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Greatness of Soul and the Souls of Women:

Plato's Laws *as an Introduction to Rousseau's* Letter to D'Alembert

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In his first public statement as a political philosopher, Rousseau condemned the public entertainments of his time and railed against a culture of luxury in which "men have sacrificed their taste to the Tyrants of their liberty."[2] In a footnote to this statement, he offered an intriguing aside:

> I am far from thinking that this ascendancy of women is a harm in itself. It is a gift bestowed upon them by nature for the happiness of the human race: better directed, it might produce as much good as today it does harm. We are not sufficiently aware of what advantages would arise from giving a better education to that half of the human race that governs the other. Men will always be what is pleasing to women: if then you want them to become great and virtuous, teach women what greatness of soul and virtue is. The reflections this subject provokes, and which Plato made

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[2] Jean-Jacques Rousseau, *Discourse on the Sciences and the Arts*, in *Œuvres Complètes*, vol. III, ed. Bernard Gagnebin & Marcel Raymond (Paris: Bibliothèque de la Pléiade, 1959-1995), 21 [hereafter cited as *O.C.*]. All citations to Rousseau's work will be to this edition, and the translations are my own. Good English editions, keyed to the Pléiade pagination, can be found in *The Collected Writings of Rousseau*, ed. Roger D. Masters & Christopher Kelley (Hanover, N.H: University Press of New England, 1990-2009); *The Discourses and Other Early Political Writings*, ed. & trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997); *Rousseau: The Social Contract and Other Later Political Writings*, ed. Victor Gourevitch (Cambridge: Cambridge University Press, 1997).

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> in bygone times, greatly deserve to be better developed by a pen worthy of following such a master and of defending a cause so great.[3]

The reflections to which Rousseau refers are found primarily in Plato's *Laws*,[4] and are developed by Rousseau himself in his *Letter to D'Alembert on the Theater*.[5] This article takes a new look at the education of women in the *Laws*. It will be followed by a second article in this journal showing how Rousseau made use of the dialogue in addressing a specific issue of political reform during his own time.[6] As I hope to show, the obvious parallels involving the political effects of imitative poetry and drama are not the only signs of Plato's influence on Rousseau, and perhaps not the most important. I will also argue that the apparent inconsistency between some of Rousseau's most important recommendations and those found in the *Laws* actually reflects a deeper agreement about the principles on which such reforms should be based.

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[3] Ibid., note *.

[4] As Jeff J.S. Black notes, most commentators point instead to the *Republic*. [*Rousseau's Critique of Science* (Lanham, Md.: Lexington Books, 2009), p. 208 note 39]. My reasons for disagreeing will be set forth in some detail below. But the suggestion is dubious even on its face. Socrates' proposal to give the women of the *Republic* the same functions as the men defies Rousseau's proposal here that the sexes should assume different functions in society. In the *Emile*, moreover, Rousseau specifically criticizes Socrates for making just this proposal (*O.C.* IV, pp. 699-700). Even less plausible is the suggestion that Rousseau might have been referring to Diotima's teaching in the *Symposium*. See Gérald Allard, *Rousseau sur les Sciences and les Arts* (Sainte-Foy, Québec: Le Griffon d'argile, 1988) p. 143 note 89. This dialogue is pervaded by the theme of male homoeroticism, and nothing in the teaching attributed to Diotima suggests that it would lead to the conclusion advanced by Rousseau in this footnote.

[5] Rousseau further developed his own reflections in *Julie, or the New Heloise* and the *Emile*. The *Letter to D'Alembert* is the appropriate place to begin, both because it was published first and because it is heavily marked with the influence of Rousseau's reading of the *Laws*.

[6] Nelson Lund, "Greatness of Soul and the Souls of Women: Rousseau's Use of Plato's *Laws* in the *Letter to D'Alembert*," *American Dialectic* Vol. 3 No. 1 (forthcoming).

The Dorian Starting Point

Socrates is absent from Plato's longest dialogue, in which an elderly Athenian Stranger visits Crete and initiates a conversation with two even more elderly Dorians, a Knossian named Kleinias and a Spartan named Megillus.[7] The most significant way in which the Stranger differs from Socrates lies in his willingness to promote and guide a political reform that is to take place in deed rather than in speech.[8]

After the Stranger entices his interlocutors with an extended and subtly provocative critique of the Dorians' understanding of politics and their own institutions, Kleinias discloses that he is one of ten men charged with drawing up laws for a new city to be established in Crete. These lawgivers are to begin with a presumption in favor of Knossian laws, but are free to adopt others that appear superior. Kleinias asks that they continue the conversation by constructing a city in speech, which he might find useful in the city that is going to be established in deed.[9] The Stranger enthusiastically agrees to help draft laws for the city he calls Magnesia,[10] and he leads the Dorians through an elaborate analysis that mixes Athenian elements (often with significant

[7] The Dorians, a Greek tribe or ethnic group, controlled Sparta and Crete as well as a number of other cities during Plato's time. The Athenians belonged to a different tribe, called Ionians. Knossos was one of Crete's principal cities.
[8] For a somewhat more elaborate discussion of this point, see Note I at the end of this article (pages 242-44).
[9] It is not easy to believe that the Stranger just happened to encounter Kleinias on the road up to Mount Ida, and just happened to initiate a very probing and sophisticated conversation about laws and regimes, only to be surprised to learn that Kleinias is about to participate in founding a new city. More likely, the Stranger sought Kleinias out in order to assist him with this project.
[10] No explanation is given for assigning this name to the city in whose founding Kleinias is to be involved. Perhaps none was needed because the location described by Kleinias corresponded to the site of an abandoned city of that name. See Glenn R. Morrow, *Plato's Cretan City* (Princeton, N.J.: Princeton University Press, 1960), 30-31. In any event, the name is provisional (*Laws* 969a5-6).

modifications), along with some entirely novel proposals, into the laws and institutions with which Kleinias and Megillus are familiar.[11]

Among the many themes that Plato weaves together in the *Laws*, I will focus on two that stand out for their relevance to the *Letter to D'Alembert*: the dangers posed by commercial pursuits and economic inequality, and the opportunities offered by what might be called the liberation of women. These themes are closely connected. Before exploring them, however, we must follow the Stranger's effort to prepare his interlocutors for a modification of their traditionally Dorian views on manliness and virtue.

After advocating a novel practice of joining every law with a persuasive prelude, the Stranger proposes that the first law command every man to marry between the ages of thirty and thirty-five; violators are to suffer an annual fine and exclusion from certain honors (721a-d).[12] The prelude asserts that everyone by nature desires immortality, and that it is never pious (*hosion*) to deprive oneself voluntarily of the share of immortality that one's children promise—the law punishes this behavior in order to prevent the opinion that remaining single brings "profit and ease" (721b6-d6).

It is less than obvious why this should be the first law or why the prelude would be persuasive.[13] Human beings, like other living

[11] For a detailed comparison of the Stranger's proposals with institutions and practices that are known to have existed in the ancient world, see Morrow, *Plato's Cretan City*. Morrow's emphasis on Plato's innovations with respect to what we would call separation of powers, or checks and balances, is particularly valuable. What we often credit to Locke and Montesquieu may owe a lot to Plato's influence on the Romans, or perhaps it was simply forgotten through inattention to Plato. Either way, Plato's originality in offering proposals that we have come to regard almost as self-evident truths should provide an incentive to give serious thought to those elements of the *Laws* that may strike us as self-evidently wrong.

[12] All parenthetical citations in the main body of the text refer to Plato's *Laws*. Translations from all Greek works are my own.

[13] Sparta, at least, seems to have had some such law, but there is no reason to think it was "first" in any sense of the word. See Plutarch, *Life of Lycurgus* XV.1-2. In Book VI, when the Stranger begins to present the laws in their proper order, he

things, reproduce quite successfully by nature and without legal compulsion or encouragement. Male resistance to marriage ordinarily stems from a reluctance to take on the burdens of supporting a wife and caring for her children, not from simple indifference to the kind of immortality that biological reproduction promises. It is therefore true that bachelorhood can sometimes be a source of "profit and ease," and that punishment would discourage it. But the most obvious rationales for such punishment—to prevent depopulation of the city and to prevent men from fathering children irresponsibly—are not the reasons given in the prelude. Instead, the prelude reads as though the law wants to do men a favor by encouraging them to satisfy their natural desire for immortality.

Accordingly, the Stranger soon points out that such an explanation is not the *logos* of the law, but only a prelude designed to make men more open to learning (723a-b). What might one who is subject to this law learn? A rational citizen might learn to weigh the value of the fine and loss of honor against the estimated value of the profit and ease of bachelorhood, so that he can decide which is greater. That is what the law standing alone would seem to encourage. Its effectiveness would then depend on the size of the fine and the nature of the dishonors imposed on bachelors, both of which the Stranger leaves unspecified.

The prelude is apparently meant to direct the citizen's thought away from this path, but not toward recognizing that marriage is a duty owed to the city, or to its women and his children. Instead, the prelude encourages the thought that doing what is manifestly good for the city, and for women and children, is good for oneself in a way that is both natural and lofty. Whatever the soundness of this thought may be, the prelude offers no argument to

begins with religious gatherings, which turn out to provide fitting occasions to prepare young people of both sexes for marriage (771a-772a).

support it. Instead, the prelude offers high-sounding allusions to a qualified or even metaphorical kind of immortality, along with an appeal to religious sentiments or obligations.[14] One cannot help wondering whether a more reliable support for the law would consist in opinions about the forms of "profit and ease" that are good for oneself, opinions that work against strong selfish desires with which nature equips male human beings. The Stranger gradually introduces a number of laws designed to foster such opinions.

Although the Stranger indicates that his initial statements about the use of preludes need some qualification, and seems inclined to pursue the matter in more depth, Kleinias is anxious to move the discussion along (723c-724a). The Stranger acquiesces, and launches into a very lengthy monologue that consumes almost all of Book V. In the course of gratifying Kleinias, and perhaps implicitly rebuking him for his impatience, the Stranger offers a singularly concise statement of his goal: "The purpose (*hupothesis*) of our laws was looking toward this: how [the citizens] will be as happy as possible and to the greatest extent friends to one another" (743c5-6).[15] The Stranger never fully articulates a definition of the human virtue required for happiness, and he frequently

[14] An adequate argument would presumably have to explain the value to an individual of the limited and contingent share of immortality that results from having biological descendants.

[15] As a means to achieving this double purpose, the Stranger indicates that the lawgiver should aim to make the city (understood as something distinct from the citizens) free, prudent or intelligent, and a friend to itself. See the slightly different formulations at 693b2-5, 701d7-9. On the distinction between the city and the citizens, see also Leo Strauss, *The Argument and the Action of Plato's* Laws (Chicago: University Chicago Press, 1975), 175: "By assigning the relatively trivial center of [Book XII] to private matters, [the Athenian Stranger] forces us to wonder whether the private is in the last analysis in the service of the public, or whether the public is essentially in the service of the private since it is designed to protect (compare 920d7-e3) and to foster (666d10-e6) the private."

acknowledges that civic friendship will inevitably be tenuous and incomplete.[16]

In order to see why the Stranger believes he has something useful to teach Kleinias, without seeking to lead him into Socratic philosophy,[17] it may be helpful to begin with the fact that the Stranger offers a very brief description of the best regime, which we can recognize as the city constructed in the *Republic* (739c-e). Kleinias and Megillus would never have heard of Socrates or his city in speech, and should have been expected to regard such a regime as

[16] Near the very end of the *Laws*, the Stranger aggressively focuses on the incompleteness or inadequacy of what has been said about virtue, and on the need for an institutionalized inquiry about virtue in the new city. See 960b et seq. At many points in the dialogue, the Stranger assumes that there will need to be punishments for deviations from the law, great and small, which indicates that civic friendship will have some pretty sharp limits. He also indicates that a sufficiently precise inquiry would show an incompatibility between the goals of the laws and the institution of private families. See 807b3-7.

[17] The *Laws* contains only two express allusions to philosophy. One is a reference near the end of the dialogue to mindless attacks by poets on those who philosophize (967c7-d1). The other is a description of a free physician speaking with a free patient, who uses "discourses (*logoi*) that approach philosophizing" (857d1-2). For an interpretation of the dialogue that analogizes philosophic politics to a combination of scientific medicine and an effective bedside manner, see Randall Baldwin Clark, *The Law Most Beautiful and Best: Medical Argument and Magical Rhetoric in Plato's* Laws (Lanham, Md.: Lexington Books, 2003).

At least part of the reason for the Stranger's reticence about philosophy, which contrasts so strikingly with what we see in the Socratic dialogues, may be suggested by a strange little drama that the Stranger stages for the benefit of Kleinias. Just after acknowledging that males and females differ by nature and just before recommending that the sexes receive the same education, the Stranger makes a number of remarks about the unseriousness of human affairs, culminating in the claim that we are by nature for the most part puppets, sharing only in small portions of the truth. When Megillus strongly objects to this belittling of "our human race," the Stranger claims to have spoken in this way only because he had been looking away toward the god. He then offers to proceed on the premise cherished by Megillus, that our race is worthy of a certain seriousness (803a1-804c1). At least until Socrates, philosophers notoriously did seem to look away from and down on human affairs. Perhaps the Stranger wants to warn Kleinias about the lawgiver's need to indulge many necessary but questionable assumptions, an indulgence that philosophy—including Socratic philosophy—does not permit to the philosopher himself.

ludicrous.[18] The Stranger anticipates this by explicitly indicating what the *Republic* only implies, namely that such a city cannot be established in deed. The city being constructed in the *Laws* is characterized as one that is modeled on this most beautiful city, while being adapted to the constraints or necessities of action. The Stranger also indicates that Magnesia will presumably have to depart in some respects even from this second-best city in speech.

One consequence of the Stranger's approach is that he will not attempt to maximize both of his goals—individual happiness and civic friendship—but rather will accept tradeoffs in an effort to maximize the sum of what may in some respects be incommensurable goods.[19] As we will see, he suggests that the most

[18] The Stranger mentions that his interlocutors are unfamiliar even with pre-Socratic philosophers (886c-e). Catherine H. Zuckert argues that the dramatic setting of the *Laws* is pre-Socratic, in large part because the interlocutors mention historical events up to the end of the Persian Wars but say nothing at all about the Peloponnesian Wars [*Plato's Philosophers: The Coherence of the Dialogues* (Chicago: University of Chicago Press, 2009), 53-54]. As Zuckert recognizes, it is at least conceivable that the interlocutors might have avoided this topic in order to facilitate a friendly conversation. She rejects this as implausible, but the obvious allusions to the city of the *Republic* make her own conclusion implausible, for that city was probably unheard of before Socrates began talking about it. See Eva Brann, *The Music of the Republic* (Philadelphia: Paul Dry Books, 2004), 137. The allusions to Socrates' beautiful city are at least as hard to reconcile with Zuckert's thesis as the silence about the Peloponnesian Wars is hard to reconcile with a contrary thesis. In the *Menexenus*, moreover, Socrates recounts historical events that took place after his death (245e-246a), which should caution us to refrain from assuming that the dramatic date of every dialogue can be inferred from its allusions to such events.

[19] Later, the Stranger introduces Kleinias and Megillus to incommensurable magnitudes (819d-820c). He says that all human beings are by nature in a laughable and shameful ignorance about this, which makes them seem more like pigs than humans, and he claims that after learning about incommensurable magnitudes he became ashamed not only for himself but for all the Greeks (819d1-e1). This bizarre confession and indictment is most directly tied to the ensuing discussion, at 821a-822c, of education about the relation between the heavenly bodies or celestial gods and "the greatest god and the whole cosmos" (821a2). But that discussion may in turn help Kleinias to appreciate the difficulties that must arise when dealing with incommensurable political goals.

practical way to do this is through a modification of existing laws and institutions that already aim at civic friendship and at virtue.

Early in the dialogue, the Stranger elicits from Kleinias a very conventional Dorian understanding of politics. The aim of the Cretan laws, says Kleinias, is war, and it needs to be their aim because defeat brings ruin while the victors take from the vanquished all good things (625c-626b). Kleinias then agrees that a state of war also exists among villages and families and individuals. Finally, the Stranger asks whether an individual is an enemy to himself. At this point, Kleinias fairly gushes over the Stranger's success in showing why it is right to say that all are enemies of all in public, and that in private each is an enemy of himself.

What has so pleased Kleinias, it seems, is that his view of universal warfare among human beings has now been logically joined with an edifying vision of individual self-discipline and self-improvement. This seems to make perfect sense of the achievements for which the Dorians were most famous: military success against other cities and the self-discipline on which that success rested. But what about the intermediate relationships, among villages and households and individuals? If they are all enemies of one another, why should they treat one another any differently than cities treat each other, making war when victory seems feasible and treating peace as nothing but a truce?

The Stranger calls attention to this difficulty by asking Kleinias to consider a household in which more of the brothers are unjust and fewer are just (627c-628e). What judge would we choose for them? One who destroyed the worse brothers and gave self-rulership to the others? One who made the worthy brothers rule and the others willing to be ruled? Or (apparently as an afterthought) one "third in virtue," who could reconcile them all by giving them laws that would secure their lasting friendship? Kleinias thinks the

third is obviously best, and the Stranger immediately points out that the aim of such laws would be peace, rather than war, contrary to the theory that Kleinias had embraced shortly before.

The second alternative resembles the one presented in the *Republic*; the one chosen by Kleinias is to guide the construction of Magnesia.[20] As Kleinias should surmise from the contradiction between his understanding of Cretan institutions and his choice of the third alternative, this will require some fundamental modifications of those institutions. Two of the most important involve the distribution of property and the education of women.

Economics and Women

Both of the Dorians had said that a well governed city must be oriented toward victory in war (626c). Consistent with Kleinias' subsequent conflation of victory in war with victory over oneself, the Stranger interprets him to mean an orientation toward the manly virtue of courage, which is associated with the love of honor and of accumulating honor through wealth (630b-632e).[21] The Stranger strongly praises Crete and Sparta for their orientation toward virtue, while showing his interlocutors why virtue cannot be adequately understood as courage or manliness alone. Aristotle presents the same critique from a more straightforwardly practical perspective, and a brief summary may usefully introduce a discussion of the Stranger's proposed reforms of Dorian institutions.

Aristotle singles out the Spartans for special praise, saying that their lawgiver was one of the few who took care about the upbringing and pursuits of the people—he denigrates the private

[20] Something like the first alternative is touched on by the Eleatic Stranger in the *Statesman* (293d4-e5). Compare Seth Benardete, *Plato's "Laws": The Discovery of Being* (Chicago: University of Chicago Press, 2000), 15.
[21] The Greek word for courage, *andreia*, literally means "manliness."

freedom found in most cities as "Cyclopean."[22] In his evaluation of the Spartan regime, Aristotle specifically cites with approval Plato's criticism in the *Laws* of an exclusive focus on a part of virtue, namely military virtue. He adds that this focus prevented the Spartans from knowing how to use their leisure from war or how to practice anything but war—they considered the fruits of victory to be better than the virtue that produces victory.[23]

Aristotle also identifies numerous practical defects in the Spartan regime, many of which relate to the arrangement of offices. A more fundamental problem has been persistent difficulties with the helots, but he notes that Crete has a similar system that causes less trouble, apparently because the Cretan cities do not have neighbors with an interest in fomenting slave revolts.[24] Aristotle and Plato both cast serious doubt on the justice of slavery, but not on its necessity.[25] As we will see, the Stranger's proposed innovations concerning women are intimately connected with his economic proposals, and those proposals depend on the use of slaves.[26]

Aristotle's most extended critique of the most fundamental Spartan institutions links greed with the failure to attend to the virtue of women. Sparta's slackness with regard to women, he says, harms both the plan of the regime and the happiness of the city.[27] "The lawgiver [that is, Lycurgus], who wanted the whole city to be

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[22] *Nicomachean Ethics* 1180a24-29; see also 1102a8-11.
[23] *Politics* 1271a41-b10.
[24] Ibid., 1269a34-b12; compare 1272b16-23 (noting that this Cretan advantage did not last forever).
[25] For further discussion of this point, see Note II at the end of this article (pages 244-46).
[26] Compare Rousseau, *Social Contract*, ch. 15, *O.C.* III, 431:

> There are some unhappy situations in which one can preserve one's liberty only at the expense of another's, and the Citizen can be perfectly free only if the slave is perfectly enslaved. That was the situation of Sparta. As for you, modern peoples, you have no slaves, but you are slaves; you pay for their liberty with your own.

[27] *Politics* 1269b12-14.

steadfast, was conspicuous in this concerning the men, but was negligent toward the women; they live intemperately in regard to every kind of intemperance and luxuriously."[28] Women, who could inherit and own property,[29] made wealth a thing of honor by their influence over men,[30] and this was aggravated by defective land laws that allowed some citizens to become very rich while others fell into poverty.[31] The result was that the population declined,[32] and the dissolute women were worse than useless, even when the city itself was threatened by an invasion.[33]

Why did Lycurgus make this mistake? Not because he failed to recognize a problem, it seems. The men for whom he legislated had already been prepared for the tough discipline of his laws by extended military campaigns against a series of enemies. Lycurgus apparently tried to subject the women to legal discipline as well, but he gave up when they resisted.[34]

It is not hard to imagine why the women would have resisted, and resisted strongly. In a military culture, men do the fighting, and men get the honor. What would there be for Spartan women to do except to enjoy the goods that their men win in battle, not only against other cities but in the endless war against the helots? The kind of harsh discipline imposed by the laws of Lycurgus would hardly contribute to this role for women, and it would certainly have had no intrinsic attraction for them. Spartan women, we should note, were not passive consumers of booty won by their men. Aristotle indicates that they became demanding consumers,[35] and

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[28] Ibid., 1269b19-23.
[29] Ibid., 1270a23-25.
[30] Ibid., 1269b23-34.
[31] Ibid., 1270a11-18.
[32] Ibid., 1270a25-34.
[33] Ibid., 1269b34-39.
[34] Ibid., 1270a4-8.
[35] Ibid., 1269b23-34.

were thus an important driving source of the Spartan error of giving more honor to the fruits of virtue than to virtue itself.[36]

The Athenian Stranger sets out to solve the interrelated problems of undisciplined women and economic greed. The economic solution has two main elements. First, the arable land of the city will be divided into plots of equal productive potential, and every family of citizens will have one and only one of these plots (along with the equipment needed to put it to use). Citizens will support themselves through farming, an economic activity that can be performed largely by slaves, and one that has a natural limit on the wealth it can produce. The citizens will be forbidden to work as artisans or to pursue commercial activities. These occupations—which generally reward the practitioner in proportion to his talent and effort, and which have almost no limit either on the attention they can demand or on the material rewards they can bring—will be performed solely by metics or other aliens.[37] Second, the allotments of real estate will be inalienable, and no household will be permitted to acquire a total sum of wealth exceeding five times the value of that allotment.

The advantages of this scheme in promoting friendship among the citizens are obvious. By preventing anyone from falling into abject poverty, it guards against the disturbances that a population of pauper citizens so often generate. By preventing anyone from amassing huge amounts of wealth, it discourages the hubris to which the very rich are always prone. And it does so without appealing to dreams of political communism, a fantasy that

[36] Ibid., 1271b6-10.
[37] Citizens will not even be permitted to use their own slaves for these purposes (846d). The Stranger also proposes a number of other laws designed to keep this economic system stable, including a ban on the private ownership of precious metals, a refusal to make contracts among citizens legally enforceable, and a limit on the time that metics can remain in the city. See for example, 741e-742c; 850b-c.

Aristotle skillfully and concisely punctured long before it fired the modern imagination.[38]

No less important, this scheme serves the other purpose of the Stranger's laws. Material goods are useful to the individual only insofar as they benefit his body and soul (see 743d-e). Some such goods are obviously necessary and beneficial, but pursuing material wealth beyond this point will simply divert one's time and attention away from the ends for which wealth is useful to oneself. This proposition is not hard to accept in the abstract, but it is extremely difficult to follow in practice. It is less than obvious what activities will best foster the well-being of one's soul, what amount of wealth is needed for the pursuit of those activities, which of these activities require the renunciation of pleasures that wealth can buy, and how much wealth one should accumulate as a hedge against future contingencies.

Establishing a fixed limit on the amount of wealth that a family can accumulate will effectively force the citizens to turn their ambition in a different direction. But that will only create new and possibly worse problems if they are left in a position like that of the Spartan women: provided with leisure by their use of slave labor, but left without guidance in the prudent use of that leisure (see 806e-807a). An important step in the Stranger's remedy for this problem comes in his proposals for the education of women.

[38] *Politics* 1263b15-29. Non-political communism is a somewhat different matter. See, for example, *Laws* 678e-680e (and note that at 680a9 the Stranger says that even life before there were cities was already in some way a polity); and Nelson Lund, "Philosophic Anthropology in Rousseau and Elizabeth Marshall Thomas," in *Apples of Gold in Pictures of Silver: Honoring the Work of Leon R. Kass*, eds. Yuval Levin, Thomas W. Merrill, & Adam Schulman (Lanham, Md.: Roman & Littlefield, 2010).

The Education of Women

Consistent with his overall rhetorical strategy, the Stranger begins by praising the unique Dorian practice of common meals, which he supposes must have arisen from accident or necessity during war, and then been found to be more generally beneficial (780b2-d1). With some hesitation, he suggests that Kleinias' new city might be able to do what would not be tolerated anywhere else, namely establish common meals for women as well. Like Aristotle, the Stranger regards the Dorians' failure to discipline their women as a serious mistake. His diagnosis of the problem, however, is considerably more elaborate.

In what sounds at first like a concession to the manly prejudices of his interlocutors, he says, "[T]he race of us humans that is by nature rather more secretive and wily on account of its weakness, the female, being in disorder, was incorrectly neglected by the lawgiver's yielding to it. . . . what relates to the women, overlooked and left in disorder, is not only half [of the lawgiving task], as it might seem; by so much as our female nature is inferior to that of the male with respect to virtue, it contributes to [the lawgiving task] being more than doubled" (781a2-b4).[39] It is a fact, however, not a prejudice, that women are by nature inferior to men *in the kind of bodily strength that most contributes to military virtue*.[40] In a military culture, or more generally a culture that

[39] My translation of this difficult passage has been influenced by Tormod Eide, "Including the Women in Plato's *Laws*: A Note on Book 6, 781a-b," *Symbolae Osloenses* 77, no. 1 (2002): 106-09.

[40] Catherine McKeen believes that Plato regards women as "morally inferior" to men, and that his "clear implication" in this passage is that "women are inferior in virtue as a matter of nature, and not simply as a matter of bad training or teaching" ["Why Women Must Guard and Rule in Plato's Kallipolis," *Pacific Philosophical Quarterly* 87 (2006): 527, 541, 544 note 2]. I believe that McKeen has conflated the impression that Kleinias and Megillus might easily have gotten with what Plato must have thought. For a careful reading of the text, which comes closer to my interpretation, see T.J. Saunders, "Plato on Women in the *Laws*," in

celebrates manliness, women would have little choice but to pursue their own welfare through indirect means. Being "secretive and wily" is a natural and reasonable response to the subordination imposed on the physically weaker half of the population, for much the same reason that being secretive and wily would be a reasonable way for a slave to cope with the circumstances in which he finds himself.[41]

The Stranger sets out to correct, or at least ameliorate, this defect in the Dorian regime. In some ways, his proposals correct the Dorian view of virtue, and in some ways they correct nature's disparate treatment of the sexes. The first major step is a reconsideration of marriage. As the Stranger emphasizes, sexual desire produces the most fiery madness (782e6-783a3), a form of mental illness that marriage is meant to treat. But marriage cannot do this very well unless the spouses are physically attracted to each other. Accordingly, he proposes that young people of both sexes appear nearly naked during public dances, "viewing and being viewed," thus helping to avoid mistaken nuptial choices (771e-772a). As we will see, a version of these dances assumes an important place in Rousseau's *Letter to D'Alembert*.

The Stranger's institution of "mating dances" is supplemented with exhortations of a different kind: men are to be encouraged to

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The Greek World, ed. Anton Powell (London and New York: Routledge, 1995) 591, 592-93.

[41] These are also qualities that enable women to assist men who may not realize they need assistance. Plato, moreover, is himself a secretive and wily writer. Among countless examples, compare the Stranger's proof of the existence of the gods (893b-899b), which assumes that the cosmos came into being, with his much earlier statement that "every man (*anēr*) needs to well understand this much, that the coming into being of human beings either had absolutely no beginning and will never have an end, but always was and surely will be, or that some immensely long time would have elapsed since its beginning" (781e7-782a2). In their own very different way, the very manly men of the Spartan *krupteia* were also secretive and wily. See, for example, Thucydides, *The Peloponnesian War* 4.80; Plutarch, *Life of Lycurgus* XXVIII.1-4.

lean in favor of a wife who comes from a family *below* his own economic class, and from a family whose natural dispositions seem to complement rather than match his own (773a-c).[42] Unlike the first proposal, the focus of this one is on channeling the citizen's thoughts toward what is good for the city rather than toward what seems most pleasant to himself. As can easily be seen, this set of proposals resembles the treatment of economic activities. In both cases, citizens are not asked to defy nature by adhering to a strict egalitarian or communistic principle, but are encouraged to temper their self-indulgence out of respect for the common interest.

A similar pattern is followed in the regulation of marital relationships. Childbearing and the rearing of children is to be treated as a public duty (which is not what we would have expected from the prelude to the "first law"), and female officers will be appointed to supervise parents by visiting their homes for inspections and exhortations—these inspectors, moreover, will prosecute recalcitrant parents for raising their children poorly (784a-d). This defiance of parents' natural jealousy about the upbringing of their own children in their own homes is combined with a remarkable concession to natural human selfishness. Married couples are to procreate for no longer than ten years, which will provide leisure from the most onerous duties of parenthood during an extended period of life. Women will be the principal beneficiaries of this law.

The Stranger carries this policy even farther. Adultery during these childbearing years, or with a married person who is in the years of childbearing, will incur legal penalties. For those beyond this age, however, there will be no legal penalties for adultery. Those

[42] Rousseau offers somewhat similar advice in the *Emile* (*O.C.* IV, 765-68). Socrates takes a very different approach when he suggests that the guardians of his city be bred according to scientific eugenics principles, like livestock (*Republic*, 458c6-461b7).

who behave temperately should enjoy a good reputation, and as long as most people live in a measured way, the law should be silent (784e-785a). It is not clear whether the Stranger means that temperance and measured behavior refers to marital fidelity, or to adultery that is infrequent or discreet. What is clear is that the law will be much more tolerant of self-indulgent behavior in these circumstances than of self-indulgent behavior that interferes with the production and rearing of legitimate children.

This discussion ends with a comment that a woman will be eligible for public offices at the age of forty (approximately a decade after she would have had her last child) and a man at the age of thirty (approximately a decade after he becomes an adult) (785b). The Stranger recognizes that nature imposes a distinct role for women in human life, but he seeks to limit the onerous effects of that burden on their lives. More provocatively, he adds that men will be eligible for military service between the ages of twenty and sixty, and women from the end of their childbearing until the age of fifty.

The provocation is given a more elaborate form in the educational proposals that follow. Public education, conducted by metics under the supervision of public officials, will be compulsory (804d-e; 813e). Girls are to be given the same musical (or, as we would say, liberal) education as boys, with due allowance for the natural differences between the sexes. Thus, for example, music that is magnificent and inclined toward manliness should be called masculine, and what leans toward the orderly and temperate should be designated as more feminine in law and speech (802d8-e11). Much more surprisingly, the Stranger proposes that girls be given

the same military training as boys.[43] This is shocking when one considers the extreme physical demands that were placed on soldiers in the ancient world. One might at least have expected the Stranger to exempt women from hoplite training, especially since Kleinias had mentioned early in the dialogue that the uneven terrain in Crete made hoplites less useful than in some other parts of Greece (625d).[44] But no. Boys and girls will get the same gymnastic and military training, and women will be expected to serve in combat if they are needed (813d-814b).[45]

The Stranger insists that women are capable of this, and he cites as evidence the Sarmatian and Amazon warriors (804d-806c). He also develops a practical argument, according to which circumstances could arise in which the male warriors would be unable to protect the city (because of their insufficient numbers or because they are fighting elsewhere). By massively increasing the number of potential combat troops, the Stranger provides for such an eventuality; perhaps more important, he increases the deterrent effect that the city's military resources can be expected to have on would-be invaders. One could easily make analogous arguments about the advantages of making women eligible for public offices, a proposal that the Stranger offers almost in passing, presumably

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[43] In a somewhat ambiguous passage, the Stranger seems to allow girls to opt out of the preliminary training in military exercises (794c8-d2). He subsequently withdraws this suggestion (804d6-805d2).

[44] Notwithstanding what Kleinias had said, the Stranger praises hoplite training because it develops steadfastness in a way that other modes of combat do not (706b7-c7). Later, he pointedly makes the possession of heavy arms a condition of voting for certain offices (753b4-7).

[45] The Stranger had prepared this suggestion with a discussion of the relation between the right and left limbs of the human body: nature makes one side somewhat stronger, but we decide whether to cultivate that natural difference or compensate for it through training. In our time, a basketball player practices free throws with his strong arm only, but competitive pressures require him to become as ambidextrous as possible in making layups. The Stranger advocates a literal training in the ambidextrous use of weapons, and invites Kleinias to see the analogy in the city's training of women (794d-795e).

because it is less shocking and in any event almost a logically necessary consequence of requiring military service of women.[46]

These arguments are not implausible, but I think that the Stranger's larger aim is to curtail the contempt for women that naturally arises in men when they take on the role of protector for which their greater physical strength in fact suits them well. There is a simple and logical argument that men will almost always find congenial. We the stronger provide and protect, and you the weaker should therefore serve and be ruled.[47] This argument looks all the more plausible when women respond, as they almost must respond, by becoming secretive and wily—the superiority of men is then confirmed in their minds by the effect that their claim to superiority has on women. The Stranger means to break this chain of logic, for the benefit of both sexes.[48]

Given the natural differences between the sexes, in physical strength and in their reproductive roles, it is true that very few women could ever be expected to excel in military virtue. It is also true, however, that few men can truly excel in it either. Apart from the physical differences among males, moreover, military heroism

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[46] For this reason, I doubt that T.J. Saunders is quite right to think that if public offices are generally to be open to women it is "very strange that Plato makes no parade of the innovation" ("Plato on Women in the *Laws*," 593). Saunders, however, rightly declines to infer that Plato necessarily rejects the innovation.
[47] In the *Republic*, Adeimantus articulates a version of this argument when he raises an objection to requiring the guardians of the emerging just city to be ill-paid servants of the weaker citizens (419a1-420a8). Aristotle provides a different kind of illustration when he alludes to a madman who receives sound counsel from a woman he took as booty in war—counsel that would have saved him from destruction—and rebukes her with the comment that "silence brings order [or adornment: *kosmos*] to a woman" [*Politics* 1260a30 (quoting Sophocles, *Ajax* 293)].
[48] The Stranger had hinted at his goal even before Kleinias had revealed that he was to participate in founding a city. See 689e-690d, where he lists seven disparate claims to rule without mentioning the claim of men to rule women.

does not confer a proportionately greater claim to rule.[49] That would be especially true in a city, like Magnesia, that is meant to shun wars of conquest. By including women as a part of the city's military force, even if as an auxiliary part, the Stranger's law will make it harder for men to argue or believe that women have less claim to rule than men. Even generals are not required to be heroes (although they certainly may not be cowards), and political rulers need not be distinguished military figures. The military education of women, and their availability for combat, thus serves to qualify them to participate in the city's public life and political offices, and I believe even in the highest offices.[50] In this city, the natural distinctions between men and women are to be less politically significant than the natural differences among people in their intellectual gifts.[51]

One might think that giving the sexes a substantially common education, and substantially common obligations and opportunities to participate in public life, should pretty much be adequate for curing the very serious defect that the Stranger and Aristotle both point out in the Dorian regimes. This thought seems to be confirmed by the Stranger's failure to demand strict equality of the sexes within the family, let alone to abolish the family as Socrates does in the *Republic*. Only men will inherit real property, and it

[49] Even in the *Iliad*, the extraordinary personal prowess of an Achilles, an Ajax, or a Diomedes was primarily a source of glory rather than of political influence, and the mode of warfare practiced in Plato's time provided even less scope for claims to rulership based on individual feats of valor.
[50] For a detailed discussion of this point, see Note III at the end of this article (pages 246-49).
[51] See, for example, 818a. At one point, the Stranger seems to suggest that military training for women, and perhaps education more generally, will help them avoid an unthinking reliance on religion as a response to serious problems (814a-b).

appears that they will assume the traditional role as head of household.[52]

The Stranger, however, is not satisfied to leave things here, and he returns yet again to the obstreperous problem of sex and sexual inequality. Early in Book I, he had annoyed the Spartan Megillus by mentioning his city's unsavory reputation for pederasty and for the looseness of its women (636a-637c). Now, having completed the discussion of the education of the Magnesian citizens, he describes their situation in a way that can remind us of the Spartan women: released from hard labor, forbidden to engage in commercial pursuits, and preoccupied throughout their lives with sacrifices, festivals, and choruses (835d-e). What would stop natural erotic desire from filling the leisured vacuum, upending families, and disordering public life?[53] Pederasty may serve to divert men from fathering illegitimate children, but the Stranger declares that on this issue he must completely reject the practices of Crete and Sparta, which have been found to be such excellent starting points in many other ways (836b-c).

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[52] See, for example, 923c-924a. It should be stressed that Magnesian women will have considerably greater rights and privileges in family life than Athenian women did. See Saunders, "Plato on Women in the *Laws*," 598-602.

Susan Okin, whose interest in Plato is manifestly subordinate to her own commitment to promoting "the thoroughly equal treatment of women," appears to believe that "Plato's general attitude to and beliefs about women, which reflect much of the highly misogynic Greek tradition," prevented him from carrying out "his professed intentions in the *Laws* to emancipate women and make full use of the talents that he was now convinced they had" [*Women in Western Political Thought* (Princeton, N.J.: Princeton University Press, 1979), 10, 27, 50]. Those who are wedded to political convictions like Okin's will presumably find Plato as disappointing as she does. Arlene Saxonhouse rightly stresses that the *Laws* (unlike the *Republic*) proposes a model that "takes men and women as they are, as they arrive from various communities around Greece" [*Women in the History of Political Thought* (New York: Praeger, 1985), 57]. Much more dubiously, she concludes that "in Plato's vision, [women can never] fit comfortably into the world of political activity" (62).

[53] We can see a somewhat similar state of affairs among modern college students, who are given leisure to cultivate the virtue of their own bodies and souls, and are well provided with analogues to sacrifices, festivals, and choruses.

After presenting a very puzzling analysis that approves only of what we would call "platonic" loves among men, the Stranger secures the ready agreement of Megillus, which he interprets to mean that the Spartan has given up his defense of Spartan sexual practices (836d-837a).[54] But how will the Dorian citizens of Magnesia be persuaded to forsake the pleasures of pederasty? The Stranger expects tremendous resistance, which he describes in colorful terms (839b).[55] At the same time, he holds out the hope of discouraging all non-procreative sex, not just homosexuality but also fornication and adultery, and apparently even onanism (838e).[56]

The Stranger's main argument is that the taboo on incest shows that such self-denial is feasible since people everywhere have learned to regard the very thought of incestuous acts with horror (838a-e). Because people have proved that they can tolerate a prohibition against having sex with a few close relatives, they should apparently be able to tolerate a prohibition on having sex at all, outside of a monogamous marriage. Apart from the comically defective logic underlying this supposition,[57] the analogy to incest

[54] One commentator has sought to resolve the puzzles in this passage: V. Bradley Lewis, "Reason Striving to Become Law: Nature and Law in Plato's *Laws*," *American Journal of Jurisprudence* 54 (2009): 67, 82-84. In doing so, however, Lewis concedes that he must "greatly simplif[y] a complicated text." Whether or not Lewis' simplified explanation is correct, I doubt that anyone could understand the Stranger's argument without considerable reflection. For that reason, Megillus' immediate acquiescence in its conclusion shows how much progress the Stranger has made in leading him away from fidelity to all things Dorian.

[55] This may help to explain why Kleinias cannot be expected to decide just yet whether the Stranger's proposal is a useful one. See 837e, 842a.

[56] The Stranger also mentions abortions and infanticides (838e7-8), a reminder that the desire to escape the expense and trouble of raising children, that is, a desire for "profit and ease" (721d4), provides a significant incentive for choosing extramarital sexual outlets. The "platonic pederasty" that the Stranger had seemed to approve would of course also allow such an escape, but it would presumably be rare for such chaste relationships to be chosen as a complete substitute for physically gratifying forms of intercourse.

[57] The Stranger also notes that some athletes remain celibate during training, overlooking both the temporary nature of this self-restraint and the fact that serious athletic training resembles nothing so much as the excessive and illiberal

doesn't fit very well with the Stranger's claim that homosexuality (or non-procreative sex more generally) is wrong because it is unnatural. Even the most casual observations of the animal world indicate that the sexual drive has procreation as its natural purpose, but such observations also suggest that the incest taboo must have a different purpose.

I think the Stranger's effort to extend the incest taboo to male homosexuality has little to do with what is natural and much to do with his goal of elevating women. Much of the appeal of homosexuality in Dorian culture must have arisen from the opinion that men, being by nature superior to women, are worthier objects of love. That would explain Megillus' quick agreement with the Stranger's argument—an argument that is in fact quite puzzling—for the superiority of "platonic pederasty" (837c-d). It would also explain why the Stranger makes a point of noting that the homosexual act happens to involve one of the partners in "imitating the female" (836e1-2).[58] And it would explain why the most specific benefit that the Stranger expects to be gained by his reform of Dorian practices is that it will make "husbands friendly [or dear] to their own wives" (839b1).[59] Precisely because the sexual drive itself is so strong, a taboo against homosexual relations would do little to promote "platonic" friendships among men, and perhaps do a lot to promote conjugal friendships between men and women.[60]

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physical labor from which Magnesian citizens will be released. See 835d8-e1, where the Stranger notes that such physical labor "most of all extinguishes wantonness."

[58] In one sense, of course, this observation may reinforce the Stranger's claim that such acts are unnatural. More vividly, however, it reminds one that there is a certain illusion involved in supposing that pederasty transcends whatever grubbiness one might associate with opposite-sex intercourse.

[59] The adjective *philos*, meaning "friendly," has both an active and passive sense. The Stranger may be exploiting the ambiguity to suggest that his reform will lead to mutual affection between husbands and wives.

[60] For a subtle and erudite exploration of the role of homoeroticism in Greek political thought, see Paul W. Ludwig, *Eros & Politics: Desire and Community in*

Consistent with his earlier willingness to tolerate a certain amount of adultery after the procreative period of life has ended, the Stranger concludes this discussion by offering a choice between two laws, or two versions of one law. The first alternative demands perfect marital fidelity (841d). The second alternative seems to permit adultery, at least with slaves and concubines, so long as such activities are successfully concealed. What the two alternatives have in common is a strict prohibition against male homosexual relations. By saying that these two alternatives might be called one law, the Stranger suggests that this prohibition is the crucial one. What makes it crucial cannot be the non-procreative character of such activities, a feature that they have in common with many kinds of heterosexual relations and certainly with onanism, which is now not mentioned at all. Rather, the strict ban on homosexuality looks like an element in the Stranger's larger project of taming the contempt for women that contributes to the Dorian glorification of pederasty and helps to justify it.

Alternatives to the Equality of Women

The Stranger's extremely radical proposals about the role of women in the city had no basis in the practices of any known culture (see 805d-806c). The Dorians take manly virtue seriously, but have not thought enough about the virtue of women. Left to amuse themselves in private life, Dorian women are "liberated" for self-indulgence, and their ineradicable influence over men weakens the virtue of the men by helping to infect them with the love of wealth. At an opposite extreme are the Thracian barbarians who treat

Greek Political Theory (Cambridge: Cambridge University Press, 2002). Ludwig's brief discussion of women in the *Laws* (306 note 116) has a different focus than I offer in this article, but I do not believe the two are inconsistent.

women as slaves to be used for manual labor.[61] The Athenians take a third approach, depriving women of education and excluding them from public life, but assigning them to manage the home.

The Stranger frequently emphasizes the practical benefits for the city, especially but not only with respect to war, of forcing women out of the home and into public life. He leaves little doubt, however, that his underlying goal involves the happiness of individual citizens, understood as something inseparable from the pursuit or practice of human virtue (see, for example, 790a8-b6; 828d5-829a8; 840c5-6; 858d6-9; 870b6-c1). The Stranger's critique of manly virtue, and his implicit rejection of the Athenians' notion of feminine virtue, would seem to require a novel understanding of human virtue that can justify his novel proposals about the way to pursue that goal.

The Stranger does not purport to provide this new understanding to his Dorian interlocutors. The dialogue ends with the suggestion that the city will have to search for human virtue, and thus for the happiness of the citizens, under the leadership of the nocturnal council.[62] We might see the education of women in the

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[61] Aristotle attributes this practice to barbarians generally (*Politics* 1252b5-6), though he may expect his readers to recognize that he is overgeneralizing. At the very least, this statement seems inconsistent with his highly favorable description of the (non-Greek) Carthaginian regime (1272b24-1273b26).

[62] The nocturnal council was first introduced as a body charged with helping misguided religious heretics to reform (908a-909a). In Book XII, it is described in more detail, and assigned to debrief selected citizens who have traveled for the purpose of studying other cities (951a-952e). At the end of the dialogue, this council is assigned to undertake a quest for the knowledge that will be needed for the preservation of the city (960b-968e). It is not entirely clear that all three functions will be performed by exactly the same people. See, for example, Harvey Flaumenhaft, "The Silence of the Spartan: City, Soul, and Study of the Stars in the Epilogue to Plato's Last and Longest Dialogue," in *Apples of Gold in Pictures of Silver: Honoring the Work of Leon R. Kass*, eds. Yuval Levin, Thomas W. Merrill, & Adam Schulman (Lanham, Md.: Roman & Littlefield, 2010), 74-75. More important, the Stranger emphatically denies that the preliminary conversation now coming to its end has disclosed what these guardians of the city will need to

Stranger's city as a means of removing one of the most powerful obstacles to that search, namely the strong male propensity to confuse manly virtue with human virtue. We, in our turn, might be moved to conduct such a search for ourselves.

In an article to be published in the next issue of this journal, I hope to show that Rousseau used the *Laws* in a different way. Kleinias repeatedly indicates that he expects to choose what he finds useful among the Stranger's proposals after he has seen them all explained. Rousseau takes up this suggestion for himself, and adapts the Stranger's radical teaching about the education of women to serve a highly conservative political goal.

Note I

In his political activism, the Stranger looks less like Socrates than like Plato himself, or at least the Plato of the *Seventh Letter*, who sought to help bring about philosophically informed laws in Syracuse. There are obvious differences, perhaps most notably the absence of any prospect that a young tyrant might provide the quickest and best way to implement the Stranger's laws in Crete.[63] But neither Plato's involvement with Syracuse and its tyrant nor the Stranger's involvement with Kleinias resembles anything in the life of Socrates as it is presented in Plato's dialogues.[64]

know about virtue, or its relation to "the beautiful and the good" (965c-966a), and he denies that the education they will need can be described in advance (968d-e).
[63] Compare *Laws* 709d10-710d5 with *Seventh Letter* 335c3-336c1.
[64] In the *Republic*, Socrates suggests that the quickest and easiest way to establish the best city would entail the expulsion of everyone over the age of ten (540d1-541a7). The Stranger emphasizes the efficacy of a certain kind of tyranny in effecting beneficial political reforms, but he does not recommend that Kleinias

In his one public account of his life, Socrates says that he has never been a teacher of anyone, after having said that he will be a teacher today at his trial.[65] Taken together, these statements suggest that he means that he has never offered the kind of political instruction that the Athenian Stranger offers to Kleinias.[66] In his commentary on the *Laws*, Aristotle appears to identify the Stranger with Socrates, but he later attributes statements made by the Stranger to Plato.[67] Resolving this puzzle would presumably require, at a minimum, a systematic investigation of Aristotle's treatment of Socrates and Plato in the *Nichomachean Ethics* and *Politics*. Such an investigation is beyond the scope of this article.[68]

However the relationship between Socrates and the Athenian Stranger should most precisely be understood, Rousseau could easily have agreed with Leo Strauss' claim that the *Laws* is Plato's most, and perhaps only, political work.[69] That, in turn, might help explain why this dialogue appears to have shaped Rousseau's

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adopt anything like the radical measures proposed by Socrates (see *Laws*, 709e-712a).

[65] *Apology*, 33a5-6; 21b1-2.

[66] For a provocative and penetrating analysis of Socrates' presentation of himself in the *Apology*, which suggests to me why Socrates did not, and perhaps would not, undertake a project like the Stranger's, see David Leibowitz, *The Ironic Defense of Socrates: Plato's* Apology (New York: Cambridge University Press, 2010). A different explanation of the relation between the Stranger and Socrates is suggested by Seth Benardete, who says that "Socrates is conspicuously absent from the *Laws*, for after he has defined law in the *Minos*, the elaboration of a written code would seem to be of no interest to him" [*Plato's "Laws": The Discovery of Being* (Chicago: University of Chicago Press, 2000), 353].

[67] *Politics* 1265a1-9, 1271a41-b1.

[68] Ronna Burger has persuasively shown that the attacks on Socrates in the *Ethics* mark out a dialectical path in which the disagreements between Aristotle and Plato diminish and may finally vanish [*Aristotle's Dialogue with Socrates: On the Nicomachean Ethics* (Chicago: University of Chicago Press, 2008)]. In order to understand the meaning of Aristotle's equivocation about the identity of the Athenian Stranger, one would presumably need to undertake a similarly careful examination of the *Politics*.

[69] Leo Strauss, *The Argument and the Action of Plato's* Laws (Chicago: University Chicago Press, 1975), 1.

reflections on a topic that later became a central concern in his most vigorous and successful literary effort to inject himself into a live political controversy.

Note II

Aristotle distinguishes natural from legal slavery, and defines the natural slave as one so limited in his mental capacities that he would probably need to be cared for, rather than being a source of much useful labor.[70] In the *Laws*, the Stranger secures even from Megillus an acknowledgment that slaves may sometimes be superior in virtue to free men (776a-e),[71] and then offers Kleinias advice on using them efficiently and humanely (777b-778a). The Stranger recommends that slaves be drawn from a variety of foreign sources, thereby discouraging the solidarity that naturally arises when a culturally united group of people is held in bondage. He also recommends that masters treat their slaves firmly and fairly, but without familiarity, pointedly noting that slavery may be more corrupting of the masters than of the slaves because it offers so much opportunity to commit injustices that will go unpunished.

Later, the Stranger analogizes the recommended treatment of slaves to the way that children should be treated when they have to

[70] *Politics* 1253b-1255b. In a prescient comment, Aristotle notes that slaves are living tools, and that if we could enable machines to do the work of slaves, we would have no need for human slaves (1253b33-1254a1).
[71] The Stranger also cites Homer for the proposition that slaves are untrustworthy because slavery makes their souls unhealthy (776e-777a). Homer's text makes the plausible suggestion that slavery takes away half one's virtue because slaves must be forced to do what they should, but the Stranger alters the quotation so that it advances the much less plausible claim that slavery takes away half one's intelligence. Beyond this, Homer ironically puts the assertion in the mouth of a remarkably trustworthy and intelligent slave (*Odyssey*, Book 17, ll. 322-23). If, as the Stranger hopes, the *Laws* will be studied in Magnesia (811c-e) or wherever statesmanship is taken seriously, intelligent readers will be able to discover the Stranger's own irony.

be disciplined (793e-794a). This calls attention to a certain difficulty with the Stranger's anti-solidarity point. Assuming that the descendants of slaves brought from foreign lands will remain as slaves in Magnesia, the cultural barriers between the slaves can be expected to diminish over time, for the descendants will in a significant sense be children of Magnesia. Magnesia's novel orientation toward virtue might eventually render politically problematic the practice of enslaving some of the city's children on the basis of their birth and without regard to their natural capacity for virtue.[72]

For the Stranger's purposes, one advantage of Crete over Sparta may have been that the Cretans had less need to employ the kind of brutality for which the Spartan treatment of the helots was notorious. Early in the dialogue, Megillus mentions the "secret police" (*krupteia*—633b9-c1), but the parallel institution in Magnesia has a very different function.[73]

[72] One can imagine a variety of responses that might be adopted by the Magnesians. They might, for example, sell the children of their slaves and purchase substitutes from other lands, which would follow the model provided by the Stranger's law on metics. Such a practice, however, would encourage slave revolts. The Magnesians might also consider some system of selective emancipation adapted from existing Greek practices (a strategy that Rousseau would later recommend in his *Considerations on the Government of Poland*, *O.C.* III, 974). The Stranger leaves such questions unaddressed, perhaps because he sees the tension between the necessity of slavery and its natural injustice as one that the city's founders cannot attempt to resolve at the outset. Subsequent European history—which saw the persistence of slavery well past the time when Christianity threw its injustice into a new light and well after new technologies rendered it unnecessary—suggests that the Stranger's reticence was not without justification. Compare Alexis de Tocqueville, *Democracy in America*, vol. 2, pt. 1, ch. 3 (claiming that even the great writers of antiquity were blind to the injustice of slavery, asserting the necessity of Christ's appearance on earth to make it understood that all people are alike and equal, and leaving it to the reader to notice how long slavery persisted after the Christian era began).

[73] Leo Strauss assumes that Magnesia's rural police (*agronomoi*, or *kruptoi* as the Stranger calls them at 763b7) would help the citizens to recover runaway slaves (*The Argument and the Action*, 89). This may be true, but such work would not have anything like the central importance that controlling the helots had for the *krupteia* in Sparta. See 763b-c.

The Stranger's acceptance of the traditional institution of slavery appears to be a concession to necessity. Once he determines that his goals require that the citizens have leisure without the inequality that would inevitably accompany large economic surpluses, it follows that they must be restricted to agricultural occupations and that they must be freed from occupying themselves with agricultural work. Given the technology of the time, only slavery offered a way out of this dilemma.

Note III

Many commentators have assumed that Plato excludes women from voting and/or from high office, or that the question of their political role does not merit serious attention. Thoughtful exceptions include T.J. Saunders, who argues that the text is indeterminate but that the spirit of the dialogue favors including them,[74] and David Cohen, who argues that women are expected and required to participate in all aspects of political and civic life.[75]

The text of the *Laws* is quite obscure about which offices are to be open to women. A few offices are reserved for them: only women may become priestesses (presumably for service to female deities, in accord with Greek custom), inspectors of married couples and young children, and supervisors of women at their segregated common meals (759a-e, 783e-784a, 794a-c, 806e). With respect to most of the highest offices, nothing is clearly and unambiguously specified. Although we are often left with the impression that males will fill these offices, this is largely because of a Greek linguistic convention according to which the masculine gender is used when

[74] Saunders, "Plato on Women in the *Laws*."
[75] David Cohen, "The Legal Status and Political Role of Women in Plato's *Laws*," *Revue Internationale des Droits de L'Antiquité*, 3d series, book 34, 27-40.

referring to people whose sex is not necessarily specified. The impression that we are left with is not required by the text.

I have found three especially important offices for which there is a clear textual indication that they will be filled only by males: the superintendent of education, the auditors, and the nocturnal council (765d4-7, 946a1, 946b7, 969b8). The Stranger's statement that the superintendent of education should be a father with legitimate children might simply reflect the fact that he says this before he has broached his proposals for the education of women, which means that his interlocutors are not yet prepared to consider the possibility of women holding high offices. Later, however, he does use the term *anēr* (male human being) when describing the auditors and the nocturnal council. Even these references, however, should be read in light of a speech in which the guardians of the laws are told that they will need to fill in the sketch provided by the *Laws* (770b4-771a4). In the course of this speech, the Stranger refers to a good man (*anēr*), having the virtue of soul of a human being (*anthropos*), *whether his nature be male or female* (770d1-5). With this exceedingly strange formulation in mind, one can easily imagine that women should be allowed to assume any office for which they show themselves qualified.

It may well be that a variety of factors—such as the unequal burden placed by nature on women in reproduction, certain tastes or dispositions that may naturally be more common among women than among men, and the auxiliary role they are to play in the military establishment—will conspire to limit the numbers of women in high office. The Stranger certainly does not propose anything like the modern practice of affirmative action quotas, but the text of the *Laws* at least permits the inference that women should have an equal opportunity to participate in the city's most influential public

offices. The formulation at 770d1-5 leads me to believe that this conclusion is not only suggested but implied.

A competing alternative to my interpretation has been presented by Michael S. Kochin.[76] On the basis of a careful and thoughtful analysis of the text, Kochin contends that women are excluded from the highest offices, and that this exclusion reflects a fundamental defect in the Magnesian regime. That defect, in his view, arises from the Stranger's related decisions to preserve the institution of patriarchal families, and to rely on the rule of law rather than the rule of wisdom or intellect. These decisions, in turn, go to the root of why the city of the *Laws* is second-best compared with that of the *Republic*.

Plato's text will certainly bear Kochin's interpretation. I believe that our disagreement turns ultimately on whether the Stranger believes that his laws can—if not immediately then eventually—be modified to admit women into the highest offices, and especially to the nocturnal council. A confident answer to that question would depend on understanding how far the nocturnal council can go in discovering the unity of human virtue, and how far the law can go in recognizing that unity without abolishing private families. The Stranger leaves us to wonder what those limits are, and I am not persuaded, as Kochin appears to be, that women can never be admitted to the nocturnal council. Thus, in only one respect do I disagree with his statement that "[s]ince the laws of the *Laws* fail to promulgate properly the unity of human excellence in a single individual, they contain within themselves a permanent tension."[77] The tension might not prove to be permanent, or at least not permanently so severe, if the nocturnal council comes to

[76] Michael S. Kochin, *Gender and Rhetoric in Plato's Political Thought* (Cambridge: Cambridge University Press, 2002).
[77] Ibid. 126.

recognize that the sought-for unity of human virtue demands that women be allowed to join in its pursuit. However unlikely that recognition may be, the *Laws* does not seem to me to imply that it is inherently impossible.