trend of thought (2).

b) α' μ α' τ η is for Kallikles (3) and Socrates (4) the fundamental cause of the corruption of the natural law and society. But Socrates thinks that this deception is mainly self deception about what is the true hierarchy of values (5). It is tantamount to "ignorance" ( α' μ α' τ η ) and occurs in the ruler and in the citizen. Deception by others, namely false orators or statesmen (6) is fully acknowledged but held as secondary, since it is a mark of an already corrupted legal order, which deprives the citizen of his freedom (7). For

(1). Laws III 679c.
(2). cp F. Duemmler, Akademika, pp. 67-68, 77, 81.
(3). Gorgias 483e, 492a.
(4). Gorgias 468d-e, 477b, 480c. cp on as "source of strife" Rep VIII 545d, Laws III 691a.
(5). Apology 22d-e, Grito 47d.
(6). Gorgias 503a, 521a.
(7). Crito 52e. On the parallel α' μ α' τ η α' ν α' τ η cp Gorgias, Encomium
Helenae η 8.
Kallikles the deception is always due to the corrupted, weak multitude (1). The emphasis on deception by both Kallikles and Socrates may be due to the influence of Gorgias' theory and practice of rhetoric (2). On the other hand, the socratic and platonic view that the ruler and the citizen are ultimately responsible for their own ignorance, and that individual enlightenment must precede political reform (3) clearly shows that the importance of political education should not be overstressed, as far as the socratic and platonic political theory is concerned.

c) This deception leads to a perverted society, in which appearances conceal reality. Both Kallikles and Socrates regard this society as a corrupted one probably because both share the view that, as far as social reality is concerned, things ought to appear clearly as they are (4).

(1) Gorgias 492a, 483e, the feeling is the same in Rep VI 493c where the corrupting power of the multitude is heavily stressed.
(2) O. Navarre, Essai sur la Rhetorique Grecque avant Aristote, Paris 1900, p. 228.
(3) Gorgias 527d-e, cp. Apology 29e, 36c-d, 39d. Alcibiades I, 130e, 132b.
(4) Ε' ελάμβανεν, Gorgias 484a-b, α'νοτάτα, 483c, α'νοτάτας 521d, κατεπτυσμένον τό ουκότείν, αποκάλλεί το είναι αγαθόν 527b. cp the definition of the law, as ΤΟΥ ΟΥΝΤΟΣ ΚΑΤΑΒΑΙΝΩ in the spurious but not unplatonic Minos (315a).
d) Kallikles, Socrates and Plato agree that the reform, which will restore the natural law or the healthy society, implies the initiative of an exceptional individual (1). Kallikles however is more confident than Socrates and Plato in the miraculous and intuitional impulse, which will induce the excellent nature to restore the "natural law". Plato particularly suggests (2) that it is the philosopher, who has completed the necessary curriculum, who may undertake this task. Although he makes some allowance for intuition (3), the practice of the Academy shows that it is an adequate scientific and dialectical education that will open the path of political and legal reform (4).

This internal impulse of the outstanding individual will express itself through ways more subversive, according to Kallikles than those which

(1) ἐὰν φύσιν ἸΚΑΝΗΝ ἡ ἔννοια ἔχων... η' ιπάθειαν... ἐπαναστάσι... διαφορά... καταπατήσας...
(2). Rep V 473d - 474c.
(3). Ἡ εἰρήνη ἡ ἐννοια... Ἐκ τοῦ λόγου ἡ ἐννοια ἐκείνη... Laws VII 811c, XII 950c, esp 951b.
(4). Plutarch, adv. Colot 32 on the legislators educated by the Academy, namely Phormio, Menedemus, Aristodemus. This platonic practice is anticipated in the socratic conception of the competent man.
Socrates and Plato would accept and advise (1). This is obviously the reason which induces Plato to give such emphasis on persuasion (2) and pleasure (3) as far as true political activity is concerned.

B. Socrates' views on political development according to the Gorgias.

There are many platonic features in Kallikles' views on political development, but the specifically socratic points on this field ought not to be disregarded. Socrates seemingly accepts in the Gorgias the view that the beginnings of mankind were blessed, as the government of Kronos cared for mortals (4). There are many common characters between this stage and the "beatitude" which the soul of the just enjoy in the Isles of the Blessed, after their death (5). This is similarity suggests that

(1). On the value of μερον Laws VI, 765a - 766a.
(2). see ch. 1 of II, ch. 2 of III and V of this thesis.
(3). see ch. 3 and V of this thesis.
(5). εἰς μακάρων νύστοις αὐτοπεμφερὲν Gorgias 526c, τῆς τῶν ἵκτοι μακαρίας ῥοίνις, in connexion with the age of Kronos in the Laws ἡ.
the notion of "blessedness" was not only connected with orphicopythagorean trends (1) but perhaps also with the various pythagorean (2) or antisthenic (3) accounts of the origin of mankind.

At that stage, the divine law was respected although judicial organization was deficient (4) probably because there was not so much need for its development as under the subsequent stage of the government of Zeus (5), which characterizes the beginning of the history of mankind as such (6).

There is no precise account in the Gorgias of the origin of law and political society although the allusion to the period of Kronus suggest that there were, before the development of the legal organization, natural communities comparable to the "city of the pigs" or the γίνοντο of the

(1). As those expressed by Pindar in the Meno 81b-c. of Bluck adl.
(2). Stobaeus IV - I, 80 (Heinze), cf. A. Delatte, Essai sur la Politique Pyth. p. 43.
(4) Καὶ καὶ τὰ γόνατα τίνα αὐτήν μετά τοῦ τοῦτον Gorgias 523b.
(5) νεω-θέρων δίος τήν α'ρχήν ἐ'χοντος Gorgias 1c, during the rule of Kronos there was no strife and therefore no "constitution". Politicus 271e.
(6). Probably because the divine government of the world ended. Politicus 272e.
The transition from social life grounded on unwritten customs to legally organized communities remains unexplained.

The first legally organized community is apparently the state of \( \textit{en} \nu \ro muia \) in which the ruler performs his task with justice as Aristides did (1). Such states were the dorian communities, in which the rulers and the subjects respected their mutual rights in accordance with the laws agreed by them (2). Such was Sparta (3), Persia under Cyrus (4) and Darius (5) and the athenian, most probably the solonian, \( \textit{Ta} \gamma \alpha \iota \delta \ \pi \omicron \omicron \iota \pi \omicron \omicron \iota \epsilon \iota \alpha \) (6).

There is no strict equivalent in Rep VIII of this "lawful city", alluded to, I think, in the Gorgias and defined in the Laws III. It shares some characteristics of the "perfect state", referred to as aristocracy in the Republic (7). There is also some similarity

(1). Gorgias 526b.
(2). Laws III 691a.
(3). ibid. 691e-692a.
(4). ibid. 694a.
(5). 695c.
(6). ibid. 698b.
(7). VIII 544e. This, of course, is the perfect state, in so far as political \( \mu \varepsilon \tau \alpha \varepsilon \omicron \gamma \eta \gamma \omicron \) is concerned. It cannot be identified with the "paradeigmatic" heavenly city of IX 592b and probably not even with the "true" or "healthy" state of Rep II 372e, 373b. It is the best of the historical states.
between this lawful state and timocracy, i.e. the Spartan constitution (1), although it is deprived of the seeds of corruption, which turn timocracy into oligarchy (2), in spite of the fact that timocracy, as such, deserves the epithet of εὐνομία.

There is no hint in the Gorgias of an oligarchic constitution, subsequent, in the Republic, to the lawful state(3). In that respect, the Gorgias is much nearer to the Laws III, where the distinction is between the lawful and lawless states.

The Democracy does not appear in the Gorgias (4) to be a deliberately lawless state. Its main defect is weakness and its most important feature is that the rulers are subservient to the desires of the multitude (5). Pericles is supposed to have corrupted the Athenians because, in spite of the contradictory evidence of Thucydides (6), he was flattering their desires (7) and did not differ on that respect from a

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(1). VIII 544c, 545a.
(2). 547c-d.
(3). Rep. VIII 1e and 550e ff.
(4). 503c, 515a, 517b, 518d, 519a-b.
(5). 517b. Gorgias 517b.
(7). Gorgias 515c.
tradesman (1) or a sophist (2). Thus, democracy develops in itself the seeds of further lawlessness (3) but, in the Gorgias at least, this lawlessness is only potential and its strictly political features, namely extreme equality (4) and freedom (5) are absent.

Socrates, in the Gorgias, is apparently aware of the difference between the moderate periclean democracy and the rule of the mob (6) for instance under Hyperbolos. The criticism of the Gorgias concerns the former while that of the Republic the latter (7). The criticism of the Gorgias follows the lines of the Politicus (8) where we are told that the main feature of lawful democracy is its weakness (9).

Tyranny - in opposition to democracy - is a purposefully, consciously and wilfully lawless state (10). In order to understand this, we ought to be

(1) Καὶ ἄνθρωποι... οὐ μὴν οὐρανόν

(2) Who is reproached with the same kind of guilt.

(3) As in Rep VI 493b-c.

(4) Ὑπὸ Ἱνδονομίας as related to lawlessness,

(5) Ὑπὸ Ἰερείδια as an attribute of lawlessness


(7) This distinction is clearly drawn in the Politicus 291a - 292a, 302e.

(8) 303a ff.

(9) Ὑπὸ σωματικά ἀρχιτότερα μὴτε κακοῦ μέγα δυναμείναι...

(10) Gorgias 473c-d, 507e, 525d-e, 510b-d.
reminded that the law is defined, according to Plato, as linking the citizens among themselves and with the rulers (1).

Now, the tyrant's unrestrained greediness compels him to be in a state of conflict with all the members of his city. He is therefore isolated and deprived of any relationship of friendship (μία) or any other social link (κόινωνία) (2). Hence, the tyrant is fundamentally an outlaw (3). He is in a constant state of fear and may feel safe only if he makes, through perverted education and corrupted action, the most promising citizens similar to himself (4). As opposed to democracy lawless and tyranny represents the ultimate stage of the corruption of the law and the state. This account of tyranny agrees on the

(1). Gorgias 503a, 504d, as eros does in Symposium 202e-g, on this notion Timaeus 33c, 32c-32a. Cp Laws VII 793b. See also ch. 2 & V of this thesis.
(2). Gorgias 507a-508a. Cp Rep VIII 567d and Xenophon, Hiero VI, 2-4. See also ch I, II of this thesis.
(4). Gorgias 510b-d. He is bound to fail with the really superior personalities and will despise the. It is noteworthy that in Rep VIII 567d he will seek their support.
whole with that of the Republic (VIII and X).

It may be interesting however to consider the following points. a) The tyrant is, in the Gorgias, the pattern of lawlessness (1) in a strictly ethical sense. His misery is inward and due to the morbid state of his soul (2). He would be pitiable even if he was able enough to conceal his real aims, while, in the Republic (3), his misery and lawlessness is due also to the suspicions the respectable citizens feel towards him, and to his action of upsetting the normal social hierarchies and even of liberating the slaves (4). This shifting of emphasis from the inward to the outward notion of lawlessness suggests that the criticism of tyranny in the Gorgias is remarkably free from any aristocratic prejudices, which may distort the account of tyranny in the Republic.

b) It may be inferred from the Gorgias (5) that a "just" tyranny is not inconceivable. This agrees with the Greek practice and feeling (6) and is a further

(1). Gorgias 525d.
(2). Gorgias 473d-e.
(3). 567e - 568a, cp. Hiero VI, 5-10.
(4). This point is particularly emphasized in the Hiero, i.e.,
(5). Gorgias 473d-e.
(6). Thuc VI, LIV, 5 on α'φεθτ' and θυ'νε θ-ις of Peisis-teratus, 6 on the lawful character of his administration. Cp. Aristotle, Pol V, ειτ
evidence for the absence of any political or class prejudice in the Gorgias. This "just" tyranny may however amount to the personal government of the Laws (1), where \( \tau \rho \alpha \nu \alpha \nu \sigma \) stands for \( \mu \varepsilon \gamma \iota \sigma \tau \omicron \nu \sigma \delta \upsilon \alpha \mu \nu \varepsilon \nu \sigma \) or \( \delta \upsilon \alpha \alpha \tau \eta \epsilon \iota \omega \nu \nu \kappa \alpha \tau \alpha \) \( \mu \nu \alpha \rho \chi \iota \alpha \nu \) (2). This government may provide the opportunity to realize the legal and political restoration of the perfect state smoothly (3) and rapidly (4).

c). This point raises the question of the transition from the corrupted to the healthy state. Socrates apparently thinks that the Athenian democracy is hopelessly corrupted (5). If so, there is nothing particularly disquieting or avoidable in the rise of such unworthy statesman as Kallikles (6) or Alcibiades (7). These are the natural outcome of the lawlessness of Athens and they contribute to its further

(1). IV 709e - 71le.
(2). Ibid 71ld.
(3). Ibid 71lb.
(4). Ibid 71la, This point is perhaps disregarded by A.E. Taylor, when he suggests, in his Introduction to the translation of the Laws, p. XVIII, that Plato stands for the limitation of the political power by dividing it among many holders.
(5). Gorgias 517a, 521c.
(6). Gorgias 513a, 513b.
spreading because "they make themselves similar to the constitution under which they are living" (1). This view implies that, in spite of a critical attempt by such well inspired persons as Socrates (2), the corruption of the state and the laws is fatally bound to develop (3). There is no apparent hope for the healthy state in the Gorgias. But, in so far its expectation is reasonable, it can only emerge from the 

Now, the lawful state of Aristides is doomed to verge into corruption. This is not clearly stated in the Gorgias but implied in its whole picture of Athenian politics. Aristides' virtue is itself something near the σπερτηκτική δορετή of the Phaedo (4), and his knowledge does not exceed the level of right opinion (5). Therefore he cannot prevent a subsequent corruption, as his knowledge is unstable and he is unable to educate his fellow citizens (6).

The Republic will add ontological reasons for the

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(1). Gp. Rep VI 492e, Gorgias 513b.
(2). Gorgias 521d, Apology 31e-32a.
(3). Gorgias 513d.
(4). Gp Gorgias 526a with Phaedo 82b.
(5). His justice is like that of Cephalus (I 331d Rep), σταυροκράτωσ σταυροκράτειν α' αυτος εμπίστευτην, cp also Meno 94a on Aristides.
(6). Meno 1c, 98a. cp Buthyphro 11c.
unavoidable character of the corruption of the best constitution. We are told there that the best constitution belongs to the world of generation and is therefore doomed to decay (1). A substantially identical view, on the fate of the most healthy state, with reference to chance (2), to the temporary absence of divine government of the world (3), causing its contradictory movement or to the weakness of human nature (4), is suggested in the Politicus and the Laws, but is dressed there in a more popular fashion (5).

Hence, it may be suggested that the end of the development of a constitution coincides with its starting point in accordance with a cyclical pattern. This conclusion is not clearly stated in the Gorgias because this pessimistic dialogue (6) considers only the decay of the healthy city. But, nothing, in the

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(1) Χαὶ ἐπὸν μὲν κινδυνάει Πόλεις οὕτως θυσταθεὶς ἔπειτα πάντι γενομένως θεοῦ ἐτῶν, οὐδ' ἔτι χρόνῳ οὐκ οἴομεν τοῖς ψευτάς καὶ τοῖς ἀρχαῖοι χρόνοις ἀλλὰ θυστάταιναι. Rep VIII 946a.
(2) Laws IV 713a, 709a-c.
(3) Politicus 269c ff.
(4) Laws VII 804b.
(6) See § I of this chapter.
Gorgias precludes the possibility that, from the
πήμοναν κακῶν the εὐνομος πόλις,
if not the perfect city, will arise.

Now, is this the definite platonic view? It is
of course difficult to understand how the best state
especially if it is a primitive one, will arise from
tyrrany (1). But this may be secured through the
purification (2) which the "just tyrant" will undertake
(3). At any rate this "rebirth" of the healthy state
is not a natural necessity, since it will be secured only
by a "miracle" (4).

C - The causes of corruption of the constitution
and the Law in the Gorgias.

As the Gorgias assumes that the causes of the
corruption of the law and the state lie mainly in the
ignorance of the rulers (5), it is difficult to

(1). Aristotle Politics l.c. ascribes to Plato this view
by implication. cf. H. Ryffel, Μεταβολὴ Πολιτείας
pp. 102-103, 132.
(2). Rep VII 51a, VII/567c.
(3). Laws IV 709e - 710a, V 735d-e,
(4) ἦλθα μοίρα or ἦδις ἐπιπτονοσ
This theme may convey the popular feeling expressed
in the hesiodic motto "τὰς ὀρές τὰς ἱππίωτα
τὰς προπορφοῖσιν, ἤθεν" quoted (II 364d) and criticised
as a μὴν κατανοεῖ in the Republic
(II 377d).
(5). It does not follow that the citizens are not
responsible for it. Nevertheless, the Gorgias anticipates the later emphasis on the rulers.
disentangle them from the causes of individual perversion, dealt with previously, in connexion with punishment.

The first important point is that the fundamental distinction, in Plato (1) and the young Aristotle (2), between the primary (αἰτία) and secondary or subordinate (ὑποαἰτία) causes is relevant to the legal, political and social dynamics (3). In the Gorgias, we are told that there are fundamental and secondary causes of the corruption of a society and its laws. The use of this distinction is obviously untechnical and refers to the responsibility for the external evils and internal corruption of Athens respectively (4). This is a rare case of application of the distinction of primary and secondary causes in reference to evil results (5). The sense of ὑποαἰτία here is akin to the judicial one (6).

(1). Phaedo 99a, Timaeus 46c, Politicus 281c-e, 287d-e, Philebus 27a.
(2). Protrepticus Fr B 42 (Durinig).
(3). Gorgias 519a, cp Politicus 287d-e, Ep VII 329c.
(4) Καὶ Κ ἐκ Gorgias 1c stands for both. Thucydides and Aristotle might have drawn the distinction between those two types of evil.
(5). cp Ep VII 329c.
From this statement two important inferences might be drawn, a) that the corruption, like the improvement of the state, belong to the world of ἀληθινὸς ὁμοίωσις and can be the object of a science of generation only. This is so because the distinction αἰτίαν-συναίτίαν is always relevant to the world of generation (1).

b) If a science of legal, political and social development can exist, its subject will be the improvement as well as the decay of the state (2), according to the principle that "the science of the opposites is identical". This view is not clearly stated in the Gorgias. It may however be inferred from the acknowledged fact that the most "exceptional" natures are responsible for the improvement as well as for the decay of the state, according to the principle corruptio optimi pessima " (3).

Therefore as far as lawlessness in the state is concerned, its roots lie mainly in the "ignorance" of its rulers. Kallikles had already suggested this

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(1). So, the passages quoted previously, especially Philibus 27a.
(2) ἡν των πορίσων ἐπίδοσιν εἰς ἀρετὴν μεταλαμβανόμενον ἀμα καὶ κακίαν ἐκσάσιος
Laws III 671a cp XII 945c.
(3). Gorgias 525a, cp Crito 44d-e, Rep IV 434a,
Laws III 683e.
view and Socrates accepted it. The ignorance of the rulers (1) consists in a lack of knowledge of what is superior and what is subordinate (2).

This ignorance entails the ignorance of the scale of values or "goods" which the legislator should keep in mind when enacting laws (3). Lawlessness is unavoidable if the ruler is ignorant that what matters most is the "wellbeing" of one's "true self" or his soul (4).

As the goods are identical with the natural ends of our actions (5), to be regardless of their scale is to act blindly and haphazardly (6) and to be unable to praise and fix the pattern of the best life (\( \alpha \rho \iota \varsigma \delta \iota \omicron \omega \varsigma \) which is the main task of the legislator (7).

(1). Gorgias 477b cp Rep VIII 545d, Laws III 683e.
(2). Gorgias 501b.
(3). Gorgias 477b, Laws IV 717c, III 697b, V 726a-728c.
(4). Gorgias 506d, Apol 36c-d, cp Laws II 661b, V 726a.
See also ch. 2 & III of this thesis.
(5). Gorgias 467c-468c, 499e-500a. These \( T \varepsilon \nu K \nu \) are not transcendant. Gorgias 497e, 498d, 500d. Cf. V. Brochard, Etudes pp. 187-188.
(6). Gorgias 468b, such a false statesman will act unwillingly and irresponsibly, Gorgias 468d-e, 525a, 525a, 519a.
(7). Gorgias 500c, cp Laws VIII 842c, esp. VII 827b where legislation is the "best tragedy" because of its quality of "\( \mu \iota \nu \iota \iota \iota \sigma \iota \omega \iota \iota \iota \kappa \iota \mu \iota \iota \iota \iota \iota \iota \varsigma \)\.
Now, the legislator should know also the nature and "capacities" of what he is caring for, namely the citizens, and the material conditions of the community (1). This is a requirement of something α'ναγκαίον rather than ἀγαθόν, like the knowledge of matter, which must be possessed by the Demiourgos of the Timaeus (2).

The Gorgias implies that the absence of this knowledge will prevent the legislator from giving reasons for his legal enactments. He will reduce his laws to commands and threats without persuasive preambles (3). He will be therefore responsible for the corruption of the law through excessive rigidity and irrational hastiness in its application. This cause of lawlessness is not clearly stated in the Gorgias but implied in its rejection of ἀγορά (4). It is implied in the criticism of the irrational, hasty and impulsive character of the decisions of the athenian assembly and the athenian

(1). Gorgias 465a, 501a, Phaedrus 268a-b, cp Laws I 636d, 650b, especially V 747c-e, XII 962b-c.
(2). Timaeus 47a - 48a cp Laws IX 857e - 858a.
(3). Laws IV 719e - 720e.
courts (1). Socrates and Plato particularly disliked this aspect of the Athenian judicial and political practice. They certainly preferred the Spartan μέγανοι (2).

On the whole, the causes of legal and political corruption are reduced, in the Gorgias, to those of individual guilt and moral corruption. Little or no attention is paid to the strictly political causes of strife and lawlessness, e.g. the absence of division or limitation by each other of the established magistrates, which is the condition of the "salvation" of the constitution and the laws, in the later Platonic works (3).

The only acknowledgement of strictly political causes of corruption, in the Gorgias, may be the view that the excessive material power of a state contains the seeds of its subsequent decay, if not submitted to justice and moderation (4). But even this

(1). Gorgias 471e - 472a, 481d-e, 513a-b, 521c-d. cp Apology 37a-c, Crito 48c, Laws XII 948b-d.
(2). Laws VI 766d - 767a, cp Thuc I, 18, 1; I, LXXXIV, cp σειμεραιάς αρχας ουδ' εμείκτους ημοδεστίν. Laws III 693b, 621e - 692c. cp Plutarch, Lycurgus, 5, 30 (42d-f), 7, 1(43a).
(3). Gorgias 519a.
statement may be reduced to a criticism of the Athenian α’ρχή, especially considered in its connection with naval supremacy (Δαυαοοκρατία), on the ground that it provides an opportunity for ἐγοιτία and ἐγευδεῖα, which are as harmful for the state, as they are for the individual (1).

(1). Δp with Gorgias 525a, Laws III 699e - 700d.
General Conclusion

The analysis of the legal and political views stated or implied in the Gorgias leads to the establishment of some important points.

a - The subject of the Gorgias is negative, the denunciation of false politics, and its whole atmosphere pessimistic. It is therefore natural that there are no detailed developments concerning a theory of law. In so far as this topic is dealt with, the "law" referred to is the law, or the "formula" of the order of the soul. There is no explicit reference to the written laws of the state. This point may shed some light on the passages of the Memorabilia, where Socrates equates the "just" with the "legal". Socrates' view is perhaps that the "just" is what is in keeping with the law of the soul. This notion of ν ὁμοίος provides also the basis for the understanding of the later equivalence between ν ὁμοίος and τυποίος (1). The emphasis on education, the disregard for a detailed and applied legislation. This notion of the law of the soul, in connexion with the views of such sophists, as Hippias or

(1). Rep II 380b-c, 383c.
Kallikles, on the law of nature, may be at the origin of the "jus naturale" of the Stoics, although Plato did not develop any theory approximating the "jus naturale" doctrine.

b - The Gorgias does not provide any ground for the alleged opposition between the liberalism of Socrates and the authoritarian strain of the later Platonic politics. The emphasis on Καρνγορία is a forestatement of the μουσία of the Laws and shows that Socrates is at least as "intolerant" as the old Plato. The theory of punishment, as developed in the Gorgias, reminds one of the Platonic requirement of purification, which is a necessary prerequisite for the establishment of the healthy state. As far as moral guilt is concerned, Plato's conception in the Laws (IX) is certainly drawn on less intellectualistic lines. Plato appears more aware of the frailties of human nature and makes allowance for its follies and miseries.

c - This may provide an explanation for the fact that, while Socrates acknowledges reluctantly that a "good" oratory is conceivable, he admits with many qualifications such means of government as έπωνυμία or Καρνγορία, advised and praised by Plato in the Republic and the Laws (1). When

(1). See however ch. 2, b III of this thesis. έπωνυμία in the earlier Socratic dialogues is closely connected with Καρνγορία.
Socrates refers to "education" this means first of all direct or indirect teaching of the truth. If so, the Socratic "ignorance" should not be overemphasized. On the contrary, there are numerous points relevant to philosophical method and legal theory, on which Socrates does not feel the slightest doubt.\(^{(1)}\).

- The opposition between Socrates and Plato on the one hand, and the sophists on the other, should not be overstressed. Plato and especially Socrates, follow quite frequently the main lines of their argument and take for granted some of their assumptions. These are not rejected as a whole. Simply, the obscurities or inconsistencies of some views of the sophists are removed from them. This criticism enables Socrates and Plato to define the main principles of their own legal and political theory.

- There is more awareness of the specific character and necessities of political activity in the later works of Plato, especially the Laws, than in the Gorgias. Here politics and "legal philosophy" are nearly reduced to ethics, while in the Republic they are only grounded on them, and in the Laws the various types of material \(\alpha'\nu\alpha'\gamma\kappa\alpha\) are given serious consideration.

\(^{(1)}\) e.g. the relationship between \(\nu\delta'\mu\circ\beta\circ\) and \(\tau\circ\delta\) of the soul in the Gorgias or \(\nu\delta'\mu\circ\circ\) and \(\omega\gamma\gamma'\mu\circ\circ\) in the Hippias Major. See ch. 2 IV of this thesis.
Retrospect

The present research establishes that the ethical and epistemological views of the earlier dialogues are the foundation on which Plato elaborates his mature political philosophy and his later legal thought. This view does not preclude a shifting of emphasis on some themes or their consideration from different standpoints. But, in so far as legal and political philosophy is concerned, a noteworthy unity of thought and interests is evident.

This appears if the conception of the competent man, as defined in the earlier dialogues, is compared with the mature and later platonic conception of the legislator (1). An identical knowledge of human nature and of the ends to be approximately achieved in practice is required from the socratic competent man and the platonic legislator. Their functions of ἰδραπεία and ἐπιμελεία are identical. Their method of combining persuasive and compulsory devices is almost the same. It may therefore be suggested that the relationship between the competent man and his pupils is analogous to that of the legislator with the citizens.

Socrates, in the earlier dialogues and the

(1) Ch. 2 § II.
Memorabilia, is conscious of the political implications of his views on the competent man. He appears to be anxious to define precisely ΠΟΛΙΤΙΚΗ and ΕΘΙΚΗ. He is successful in doing so, at least in so far as he removes any error preventing the establishment on a firm basis of a supreme science whose task is the evaluation of the achievements of the existing social and political techniques in order to secure the happiness of the citizens. Plato's later conception of ΠΟΛΙΤΙΚΗ and ΝΟΜΟΔΕΤΙΚΗ is expressed in a similar way.

The socratic emphasis on the competent man leads to the view that the reactions of the ignorant multitude deserve contempt in every field, politics and law included. This attitude, which considers "discovery" or "learning" as the basis of competence, may shed some light on the apparently aristocratic bias of the mature and later platonic works. On this point, however, Plato may have felt the influence of such thinkers as "Kallikles". Whether this figure is historical or not, his views are unplatonic, only in so far as the "stronger", to whom he refers, is not also "better", at least in the ethical sense of the term (1).

This being so, it may be suggested that the relationship between Plato and the Sophists is not only

(1) Ch. 4 § 1.
one of opposition. Plato is certainly by no means indifferent to the sophistic education and its aim, i.e. the ability to give good counsel (euthougia) (1). Although he considers the sophistic view of euthougia flat and short-sighted, he occasionally maintains that "right belief" may be sufficient for the satisfactory settlement of practical matters. In the Philebus he seems to be aware of the deficiencies of a strictly theoretical propono, in so far as everyday life is concerned.

The platonic emphasis on "healthy disposition" (eubia or eubia) in connection with the task of the legislator is also interesting (2). In the earlier dialogues it is referred to as the aim of the competent man, regarding the soul of his pupils. This trend of thought presents similarities with Protagoras' views as expressed in the Theaetetus. It may be suggested that Protagoras, Socrates and Plato owe much to the Greek medical thinkers of the beginning of the 5th century, e.g. Alkmaeon.

Another point of a possible influence of sophistic thought on Plato's legal philosophy may be revealed by Plato's theory of the persuasive function of the legislator. This may owe something to Gorgias' views on

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(1) Ch. 3 § III.
(2) Ch. 4 § II.
πειθώς (1), in spite of Gorgias' failure to ground them on a thorough knowledge of human nature.

Plato however does not owe everything to his predecessors or contemporaries as was suggested by such malevolent "authorities" as Aristoxenus. Plato is a ἰδιομοναρχός, blending some prevailing views of his time and country in keeping with his own theory of εἰδός, φύσις, and χνή in order to achieve a systematic result (2).

This is clear in the case of the platonic view of the sanctity of the laws, a topic developed from the earliest (Crito) to the latest platonic work (Laws). This was a pythagorean topos but its theocratic character under its pythagorean expression made this theme alien to Socrates' rationalism, as expressed in his theory of the ἐπαίων. Plato attempts to reconcile these almost contradictory influences. In his later works the theocratic language prevails while rationalism is the frame of thought and expression of the earlier ones. Nevertheless, on the whole, the platonic legal theory remains, from the Crito to the Laws, within the limits of reason.

This appears in so far as Plato’s conception of νομοδεικτική is concerned. In the Gorgias,

(1) Ch. 4 § III.
(2) Ch. 4 § II.
legislation, which aims at the maintenance of the healthy condition of the city, is a "part" of statesmanship (1). In the Politicus statesmanship and legislation are treated as identical arts (2). There is no discrepancy between these two views. Both seek to establish that there is no part of legislation which is apolitical, as modern administrative law or law of property might be thought to be. The point in the Gorgias and the Politicus presumably is that while legislation belongs to statesmanship, there are functions of statesmanship which fall outside the scope of legislation. This is explicitly stated in the Gorgias and implied in the view, expressed in the Politicus, according to which the royal statesman should not be limited, in his initiative, by his own legal enactments. Nevertheless, the royal statesman is, according to the Politicus, a legislator since his art is an expression of ἰογος and aims at the "salvation" of the city. The Greek emphasis on the legislative task of political science, as opposed to the executive and administrative one, sheds some light on Plato's views of νομοθετική, especially in so far as its analogy with οἰκονομική, is concerned (3).

These views explain also Plato's view of the connection between legislation and the judicial function.

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(1) Ch. 4 § II.
(2) Ch. 2 § II.
(3) Ch. 2 § L.
(Δικαστική or Δίκη) (1). We are told, in the Gorgias, that the legislator's task is to maintain the healthy order of the city. The judge should restore this order if disturbed. So, the judicial function appears to be complementary to the legislative one and such a view may imply some degree of independence of the judge from the legislator, at least insofar as techniques of interpretation and application of the law are concerned. There is not however any elaborate theory of Επιείκεια to be read in any platoonic work, which might be compared to that of Aristotle, e.g. in Rhetoric I.

Moreover, we are told in the Theaetetus that the knowledge of the just and the unjust, as applied by the judge, is a "borrowed" one. According to the Politicus and the Laws he is required to keep as closely as possible to the γράμμα of the law and the Crito connects very closely the fate of the law and that of the judicial verdict pronounced on its behalf.

So, the judicial function is independent of legislation only in so far as the inferior can be said to be independent of the superior. Presumably it is, much more than legislation, involved with γενεσία. Its excessive development is needless, according to the Republic, in so far as the true legislator saves the

(1) Ch. 1 § II, ch. 4 § IV.
healthy state.

Otherwise, it should be allowed to exist, as is required in the Laws, but one should remember always that it may easily fall into corruption.

The military element of the state, loosely termed as "strategy", should be subordinate to the legislator (1). The leaders of the army must never be allowed to dictate to the legislator the general purposes of his policy, neither should they be allowed to influence exceedingly the education provided by the healthy state. According to the earlier and later works, courage is only a part of virtue, which should be blended with moderation in order to provide a healthy moral basis for the state (2). Therefore, the legislator should use "strategy" as a "tool" for the external safety of the state. The legislator only is entitled to evaluate the achievements of the military organization of the state with its unity and the concord of the citizens as standards.

The status of "oratory", i.e. of its deliberative species, since Socrates and the later Plato disregard ἀδικανίκη and Ἄπόδεικτική (3), is on the whole similar to that of "strategy", as the Politicus suggests (4). It happens however that the

(1) Ch. 2 § II.
(2) Ch. 2 § V, ch. 3 § V.
(3) With the possible exception of Lysias' (?) speech in the Haecce. Socrates seeks to establish that true epideictic oratory must be an exhortation to the best life.
(4) Ch. 2 § II.
protreptic element is extremely important in the earlier
dialogues and that the platonic legislator himself,
according to the example of Socrates, acts like an orator,
the preambles of the Laws being persuasive speeches (1).
Moreover, the requirement that the orator and the
legislator should be acquainted with the essential facts
about human nature makes the link between them extremely
close.

A possible objection against this view may be
that the platonic interest in oratory is posterior to
the foundation of the Academy, Socrates' attitude towards
oratory being entirely negative (2). But even in the
Gorgias the attitude of Socrates towards true oratory is
by no means one of unqualified dismissal. One may
suggest that his conception of true oratory is applied
by Plato in the legal preambles of the Laws. Nevertheless,
oratory, in so far as it is not a direct mode of expression
by the legislator, should be subordinate to him and used by
him as a tool, whose achievements the legislator only is
entitled to evaluate.

Legislation may be regarded as a science or a
knowledge (ἐπιστήμη) (3) in so far as it is by
itself an expression of Ἰόγος or νοος as opposed

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(1) Ch. 4 § III.
(2) Ibid.
(3) Ch. 1 § II, ch. 2 § II, ch. 4 § I.
to chance. The knowledge which the legislator should possess in order to perform his task in a satisfactory way may be reduced to two types. He should have, like the ΤΕΧΝΙΚΟΣ in the earlier dialogues, an empirical knowledge of the various human characters, the patterns of their development, the factors which are likely to affect them. These are thoroughly and carefully considered in the mature and later platonic works. They include, in the Republic and the Laws, the knowledge of physical, especially geographical, conditions and the ability to foresee the possible effects of some current ΕΠΙΤΗΕΙΜΑΤΑ, ΝΟΜΙΜΑ and ΝΟΜΟΙ.

This empirical type of knowledge may be described as a science of opportunity (ΚΑΙΡΟΣ), a concept particularly emphasized in the later platonic works but not entirely disregarded by Socrates in the earlier dialogues (1). This knowledge offers some similarity to the science of "necessity" (ΑΝΑΓΚΗ) with which the Demiurge must be endowed in the Timaeus (2).

Nevertheless, this type of knowledge is not sufficient to provide the standard regulating the action either of the competent men in the earlier dialogues or of the later platonic legislator. Both should know what

(1) Ch. 2 § II, ch. 4 § IV.
(2) Ch. 2 § L.
is the normal condition of the human soul, from which arise, as the whole platonic corpus consistently maintains, the normal condition of the city (1). This is referred to as an ἱδός or a ὀγός (2) to which the legislator, like any craftsman at work, should look. From a practical standpoint this "form" need not be considered as an ontologically separate essence (3). What matters most is its character of ὀγός, which the legislator's purpose is to realize approximately in his legal codes. As such, the "form" glanced at by the legislator may be described in terms of a scale bonorum, a theme which appears from the Apology to the Laws (4). The notion of a separate form appears when the contemplation of the idea of justice and truth and its inward imitation by the legislator, as opposed to the νομογραφός, is dealt with in the Republic and the Phaedrus (5). This may be considered as a specifically mature platonic development of which no trace is to be found either in the earlier dialogues or the Laws.

In so far as the Laws maintains that the healthy state may be maintained by a legislator, whose

(1) Ch. 4 § I.
(2) Ibid.
(3) Ch. 2 § II and IV.
(4) Ch. 1 § II, III, ch. 2 § VI, ch. 4 § V.
(5) Ch. 2 § I.
understanding of the true scala bonorum does not exceed the level of true belief (1), it may be said to adopt the practical viewpoint of such early works as the Crito or the Meno. If this is so, the transcendent or immanent character of the ethical forms in Plato's philosophy depends mainly on the prevailing interest, theoretical or practical, in each dialogue.

Another similarity between the socratic notion of the competent men in the earlier dialogues and the later platonic notion of legislation consists of the fact that both are described in terms of art (\(T\varepsilon'X\nu\) \(n\)) (2). In most cases this is just a way to express the "scientific" character of both activities and there is no exact equivalent in the platonic corpus of the strict aristotelian distinction between \(T\varepsilon'X\nu\) and \(\varepsilon'\pi\iota\sigma\tau\iota\nu\mu\nu\) (3).

Plato, however, is aware of the fact that all kinds of states, the healthiest included, belong to the world of generation (\(\varepsilon'\varepsilon'\varepsilon\o\i\s\) \(n\)) (4). This being so, some kind of "production" is necessary in order to actualize, within the changing world, the knowledge of the true scala bonorum which the legislator is expected

\(\text{(1) Ch. 2 \S IV.}\)
\(\text{(2) Ch. 2 \S II, ch. 4 \S I.}\)
\(\text{(3) EN VII, 3, 1139a 18 ff., 4, 1140a 5 ff.}\)
\(\text{(4) Ch. 4 \S V.}\)
to possess. So, legislation must be not only a science but also an art.

The transitory character of the state is not much emphasized in the earlier dialogues. The analogy of the competent man and the skilful craftsmen may however suggest that the former is expected to "produce" some kind of result. The platonic legislator in Laws X is expected "to imitate nature". So, the description of legislation as \( \varepsilon \chi \nu \) may imply that it is a \( \pi \iota \iota \nu \omicron \sigma \), achieving or helping to achieve the ends of nature, the latter being an orderly cosmos and not a chaos ruled by \( \nu \chi \eta \).

The description of \( \nu \omicron \omicron \delta \epsilon \iota \kappa \nu \) as \( \varepsilon \chi \nu \) is not inconsistent with the statement of the Politicous that the royal statesmen need not necessarily exercise any ruling function, a view anticipated by Socrates' attitude towards Athenian affairs, as depicted in the Apology and the Gorgias (1). One is \( \varepsilon \chi v i k \omicron \) if he knows the aims to be achieved and the "raw material" of his action. If the actual exercise of their art is prevented by unforeseen circumstances, the socratic competent man and the platonic legislator still deserve the title of \( \varepsilon \chi v i k \omicron \), just like a skilful musician who does not actually play or compose music.

Plato refers frequently in the Laws to the will

(1) Ch. I § II, ch. 2 § I a.
(bouγνοις) of the legislator (1). He suggests that the legislator, particularly the first one or founder of the city, expresses an intention in his legal enactments just like any dramatic poet in his tragedies. The task of the magistrate, the judge and the successor of the first legislator is to understand the meaning (υπόνοια) of the legislator's bouγνοις.

The use of the term bouγνοις, in the light of the analysis of the Gorgias, correcting the asural use of the Hippias Minor (2), enables Plato to show that the true legislator necessarily aims at his own εύπραγια, which can be secured only if the true legislator performs his ἐργανικα correctly, i.e. secures the well-being of the city. So, the legal organization founded on a selfish basis is wrong and ultimately ἀχρον. It may be suggested that the later platonic view of legislation implies the analysis of bouγνοις, as stated in the Gorgias.

Since legislation is an art, expected to produce perceptible results, it may also be described in terms of "capacity" (ὕβίναμις) (3). So, it is in the Politicus and the Laws. This description implies the analysis of ύβίναμις in the Hippias Minor and the Gorgias. If the legislator's will is morally

(1) Ch. 2 § II, ch. 4 § I.
(2) Ch. 2 ibid.
(3) Ch. 2 § II.
indifferent, his capacity may be directed towards morally indifferent results. But, if θεσφαλοι is always of the good, as the Gorgias puts it, then the capacity of the legislator, expressing his will, must be subordinate to the requirements of a rational ἔργον.

The authority of the legislator, who is ultimately responsible for the foundation if not the maintenance of the healthy city, represents eminently what Plato understood by ἀρχή. In so far as legislation is referred to as ἀρχή, this is a way to indicate that it is first in time and rationally prior to any other authority in the city. This entitles legislation to be an ἐπιτάκτική stating the ends to be achieved by the other magistrates of the city (1). The legislator seemingly acts like intellect within the human soul. He must be one as the subject of knowledge is. The unity of the legislating authority will secure coherence to the legal codes enacted by it. Moreover, the systematic character of the ends of the legislator requires the unity of the mental act (ἀποδεῖται τι ιδιού) perceiving them and the unity of the agent putting them into practice. This does not imply that the legislator should necessarily be physically one (2).

(1) Ch. 1 § III.
(2) Ch. 2 § IIIA, ch. 4 § I.
Plato seems to suggest that if the totality of the citizens could be educated in such a way that ομονοia or ομοφωνικ on moral standards would link them together, they might act as auxiliary legislators (1). If the distrust of τὸ πάν ὀσ is evident in the earlier works, particularly the Gorgias, it is tempered, in the Laws, by the distrust of unlimited sovereignty, which is doomed to be a source of υπεξις. The suggested remedy here is the doctrine of the mixed constitution, which is entirely absent in the early dialogues (2). The emphatic rejection of tyranny in them may however anticipate the later platonic distrust of unlimited sovereignty.

Plato may not be enlisted as a supporter of any particular view about who should actually perform the task of the legislator. In the Republic the legislator seemingly coincides with the philosopher. The same standpoint prevails in the Politicus. In the Crito however, as in the speech of Protagoras, the legislator is the idealized city. The Laws provide a synthesis of both standpoints. The legislator, in so far as he is treated as founder of the city (οἰκιστή), appears to be identical with the philosopher, namely Plato himself, appearing there as the "Athenian stranger". But in Book III,

(1) Ch. 4 § III, IV, ch. 3 § II.  
(2) Ch. 2 § V.
where the actual origin of legislation is dealt with, the city, when sufficiently developed, is endowed with the legislating authority. The general trend of the Laws is to widen the basis of the legislating authority in order to include the magistrates and even the plain citizens (1).

Correspondingly, the powers of the "founder" of the city are restricted to those of an advisor of the Chassian colonists of Magnesia. There is a certain likeness between this view and Protagoras' utterances on the "ancient wise lawgivers" in his speech.

The starting point of Plato's analysis of nomos is undoubtedly provided by the 5th century discussions on the relationship between nomos and physis. Plato, like Protagoras, did not admit that any conflict may arise between them (2). In the Gorgias, Socrates establishes, against Kallikles, that the nomos - physis antithesis is unreal (3). In the Laws we are told that law is natural or imitates nature (4).

This view, however, does not imply that Socrates or Plato expressed a doctrine of a jus naturale as did the Roman jurists under the influence of stoic philosophy.

It is consistently maintained, from the Crito to the Laws, that a law is unthinkable, if not enacted by a particular

(1) Ch. 3 § II, ch. 4 § IV.
(2) Ch. 3 § I.
(3) Ch. 4 § I, ch. 1 § III a.
(4) Ibid.
city (1). When ἀγραφὸς νόμος is referred to, this is either the divine law of Hades or the customary law (πάτριος νόμος) (2). Both species are related to the city and even when νόμος is referred to as the expression of ἡ̣δις and νοῦς Plato still maintains that it should also be a δόγμα πορευόμενος (3).

The socratic view of the covenant (μυδονίκη) expresses the same feeling. In the Crito (4) the law is ethically prior to the citizen. Nevertheless, its validity depends partly on its acceptance (ομοιογοια) by the latter and his readiness to respect the laws of his country, which are annihilated if disregarded. This does not apply to the law of Hades, which is nevertheless described as "the brother" of the laws of the city.

The nearest approximation to the roman view of a jus naturale is to be found in the socratic identification of νόμος with the order (τάθις or κόσμος) of the soul (5), as expressed in the Gorgias. This view implies the supremacy of intellect within the soul. It anticipates therefore the later description of law as "distribution of intellect". In so far as the view of the Gorgias implies the functional equivalence of νόμος

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(1) Ch. 2  IV.  (2) Ch. 1  IV.  (3) Ch. 2  IV.  (4) Ch. 1  II.  (5) Ch. 4  II.
and ιω̄τος (1), it anticipates the later connection of νόμος with πέπος, as suggested in the Philebus (2).

This rationalist view of νόμος, like the statement of the Republic that justice is an inward disposition of the individual (3), rather than a matter of administrative organization of the city, foreshadows the idea of a universal law applying to all mankind. So Plato, while not having expressed the idea of a jus naturale, rejects what may be termed legal positivism, i.e. the notion that the law is a mere command enforced by a particular city. The rejection of legal positivism is already evident in the Hippias Major, where Socrates distinguishes the true νόμος which is always right from the spartan educational laws, which may fail to secure the welfare of Sparta (4).

This socratic view enables one to understand why Plato, in his mature and later works, emphasizes the deficiencies of the νόμος of the particular cities (5), while abstaining from elaborating any worked out theory of εἰσερχομένους comparable to Aristotle's (6). In

(1) Ch. 4 § II
(2) Ch. 4 § II
(3) Ch. 2 §§ IV, V
(4) Ch. 2 § IV, V.
(5) In the Phaedrus and the Politicus, see ch. 1 § III a.
(6) E.g. Rhetoric I, 3, 1374b 10 ff.
the first case he considers the actually existing 
\( \text{ἐπίδοσις} \), \( \text{νόμιμα} \) or \( \text{νόμοι} \)
while in the second he adopts the standpoint of true 
\( \text{νόμος} \). It is the former laws that are subject to change.

In the earlier dialogues, there are few but
interesting hints on the patterns of change of these laws.
These allusions anticipate the elaborate developments of
the Republic (VIII) and the Laws (III). From the Crito
it appears that the city and its laws stand or fall
together. The same applies to the analysis of the
Republic and the Laws. So it may be suggested that the
platonic account of the change of the laws is moral and
political rather than legal, in the formal sense of the
term (1). Socrates however accepts that a law may have
to be altered. There are in the Laws various provisions
enabling the successors of the founder of the city to meet
this necessity (2). So, the change of the laws is
considered in the platonic work under three heads

\[ \text{a - the \( \gammaένεσις \) of the laws,} \]
\[ \text{b - their improvement (\( \text{ἐπίδοσις εἰς ἀρετὴν} \)) (3),} \]
\[ \text{c - their decay (\( \text{ἐπίδοσις εἰς κακίαν} \)) (4).} \]

\[ \text{a - The accounts of the Protagoras and the Gorgias on} \]

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(1) Ch. 1 s L
(2) Ch. 2 s V.
(3) Ch. 4 s V.
(4) Ibid.
the origin of law express the views of Protagoras and the
otherwise unknown Kallikles rather than those of Socrates
and Plato (1). Nevertheless, Protagoras' account, according
to which the city chooses among the various proposals of the
ancient lawgivers and enacts her choice as laws, is not
contradicted either by the letter or the implications of the
Crito. Moreover it anticipates the account of the Laws
(III).

There are no provisions of the best way to fill the
possible gaps of the legal codes, comparable to those of the
Laws. This is so because the earlier dialogues do not
deal with legislation as such (2) while the Laws may be
considered as a handbook of instructions for the members of
the Academy in case they would be invited to act as
legislators (3).

The improvement of the existing legal order depends,
according to the earlier dialogues, on the development of
the citizen's conscience (4), which enables the legislator
to use persuasion rather than compulsion (5). This
development can only be secured if the citizen rejects the
competitive view of ὀφθαλμόν and admits that it is

(1) Ch. 3 I, ch. 4 § V.
(2) Ch. 2 L.
(3) Ch. 2 L.
(4) Ch. 1 L.
(5) Ch. 1 III.
"shameful" to be harmful to others. In this way only will a stable \( \kappa o i n w \nu i a \) between the citizens be realised and the city and its laws saved (1). The legislator should therefore develop the natural feelings of \( \alpha i d o s \) and \( \delta i k n \) into \( \omega i p h r o s i n \) and \( \sigma i k a i o s i t h i m \). Natural energy should be transformed into "political" courage (2). The citizen should be educated in such a way that he should feel as pleasurable what is good from the legislator's view-point (3).

In the earlier dialogues, especially those dealing with the personality of Socrates, the improvement of the legal order depends apparently on the citizen's rather than the magistrate's conduct. This may be due to the presence of Socrates, who is referred to as the model of the right citizen (4). Nevertheless, there are in the Gorgias already various statements emphasising the responsibility of the magistrate in this matter (5). These are further developed in the Republic, the Politicus and the Laws as Plato's desire of indirect political activity develops.

\( \ldots \) The state of lawlessness is frequently referred to in the earlier dialogues, e.g. the Crito or the Hippias Major. The analysis of lawlessness in these works is

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(1) Ch. 1 \( \& \) II, ch. 3 \( \& \) V.
(2) Ch. 2 \( \& \) V, ch. 3 \( \& \) V, ch. 4 \( \& \) III.
(3) Ch. 3 \( \& \) V, ch. 4 \( \& \) III.
(4) Ch. 1 \( \& \) I.
(5) Ch. 4 \( \& \) Vb, \( \& \).
ethical, with no reference to specific political factors, such as absolute authority or excessive freedom, dealt with in the Laws (1). Hence παρανομία and ἀνομία are almost equivalent terms while Plato in his later works occasionally distinguishes them (2).

The ethical character of Socrates' views on the decay of the legal order may provide an explanation for the mainly static terminology used by him. So, in the Crito, Socrates refers to ἀπώλεια or διαφθορά νόμον as opposed to the terms μέτα βοήθεια and ἐπίθεσις used by Plato in the Republic (VIII) and the Laws (III) (3). These terms undoubtedly convey the notion of a gradual decay of the legal order much more than those of the earlier dialogues. The view of the gradual corruption of the legal order is for the first time expressed in the Gorgias, where such medically inspired terms as οἴδιπόποιος ζήτημεν παρανομον λικανία occur (4).

Thus, the mainly static outlook of Socrates about legal decay is not due to his alleged inability to perceive its gradual character but to the fact that he deliberately adopts the citizen's ethical standpoint rather than that of the political scientist as Plato does in his mature and later works (5). This however is not inconsistent with

(1) Ch. 2 § VII.
(2) Ibid.
(3) Ch. 1 III &
(4) Ch. 4 V.
(5) Ch. 2 § VII.
the fact that the state of mind of the lawless citizen is described, in the Apology and the Crito, in terms very like those used by Plato in his description of the lawless ruler (1).

The best state appears to be, in the earlier dialogues, the εὐνομὸς or εὐσκονμένη, instances of which are the idealized Athens, Sparta or Megara (2). This lawful city may be considered as an anticipation of the best platonist state, in so far as this is referred to as an earthly creation, which has already existed or is likely to come into existence (3). The kingdom of Hades and its divine laws may be considered as a foreshadowing of Plato's heavenly or "paradigmatic" city (4). This kingdom is not affected by corruption. Its laws may only be disregarded (5).

Lawlessness appears when the actually existing laws miss their mark (ἀμαρτανον) i.e. cease to be laws at all (6). In that case the right man is not appointed to the right place (7), the citizens lose the consciousness of their social and political links through overspecialization (8), they become exaggeratedly free (9), without any feeling of shame and of the need of self-

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(1) Ch. 1 § III b, ch. 4 § V c.
(2) Ch. 1 § II, ch. 4 § V b, ch. 2 § V.
(3) Ibid.
(4) Ch. 1 § IV, ch. 4 § V b.
(5) Ibid.
(6) Ch. 2 § VI.
(7) Ch. 2 § V.
(8) Ibid.
(9) Ch. 4 § V b, c.
restraint (1).

According to the Gorgias these features apply also
to the lawless magistrates. When they prevail, government
becomes mere guesswork instead of an art (2). It
indulges in flattering the citizens instead of improving
them (3). Ultimately, everybody acts at random (4).

Deliberate lawlessness however is not characteristic of
democracy but of tyranny (5). This view is maintained
from the Gorgias, through the Republic and the Politicus,
to the Laws and the VIIth Epistle.

The legal system of a city is more specifically
affected when the laws become too rigid, unable to allow
themselves to be "persuaded", i.e. altered, and when they
are too hastily and thoughtlessly applied by the judges (6).

This view, expressed in the Apology and the Crito,
anticipates the statements of the Politicus, according to
which overreliance on the letter of the laws and on
παραγωγή, may be harmful for the city in so far as it
contradicts the designs of the wise statesman and his
right to change the laws for the better (7). So, the
most "nomocratic" platonic work still acknowledges the

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(1) Ch. 4 § IV, ch. 1 § III.
(2) Ch. 4 I and II, ch. 2 § II, ch. 3 § I and III.
(3) Ch. 2 V, ch. 3 § IV, ch. 4 § II.
(4) Ch. 3 § IV, ch. 4 § II, ch. 2 § III.
(5) Ch. 4 III b.
(6) Ch. 1 III c, ch. 2 § III.
(7) Ch. 1 III c, ch. 2 § IV.
unavoidable limitations of any actual legal organization.

In so far as the causes of legal and political decay are dealt with, Socrates, like Plato, in his mature and later works, ascribes it to the "ignorance" of the true scala honorum and to the confusion of the means and the ends resulting from it (1). Both citizens and rulers are answerable, according to Socrates, for the decay of the city and its laws, while Plato is inclined to hold the rulers only as responsible for it.

Socrates explains this ignorance in intellectual terms and suggests that the adequate cure for political disorder rests on theoretical agreement on moral standards, comparable to that of the mathematicians in their field (2). The possible disease (μηθέω) of the soul is rather the result than the cause of this ignorance.

Plato shares Socrates' intellectualism. Nevertheless, he acknowledges, more than Socrates, "arrogance" (φθάρμα) as the ultimate source of moral ignorance. This may ultimately be due to a somewhat mysterious corruption (διάφθορα) of the soul of the rulers (3).
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