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THE TRIPARTITION OF THE CITY IN PLATO'S *LAWS*

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Abstract

In this paper, I would like to show how in the Laws*, one finds a similar parallelism between the parts of the soul and those of the city as in the* Republic*. To appetite (epithumía), whose objects are pain and pleasure that must be mastered by the intellect with the help of spirit, correspond the ordinary citizens, or the people (dêmos); to spirit (thumós), characterized by the courage that must first resist pain and pleasure, corresponds the magistracy of the Country Wardens (agronómoi); while to intellect (noûs) or good judgment (phrónesis) corresponds the supreme magistracy of the Watch Committee (nukterinòs súllogos). Moreover as in the* Republic*, this tripartition implies a bipartition, for the people as such is distinguished from two magistracies, the Country Wardens and the Watch Committee, the latter indicating a governing body. This parallelism is less evident in the* Laws *than in the* Republic*, for in the* Laws *all citizens must join an army, the structures of which are described in Book VI (755b-756b); what is more, courage is defined as the domination on pleasures and pains (*Laws *I, 644b-d).*

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In this paper,[1] I would like to show how in the *Laws*, one finds a similar parallelism between the parts of the soul and those of the city as in the *Republic*.[2] To appetite (*epithumía*), whose objects are pain and pleasure that must be mastered by the intellect with the help of spirit, correspond the ordinary citizens, or the people (*dêmos*); to spirit (*thumós*), characterized by the courage that must first resist pain and pleasure, corresponds the magistracy of the Country Wardens (*agronómoi*); while to intellect (*noûs*) or good judgment (*phrónesis*) corresponds the supreme magistracy of the Watch Committee (*nukterinòs súllogos*). Moreover as in the *Republic*, this tripartition implies a bipartition, for the people as such is distinguished from two magistracies, the Country Wardens and the Watch Committee, the latter indicating a governing body. This parallelism is less evident in the *Laws* than in the *Republic*, for in the *Laws* all citizens must join an army, the structures of which are described in Book VI (755b-756b); what is more, courage is defined as the domination on pleasures and pains (*Laws* I, 644b-d).[3]

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[1] This paper, which deals with the organization of the city in the *Laws*, is the second branch of an investigation on the parallelism between the parts of the soul and those of the city in the *Republic* and the *Laws*. The first branch, deals with the tripartition of the soul in the *Laws* and is entitled «*Soul and state in Plato's* Laws». It will be published in Brennan T., Brittain C. and Barney R. (eds.). *Plato's Theory of the Tripartite Soul* (forthcoming).

[2] In disagreement with Bobonich 2002. On the basis of this disagreement, see my «From *Republic* to *Laws*: A discussion of Christopher Bobonich, *Plato's Utopia recast*», *OSAPh* 26, 2004, 337-362, and my «Ethics and Politics in Plato's *Laws*», *OSAPh* 28, 2005, 93-121.

[3] I have used the following system of transliteration. Greek letters are written in Roman letters according to the following system: eta = *ē*; omega = *ō*; zeta = *z*; theta = *th*; xi = *x*; phi = *ph*; khi = *kh*; psi = *ps*. Iota subscript is written after the letter (for example *ēi*, but if is an alpha (which in this case only is a long vowel) with a subscript iota = *āi*); rough breathings are written as *h*, and smooth breathings are not noted. All accents are noted.

The ordinary citizen, equivalent to the producers in the **Republic**

There is a passage in the third Book of the *Laws*, where appetite (*epithumía*) as a part of the soul is explicitly associated with the people (*dêmos*), or the multitude (*plêthos*) of citizens:

> A.: So what kind of ignorance (*amathía*) would deserve the title «crass» (*megísteē*)? See if you agree with my description. I suggest this kind.
>
> C.: What?
>
> A.: The kind involved when a man thinks something is fine and good, but loathes it instead of liking it, and conversely when he likes and welcomes what he believes is wicked and unjust. I maintain that this disaccord between his feelings of pleasure and pain and his rational judgment constitutes the very lowest depth of ignorance. It is also the most «crass», in that it affects the most extensive element in the soul (*toû pléthous ... têes psukhêes*) –the element that experiences pleasure and pain (*tò gàr lupoúmenon kaì hedómenon*), which corresponds to the most extensive part of a state, the common people (*dêmos te kaì plêthos póleos*).[4]
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> *Laws* III, 689a-b.[5]

The whole question turns on defining what a citizen is in the *Laws*. Generally speaking, a citizen is responsible for a lot, but he does not own it, for this lot is not transmissible. He has no salaried occupation, nor

[4] Note the play on the word *plêthos*, which refers first to the soul, and then to the city.

[5] Translations are from Plato, *Complete Works*. J.M. Cooper and D.S. Hutchinson (eds.), Indianapolis, Hackett, 1997, with modifications. The translation of the *Laws* is by Trevor Saunders. The interlocutors are A = the Athenian Visitor, C = Clinias, the Cretan and M = Megillos, the Lacedaemonian.

does he engage in commerce.[6] He occupies himself exclusively with political affairs, and participates in common meals and religious festivals, which take place daily. All citizens (even women, under certain conditions) must bear arms to defend the city; this is a major difference from the *Republic*, where the military function was reserved for the separate group of the guardians. As we shall see, however, there exists within the city of the *Laws* an elite group that takes the place of the guardians of the *Republic*.

The names for designating the citizen in the *Laws* are multiple: *astós*, *polítēs* and *epikhórios*. Whereas the term *polítēs* seems to be self-explanatory to designate the citizen, the term *astós* may mean a city-dweller, and the term *epikhórios* a compatriot. Nevertheless, in order to know what defines the citizen as opposed to the resident citizen (*métoikos*), to the slave (*doúlos*), and to the foreigner (*xénos*), one must first ask oneself: who is a citizen? As I have already recalled, full citizenship seems to be reserved only for the administrators of the lot, and is not accorded to merchants or artisans. The following lines have often been interpreted as a definition of citizenship: «A.: Let's assume we have the convenient number of five thousand and forty farmers and protectors of their holdings, and let the land with its houses be divided up into the same number of parts, so that a man and his holding always go together» (V, 737e). On this interpretation, there are only 5040 citizens, defined as those who exploit their lot and defend it as soldiers.

Yet multiple indications show that this interpretation, in its simplicity, is untenable. Here is a list of these indications: women are called citizens (VII, 814c); Plato ordains that children, both boys and girls, shall be registered at birth (VI, 785a-b); when he evokes compulsory education, Plato insists on the fact that all boys and all girls from the age of six must exercise in parallel (VII, 804c-e); these boys and girls will carry out their military service from the age of twenty (VI, 785c), and will therefore be

[6] «No private person shall be allowed to possess any gold or silver, but coinage for day-to-day dealings», (*Laws* V, 742a). Trade is reserved to foreigners: *Laws* VIII, 849b-d.

able to take part in elections (VI, 753b; VII, 805a-c); from the age of thirty, the men can become magistrates. Yet most men can only inherit a lot at their father's death, and the possessor of a domain may leave behind only one heir. Moreover, population control can take place through two mechanisms: sending citizens in excess number to colonies, and even, at the limit, the possibility of naturalizing foreigners (V, 740c-741a). In short, despite the fact that Plato does not make a clear pronouncement on the subject, everything indicates that citizenship is to be accorded not only to the 5040 possessors of a lot, but also to their spouses and their legitimate children of both sexes: that is, according to the estimation already mentioned above, about 30,000 persons.

*The Country Wardens (***agrónomoi***), equivalent to the guardians in the* **Republic**

One of the major differences between the *Laws* and the *Republic* comes from the fact that in the *Laws*, all the citizens, men and even women, must fight in the army, which is directed and trained by specific magistracies (VI, 755b-756b). Here, therefore, the military function is no longer reserved to a small, specialized group. However, a meticulous study of all the magistracies reveals the existence of a limited group, which, separated from the totality of the citizens as full-time magistrates,[7] seems to constitute a reserve of specialists appointed to tasks of surveillance of the territory. From this group are drawn the members of the supreme authority, the Watch Committee, which, as we shall see, is equivalent to the corps of philosopher-kings in the *Republic*.

The importance of courage

In the first Book of the *Laws*, in the course of the argument designed to show that courage, defined as resistance to pain, must not be

[7] On this point, my position is quite distant from that of Saunders, for whom this second group is that of the Guardians of the laws (*nomophúlakes*).

considered as the only virtue worthy of being sought by the city, we find a passage in which Megillus gives the following praise of courage, the virtue pursued in priority by Lacedaemonia and Crete:

> M.: Well, I might try to add a fourth: the endurance of pain. This is a very conspicuous feature of Spartan life. You find it in our boxing matches, and also in our «raids», which invariably lead to a severe whipping. There is also the «Secret Service (*krupteía*)»,[8] as it is called, which involves a great deal of hard work, and is a splendid exercise in endurance. In winter, its members go barefoot and sleep without bedclothes. They dispense with orderlies and look after themselves, ranging night and day over the whole country. Next, in the «Naked Games», men display fantastic endurance, contending as they do with the full heat of summer. There are a great many other practices of the same kind, but if you produced a detailed list it would go on pretty well forever.
>
> A.: You've put it all very well, my Spartan friend. But what is to be our definition of courage? Are we to define it simply in terms of a fight against fears and pains only, or do we include desires and pleasures that cajole and seduce us so effectively? They melt the heart like wax –even the hearts of those who lofty believe themselves superior to such influences.
>
> M.: Yes, I think so –the fight is against all these feelings.
>
> *Laws* I, 633b-c

Through the intermediary of courage, the Athenian associates the exercise of the part of the soul known as spirit primarily with the «krypteia», a Spartan institution mentioned by Megillos and intended to train young

[8] On Sparta and its institutions, see Lévy 2003, 63-66 on *krupteía*.

people's souls to resist pain. In the *Laws*, where courage is defined as resistance not only to pain but also to pleasure, the way of life associated with the «krypteia» is led by the *agronómoi*, who thus correspond to the guardians of the *Republic*. This correspondence is based on the following points. 1) The qualifications that serve to designate the *agronómoi*; 2) their way of life; and 3) the trials to which they seem to be subject, and their age upon their entry into function and their retirement.

How many Country Wardens are there?

To understand the function and the role of the *agronómoi*, a term which I translate as «Country Wardens»,[9] we must recall the division of the territory set forth in Book V before being taken up once again in Book VI. It emerges from this passage that the colony is conceived as a succession of concentric circles, the smallest one being constituted by the acropolis, the city or town center, and the largest by the entire territory. Plato is perfectly aware that this view is that of a geometer and does not correspond to reality; thus, he quickly corrects it. The town will be as close as possible to the center, and the equality of the sectors of the countryside –like that of the lots– is based on the value of the land. However, we must keep this division into twelve concentric circles in mind to understand what follows.

To administer such a territory, Plato envisages the creation of three magistracies charged respectively with the countryside (*khóra* or *agrós*), the city (*pólis*) or the town (*ástu*) and with the marketplace (*agorá*) of the town: these are the «Country Wardens» (*agronómoi*), the «Town Wardens» (*astunómoi*), and the «Wardens of the market place» (*agoranómoi*).

As far as the Country Wardens are concerned, the first difficulty that arises is that of their number. Each of the twelve tribes that divide up the

[9] What follows is inspired by my paper, «Les *agronómoi* dans les *Lois* de Platon et leur possible lien avec le *nukterinòs súllogos*». In Scolnicov and Brisson 2003, 221-226.

territory supplies (*parekhétō*) five members. The mode of designation of these five members is not specified, a point to which we shall return. These five members then choose twelve young men (aged between 25 and 30) to assist them.[10] Two interpretations with regard to the number of Country Wardens have been proposed. Some commentators have understood that each of the 5 members designated by their own tribe choose 12 young men. That would make a total of $(5 \times 12) \times 12 = 720$ young men.[11] In this perspective, we have to do with a genuine «military service», considering that there are only 5040 lots.[12] Because of the difficulties inherent to this interpretation, other commentators have understood that it is the group of five members which, as such, choose the 12 members. This would result in $(5 + 12) \times 12 = 204$. According to this interpretation, which I retain, the corps of the *agronómoi* consists in 204 citizens.[13]

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[10] An allusion to this choice may already be found in Book II, 666e.

[11] This interpretation is held by G. Stallbaum (1860), E. B. England (1921), A. H. Chase (1933), É. des Places (1951), M. Davis (1965), N. F. Jones (1990), F. Lisi (1999). Only one passage tends in this direction: 760b6-c1: *toútois d' ésto kataléxasthai tes hautôn phylés hekástoi dódeka tôn pénte ek tôn néon*. The passages that oppose this interpretation are cited at footnote 13.

[12] Davis 1960 accepts this interpretation, basing himself on a calculation that takes into account the number of families and their children. Yet several objections can be advanced against this interpretation. Obviously many families will have more than the minimal number (XI, 930c-d) of two children (one boy and one girl). It is not certain that women can be part of the groups of «Country Wardens», as is implied by the use of the masculine at VI, 763c. In any case, they cannot be part of it if they are pregnant. But they must marry between the age of 16 and 20; see VI, 785b, VIII, 833d.

[13] This interpretation is held by Morrow 1993 and Piérart 1974. The passages in its favor are: 760e3 *toús pénte tôn dódeka epimeletás*; 761e3 *metà tôn dódeka toùs heptakaídeka*; 762e9-10 *epeidàn ... katalegôsin hoi dódeka, sunelthóntes metà tôn pénte*. How, then, can we interpret 760b6-c1 (*toútois d' ésto kataléxasthai tes hautôn phulés hekástoi dódeka tôn pénte ek tôn neon*) in order to avoid an objection? Morrow 1993 (186n.81) thus understands *hekástoi tôn pénte* as meaning «each of the fives». As to me, I understand the passage in the same way. Piérart 1974 notes that a correction is indicated in the margin of the manuscripts A and O: *dodekátoi* for *dódeka tôn*. But this correction prohibits us from taking into account the following *pénte*. Des Places 1951 as to him, relates this *pénte* to *ek tôn néon*, translating «having entered among the *neoi* for five years». Unfortunately, there is nothing to support this kind of translation. It is thus preferable to translate as follows: «let it be up to them, for each of the groups of five, to choose among the young men of their own tribe twelve individuals, who are no less than twenty-five years old and no more than thirty».

These magistrates, whose mission is to guard (*phrourá*) the territory, are quite naturally qualified as «Guardians» (*phrouroí*). The five designated magistrates are called «Commanders of the guard» (*phroúrarkhoi*), while those they recruit are called «young ones» (*neoí*), «those who are in the strength of age» (*hebóntes*) and «crypts» (*kruptoí*).

This last term, which refers to a Lacedaemonian institution supposed to date back to Lycurgus, has not failed to inspire a number of commentaries. A scholium to the passage that has just been cited provides specifications on the subject.[14] The way of life of the *agronómoi*, except for the helot hunt, is not without analogy with that of the crypts, as mentioned in the passage cited previously. Supervised by the Guardians of the laws, it is austere and rough. The Country Wardens can neither have meals nor spend the night outside. He who does so without orders or need would incur blame and see his name exposed on the marketplace: any passer-by could strike him with impunity. A commander who commits such a fault or tolerates this kind of misbehavior would undergo an even more severe penalty, and would be banished from all responsibilities concerning youth. The importance accorded to good reputation seems to indicate, once again, the will to constitute an elite corps. As in the case of the crypts, moreover, the Country Wardens must do without servants, using local labor only for public works. The analogy stops there: rough way of life, and military concerns. Plato did not wish to carry out a point-by-point transposition of an institution that it is not certain that he knew well. He seems to have limited himself to retaining for the Country Wardens only the educational character of the Spartan *krypteia*.

[14] I quote the scholium. «A young man was sent out of the city, with the task of not being seen for a given period of time. He was therefore obliged to live by crossing the mountains, only sleeping with one eye open so as not to be caught, without recourse to servants, and carrying no provisions. This was also another form of training for war, for each young man was sent out naked, and ordered to spend an entire year wandering at large in the mountains, and to feed himself by theft and other such expedients, in such a way as to invisible to all. This is why it was called '*krupteía*' (the verb *krupteía* comes from the verb *krupteîn*, 'to hide'), since those who were seen somewhere were punished severely». This testimony does not contradict a passage from the *Life of Lycurgus* (XXVIII, 3-4).

The functions of the Country Wardens

The seventeen Country Wardens, who form one of the twelve constituted groups, live in the villages (*kōmai*) that are located at the center of each of the twelve sections of the countryside. Sanctuaries occupy the center of each village, and fortified installations are foreseen for the Country Wardens at the site of the highest one.

During the two years that their charge lasts, the Country Wardens never stop moving in a circle from village to village over the territory, heading toward the right, that is, toward the east in the first year, and toward the left, that is, toward the west, during the second year. They will thus come to know the various parts of the territory at various seasons. Each group of guardians takes charge in turn of a section of the rural territory, which he supervises during one month before moving on to another section, and so on (*Laws* VI, 760c-e). The functions of the Country Wardens are twofold: the defense and development of the territory, and the maintenance of order.

They must fortify the territory and protect it against the neighbors' incursions by digging trenches, raising embankments and erecting fortified works. To develop the territory and embellish it, they must occupy themselves with road building and works concerning water supply and distribution (*Laws* VI, 760d-761d). The Country Wardens are also charged with police functions, ensuring that order reigns in the countryside (*Laws* VI, 764b). Another area in which the Country Wardens have important functions is that of the administration of justice, (*Laws* VI, 761d-e; VIII, 843d, 846a-b; IX, 881c) Trials conducted by the Country Wardens deal primarily with the «laws concerning agricultural affairs», which together regulate all relations among the citizens living in the countryside. The City Wardens are responsible for the laws concerning affairs of trade, and the Wardens of the Marketplace for laws concerning commercial affairs. The Country Wardens are themselves subject to the laws. The conciliators by whom they are liable to be judged may request their assistance. Another task consists in the surveillance of economic activities and current affairs, those concerning farmers, but also the

tradesmen established in the villages (*Laws* VIII, 848d-850a), and the collection of taxes (*Laws* IX, 855c).

The study I have devoted to this magistracy has led me to discern strong links between the Country Wardens (*agronómoi*) and the members of the Watch Committee (*nukterinòs súllogos*), with regard to the following two points: their recruitment, and the way they accede to the supreme magistracy.

Their recruitment

The silence surrounding the choice of the Commanders of the Guard in each tribe and the type of recruitment by cooptation of the young Country Wardens by the Commanders of the Guard constitutes an important distinctive feature, which makes one think of the Watch Committee. Neither the Commanders of the Guard nor the members of the Watch Committee are elected. They are designated, the former by their tribe and the latter by law. In both cases, recruitment seems to remain at the discretion of the Country Wardens and the members of the Watch Committee. It should be noted, moreover, that in the former case we have to do with young men between 25 and 30 years old, whereas in the latter case we have to do with young men who are between 30 and 40. We can therefore ask ourselves whether these are not the same individuals, creating, in a context of cooptation, an elite apt to enter later on into the highest magistracies, and above all to become members of the Watch Committee. Indeed, we note that the young Country Wardens will have a concrete and complete knowledge of the rural territory they have developed, and that they will have accomplished military, police and judicial tasks. Yet have they been chosen to be part of this elite?

How they get access to the Watch Committee

This, it seems to me, is indicated by a difficult passage in which the Athenian criticizes the lack of education from which the young people of Lacedaemonia and Crete suffer, left to their own devices like young colts wandering about a field:

> A.: You organize your state as though it were a military camp rather than a society of people who have settled in towns, and you keep your young fellows together like a herd of colts at grass. Not a man among you takes his own colt and drags him, furiously protesting, away from the rest of the herd; you never put him in the hands of a private groom, and train him by combing him down and stroking him. You entirely fail to lavish proper care on an education that will turn him out not merely a good soldier but a capable administrator of a state and its town. Such a man is, as we said early on, a better fighter than those of Tyrtaeus, precisely because he does not value courage as the principal element in virtue: he consistently relegates to fourth place wherever he finds it, whether in the individual of the state.
>
> *Laws* II, 666d-667a

Here, the Athenian provides certain surprising items of information. 1) He mentions the fact that some elderly citizens will each have to choose a young man, as if he were choosing a wild horse for training, that is, in a civic context, to educate it. 2) Each of these young people will receive an individualized education from master to disciple. 3) This education aims at making the young person not only a good soldier, but also a man capable of administering a city and a town. We now find ourselves in the context of the choice by each member of the Vigilance Committee of a young man who will take over from him.

As has been indicated above, this choice will be made in the course of an educational process, and this educational process, at the outset, will have as its context one of the choruses instituted by the legislator. A city that aspires to virtue must ensure its general education by instituting three choruses, each of which gathers together one age group and pursues a common goal: education toward virtue by means of mimetic practices. These choruses provide the occasion for the citizens to imitate or represent estimable lives or modes of conduct, to dance and to sing the praise of

virtue. By participating in the choruses, the citizens acquire an immediate, collective experience of virtue. Music and dance, as long as they are appropriately chosen by the governors and are subject to strict legislation, educate the movements the citizens carry out or contemplate, as well as the sounds they hear or produce, by infusing them with rhythm and harmony.[15]

The chorus of the Muses, that of the children,[16] will be the first to perform in public, to sing how, according to the gods, the most pleasant life is the best life (II, 664c). The chorus of those who are under 30 years old, which will be the second to perform, will call Apollo to witness and beg him to inspire a persuasive force in the songs of the younger ones (*ibid*). Finally, the chorus of Dionysus, made up of men between 30 and 60 years old, will sing in its turn. Those who are older than 60 years old will content themselves with telling myths, in agreement with the songs of the others. The goal of these three choruses is to persuade everyone, from the earliest age, to practice virtue in its totality. Virtue is initially equivalent to the mastery over pleasures and pains that is preached by the law. This will also be the role of the preamble that precedes the law, whose goal is to enchant the citizen's soul in order to render it more docile to the law, without even thinking about it. This enchantment must not stop short of anything, not even lies (II, 663d-e), as long as this lie serves to avoid the use of force to bring the citizens to behave themselves better.[17]

With the chorus of Dionysus, we encounter an idea expressed by a passage on the trials to which the guardians must be submitted to determine whether they can accede to the rank of philosopher-kings in the *Republic* (III, 413c5-e1). Whereas the first two choruses dealt with general education, the chorus of Dionysus plays the role of a test for

[15] See Bertrand 1999, 396-405.

[16] An age group that includes children between the ages of seven and fourteen.

[17] See Bertrand 1999, 386-396.

acceding to higher education, and must consequently be associated with the Watch Committee.

The chorus of Dionysus is, moreover, distinguished from the others by two important features. It is reserved to men between the ages of 30 to 60 (II, 665a-b), it consumes wine to the point of drunkenness (II, 665d-e) and it does not perform before the assembled city (II, 667b). This consumption of wine is justified by several reasons: it acts as a remedy against the desiccation of old age (II, 666b-c), it renders the soul of the young more malleable (II, 671b-c), and it seems to constitute a test of admissibility into the Watch Committee:

> A.: And didn't we say that when this happens the souls of the drinkers get hot and, like iron in a fire, grow younger and softer, so that anyone who has the ability and skill to mold and educate them, finds them as easy to handle as when they were young? The man to do the molding is the same one as before –the good lawgiver. When our drinker grows cheerful and confident and unduly shameless and unwilling to speak and keep quiet, to drink and sing, at the proper times, the lawgiver's job will be to lay down drinking laws that will be able to make this fellow willing to mend his ways; and to do battle with this disgraceful over-confidence as soon as it appears, they will be able to send into the arena, with the blessing of justice, this divine and splendid fear we have called «modesty» and «shame».[18]
>
> C.: Exactly.
>
> A.: The cool-headed and sober should guard and co-operate with these laws by taking command of those who are not sober; fighting the enemy without cool-headed leaders is actually less dangerous than fighting drink without such

[18] See 646e *sq*.

> help as this. If a man cannot show a willing spirit and obey the commanders and the officials of Dionysus (who are upwards of sixty years of age), the dishonor he incurs must equal or even exceed that incurred by the man who disobeys the officials of the god of war.
>
> C.: Precisely.
>
> *Laws* II, 671b-e

In these private banquets, reserved to those who are between the ages of 30 and 60, the leaders of the banquet will be more than 60 years old. The Watch College is made up of people who are 50 or older, and it is evoked here by the expression *nomophúlakas* (those who guard the laws), as we can deduce from this allusion to the Watch College in Book I: «His [the lawgiver's] survey completed, the author of the legal code will appoint guardians (*phúlakas*), some of whom will have rational grounds for their actions (the older members), while others rely on «true opinion (the younger), so that all these regulations may be welded into a rational whole (*noûs*), demonstrably inspired by consideration of justice (*dikaiosúnei*) and self-restraint (*sophrosúnei*), not of wealth and ambition» (I, 632c). Each of the elderly members must choose an assistant who is to be between 30 and 40; note that the Country Wardens are chosen when they are between 25 and 30. Moreover, the goal of the chorus of Dionysus is to control the courage of those who take part in the banquet, not in war, but when they are faced by pleasure and pain. It is in fact their relation to «this divine and splendid fear we have called 'modesty' and 'shame' » that is verified. We thus encounter once again the new conception of *thumós* that is developed in the *Laws*,[19] which implies courage (*andreía*) as a virtue, defined as intended to ensure self-restraint (*sophrosúnei*).

From this perspective, we once again encounter ideas already expressed in another form in the *Republic*, where power is ultimately in

[19] As explained in my paper to be published, see footnote 1.

the control of the philosophers, chosen from among a group of young men who must assist them and make sure their decisions are applied. In the *Republic*, the philosophers appeal directly to the Forms and especially to the Good, whereas in the *Laws* the members of the Watch Committee have the harmonious course of the universe as their model for the good working order of the city. This does not imply a renunciation of the Forms on which the universe depends, but the level of the *Laws* is not that of philosophers as in the *Republic*'s metaphysics, but that of the citizen and politics; presumably because the speculations bearing upon the Forms explicitly would remain incomprehensible to the majority of citizens. If this hypothesis is correct, we must concede that just as in the case of the *Republic*, the exercise of power in the *Laws* remains deeply alien to what it was in the Athenian democracy. It loses the visibility contributed by the Assembly and the Council; and above all, it is no longer based on deliberative or judicial discourse, situated on the side of the likely, but on knowledge, which claims to reach the truth.

The Watch Committee, equivalent to the philosophers in the **Republic**

The Watch Committee[20] constitutes the ultimate governmental authority evoked by the Athenian: «And that means, Clinias and Megillus, that we now have to consider whether we are going to add yet another law (*katà nómon*) to the code we've already expounded, to the effect that the Watch Committee (*nukterinòn súllogon*) consisting of magistrates (*tôn arkhontôn*), duly primed by the course of studies (*paideías*) we've described, shall be constituted the protector (*hos phulakèn*) of the safety of the state (*khárin soterías tês poleôs*). Or is there some alternative course for us to take?» (*Laws* XII, 968a-b). With regard to the establishment of the Watch Committee, several questions arise: one

[20] What follows is inspired by my article, «Le Collège de veille (*nukterinòs súllogos*)», *Plato's Laws and its historical significance*. Selected papers of the Ist International Congress on Ancient thought [Salamanca, 1998]. Academia Verlag, Sankt Augustin, 2000, 161-177.

concerns the meaning of its name, the second its composition, and the third its goal.

I have translated the noun *súllogos* by «Committee», insofar as the etymology of the two terms coincides, and in order to avoid translating by «Assembly» or «Council», two terms which designate other authorities in the city of the *Laws*.

In two places in the *Laws*, this authority is called *nukterinòs súllogos*. In Book X, we find the following expression: «the meeting place of those who meet at night (*tôn núktor sullegoménon*)». The adjective *nukterinòs* is hard to interpret. At 951d, we learn that the assembly must «meet daily from dawn until the sun is well up in the sky (*mékhriper àn hélios anáskhei*)». It is very difficult to know whether the last part of this phrase indicates duration or a point in time, thus being redundant with regard to «before dawn (*ap'órthrou*)». The term *órthron* designates the end of the night, or the point when the sun is about to rise. This is the time when, at the beginning of the *Protagoras* (310a8), Socrates arrives at the door of Callias' house, where the sophists are already in action, and when, in the *Crito* (43a4), Crito arrives at the gate of the prison where Socrates is being detained. It is also the moment when, according to the *Laws* (VII, 808d1), children must go to school. Why at this time? Because it is the time «when people are least beset by other business, public or private» (*Laws* XII, 961b6). If we replace this remark within a broader context, that of Athens, when meetings took place outside working hours, and that of the *Laws*, where sleep is to be reduced to a minimum, we must remove from the epithet *nukterinòs* the negative and sinister connotation which it automatically bears. Nevertheless, the expression «the committee (*ho súllogos*) that muses on legislation (*tôn perì nómous epopteúonton*)» (951d) is also found once. These two qualifications of the committee have induced me to opt for the expression «Watch Committee».

We do not know where the Watch Committee is physically located. Yet we do know its name: it is called the «Reason Reformatory», (*sophronistérion*), (*Laws* X, 908a-909a) which is one of the city's three prisons. This prison is reserved for atheists deemed to be recoverable.

Its composition

In the last Book of the *Laws*, Plato gives two versions of the composition of this Committee: one at 951d-e, and the other at 961a-c, where we find two explicit references to the former passage. Nevertheless, some divergences remain between the two passages.

In the first passage, we read the following:

> This Committee, which should consist partly of young men and partly of old, must have a strict rule to meet daily from dawn until the sun is well up in the sky. Its membership is to be: (1) those priests who have won high distinction, (2) the ten guardians of the laws who are currently the most senior, (3) the minister of education for the time being, together with his predecessors in office. No member should attend alone: each is to bring a young man of his own choice, aged between thirty and forty.
>
> *Laws* XII, 951d-e

According to this first passage, the Committee must be composed of the following members: 1) those priests who have received the highest distinctions; 2) the ten oldest Guardians of the laws; 3) the acting Minister or Head of education and his predecessors; 4) an equal number of young men aged between thirty and forty.

The formulation differs in the second passage:

> We said that we ought to have in the city a Committee with the following range of membership. The ten Guardians of the Laws who are currently the eldest were to convene together with all persons who had won awards of the distinction and the travelers who had gone abroad to see if they could discover any special method of keeping a legal code intact. When these Observers got back safe and sound, they were to be accepted as suitable associates of

> the Committee, provided they had first passed the scrutiny of its members. In addition each member had to bring a young man of at least thirty years of age, but only after selecting him as particularly well qualified by natural abilities and education; on these terms the young man was to be introduced to the other members of the Committee, and if they approved of him, he was to join them; if not, they were not to breathe a word to anyone about the fact that he was considered, least of all to the rejected candidate himself. The Committee was to meet before dawn, when people are least beset by other business, public or private.
>
> *Laws* XII, 961a-c

According to this second passage, the Committee must be made up of the following members: 1) the ten oldest Guardians of the laws; 2) all those who have received the greatest distinctions; 3) observers who have traveled overseas, have returned safe and sound, and who, after examination, have been judged worthy of being members of the Committee; 4) an equal number of young men of at least thirty years of age. Let us examine each of the groups mentioned in these two texts, beginning with those that are common to both.

- *The ten oldest Guardians of the laws*

What about the Guardians of the laws (*nomophúlakes*)? Taking the attributions of the Athenian archons as his model, Plato carried out an adaptation inspired by a moral perspective in this field, as a function of the demands of his political philosophy. He increased their number, augmented their power and reformed their mode of election, in order to make them more worthy of fulfilling their mission. In addition to other, less important functions, their task is threefold: to safeguard the laws, to supervise property registers, and to hear those who are accused of not being registered in them as they should be. The Guardians of the laws, moreover, have a legislative function intended to complete and to correct

the legislation adopted by the primitive legislators. This legislative activity is of considerable importance.

If the ten oldest among them, who must be close to the age of 70, considered as the age limit for fulfilling this function, are required to participate in the Watch Committee, it is certainly because of their supervisory role with regard to the laws. Through their intermediary, the Watch Committee remains anchored within political reality at the highest level: that of the safeguarding, that is, the supervision, of the laws and of the constitution.

- *The Head of education and his predecessors*

The Head of overall education (*ho tês paideías epimeletés*) also belongs to the corps of Guardians of the laws. This may explain why there is uncertainty about him between the two passages on the constitution of the Watch Committee. To this serving magistrate we must add the Heads of overall education who have left office.

The fact that the current Head of education and those who have left office belong to the Watch Committee is easily comprehensible in view of the importance of education in the city of the *Laws*, but also because of his key role in that supreme authority, where, as we shall see, the reign of virtue cannot be conceived outside of the context of acquired and transmitted knowledge.

- *Those who have received the highest distinctions*

In the second version concerning the composition of the Watch Committee, we read that «all persons who had won awards of distinction (*hoi taristeîa eilephotes*)» (961a) can belong to the Committee, whereas in the first version, this privilege is reserved to «those priests (*tôn hieréon*) who had won high distinctions» (951d). This specification can be explained without too much difficulty if we limit the group of those who have obtained the highest distinctions to the Scrutineers.

In a passage from the *Laws* (XI, 921e-922a), we learn that the highest distinctions may be granted to two categories of citizens: those who scrupulously respect the laws, and brave warriors. As far as the second category is concerned, we have to do with a prize for valor (*cf*. XII, 943b-c), often mentioned in the texts relative to Athenian institutions. One text evokes the first category (*Laws* V, 730d), which involves moral considerations and seems to allude to the office of the Scrutineers (*Euthunoí*). The function of these Scrutineers is twofold, and is exercised on a political level and on a religious level.

On the political level, their job is to check all the magistrates. The verification procedure for magistrates includes three stages. 1) Magistrates are judged, individually or in groups, by the Scrutineers, who act on their own initiative. 2) A magistrate who questions his sentence may appeal to a tribunal of elected judges. 3) If he is acquitted as a result of this appeal, he can turn against the Scrutineers. On the other hand, if he is found guilty he will be executed in case of a death sentence, and if he must pay a fine he must pay double.

On the religious level, Plato makes them priests of Apollo and the Sun.

1) Upon their election, they are devoted to Apollo and to the Sun as first fruits. The goal of this devotion of their function is to increase their authority under the banner of the divine (*Laws* XII, 946b-c).

2) They are the only ones to wear the crown of laurel, and all are priests of Apollo and the Sun (*Laws* XII, 947a).

3) They reside in the sanctuary of Apollo and the Sun, where they have been elected, in order to carry out their functions there (*Laws* XII, 945e, 946c-d).

4) Every year, the first among the three elected officials is considered as the «high priest» (*archiereús*), eponymous of the city (*Laws* XII, 947a-b). It may be thought that it is these high priests who are designated by the expression «all persons who had won awards of distinction».

5) The posthumous honors they are granted are equivalent to a heroicization (*Laws* XII, 946e-947e). However, even the Scrutineers are subject to control, and may be liable to condemnation.

Their double role, on both the religious and the civic level, makes the Scrutineers veritable magistrate-priests of the kind that existed in Greece. Given this characteristic, and in view of the nature of the Committee, I believe we must understand only the Scrutineers by «all persons who had won awards of distinction». We can therefore understand why they are part of the Watch Committee. Finally, they have a function that is both civic and religious, and they are to represent the elite of citizen virtues.

- *The Observers*

With the exception of military expeditions, trips abroad are subject to severe restrictions. All travel is forbidden to those who are under forty. The others may do so only in an official capacity, as heralds, ambassadors or Observers. The Observers (*theoroí*), who are mentioned at *Laws* XII, 951c-952d, must be between fifty and sixty, enjoy a good reputation and have won fame at war. Once he has received the authorization from the Guardians of the laws, the Observer travels overseas to observe the customs and institutions of other nations for as many years as he chooses. Once back in his homeland, he immediately presents himself to the Committee to make his report concerning what he has learned on the subject of laws, teaching or education. If the Committee considers that he has returned better than when he left, he has the right to great praise, both when alive and after his death. If he returns spoiled, he is forbidden, on pain of death, to meet with anyone, young or old.

The Observers are conceived as in close connection with the Watch Committee. The admission of the Observers into the Committee, explicitly affirmed in the second passage, seems to me to be implicit in the first one, without this supposition giving rise to a contradiction in the texts. It is, however, completely natural for the Observers to be integrated within the Watch Committee. Whereas the Guardians of the Laws and the

Scrutineers supervise the evolution and application of the laws of the city, the Observers contribute an external viewpoint intended to improve them by comparison.

- *The Young Ones*

Each of these members, who will be over fifty, will bring with him a young man who is to be between thirty and forty. According to the first text, it is enough for him to be presented by a member; according to the second, he must undergo an examination. Assimilated to the eyes and ears, these young people, «chosen for their natural gifts and the acuteness of their mental vision, live as it were at the summit and survey the whole state. They store up in their memory (*taîs mnémais*) all the sensations (*tàs aisthéseis*) they receive while on guard, and act as reporters (*exaggélous*) for their elder colleagues of everything that takes place in the city» (964e-965a).

To sum up, we find four groups in the Committee: 1) The ten oldest Guardians of the laws, to whom we must add the current Head of education and his colleagues who have left office, who must all be attached to this same authority; 2) those Scrutineers who have received the highest distinctions; 3) those Observers who have been judged worthy; and 4) the young men presented by the preceding group. The presence of these four groups corresponds perfectly to the functions Plato assigns to the Committee.

The Watch Committee, which includes citizens whose minimum age is thirty, is rooted in reality, since all its members have roles in civil society, a role of supervision and control of the laws, and magistrates who apply them. However, this rootedness must not make us forget that the essential functions of the Watch Committee do not pertain exclusively to politics.

Its function[21]

Three passages in the *Laws* evoke the function of the Watch Committee. The first one is found in Book X (908a-909a), where Plato mentions the «Reason Reformatory», where the members of the Committee visit the atheists, those who are inspired by a lack of intelligence (*anoía*) without evil, who are detained there, to admonish them and save their souls. This first function pertains to theology, although, as we shall see, it is theology considered from a quite particular perspective.

In the second passage (*Laws* XII, 951e-952b), the activity of the members of the Committee during their meeting is described in the following terms:

> The discussion at their meetings must always center round their own city, the problems of legislation, and any other important point relevant to such topics that they may discover from external sources. They must be particularly concerned with those studies which promised, if pursued, to further their researches by throwing light on legislative problems that would otherwise remain difficult and obscure.
>
> *Laws* XII, 951e-952a

This second function pertains to legislation, and implies a surveillance of the established laws that also takes foreign legislation into consideration.

The third passage (*Laws* XII, 961a-968e), which is most important from the viewpoint both of length and from that of range of its views, is that constituted by the last pages of the twelfth Book of the *Laws*. This passage, which is very difficult because it is poorly structured, nevertheless remains essential, because it associates ethics, politics, and theology.

[21] On this point, I disagree completely with Bobonich 2002, who deprives the Watch Committee of all its political functions.

The Watch Committee as an instrument for safeguarding the laws of the city

The passage begins with three images that have a common theme, that of salvation or safeguarding (*Laws* XII, 961c). The recurring image of the anchor implicitly associates the city with a ship provided with a crew. The argument continues with the following two images: that of the head in an animal such as man, and that of a ship's crew (*Laws* XII, 961d). The image of the animal implies a comparison between the city and a human body, which will be evoked later on (964b-e); the ordinary citizens form the city's trunk, while the Committee represents its head, the young men correspond to sight and hearing, and the old men play the role of the intelligence. In order for this spatial arrangement to be operative, an initial distinction must be established between the ordinary citizens and an authority, each of whose members considers himself as superior in the field of virtue (*aretêi pantôn diaphérein oíetai*). In this context, we can read this surprising passage, which develops the aforementioned images:

> Obviously the state itself corresponds to the trunk (*kútous*), and the junior guardians (*toùs mèn néous*), chosen for their natural gifts and the acuteness of their mental vision, live as it were at the summit and survey the whole state; they store up in their memory (*taîs mnémais*) all the sensations (*tàs aisthéseis*) they receive while on guard, and act as reporters (*exaggélous*) for their elder colleagues of everything that takes place in the state; and the old men (*toùs gérontas*) –we could compare them to the intellect (*noûs*), for their high wisdom in so many vital questions (*phroneín*)– take advantage of the assistance and advice of their juniors (*huperétais khroménous metà sumboulías*) in debating policy, so that the joint efforts of both ranks effectively ensure the safety (*soizein ontos*) of the entire state (*tèn pólin hólen*).
>
> *Laws* XII, 964e-965a

This image is related to a third one, associated like the first with a maritime context, that of a ship's crew (*Laws* XII, 961e). The interest of this new image is to distinguish the salvation of the city from that of its members. This idea of salvation triggers that of a military expedition led by the *strategos* with a view to victory, and that of medicine, where the doctor wishes to ensure the salvation of the body (*Laws* XII, 961e-962a).

Virtue as the unique goal of the city and therefore of the laws that organize it

Once the necessity of the instrument of safeguarding has been admitted, it is necessary to consider the conditions under which this safeguarding can be ensured. This can occur only if the goal of the city is well defined, with the principles that must preside over its constitution, and the means that will best ensure its efficacy (*Laws* XII, 962b-c). Unlike other cities, of which a quick and brief inventory is proposed here (962d-e), the city of the Magnesians (962e) must have only one single goal (*heìs skopós*), which is the totality of virtue (*pâsa areté*). This objective is not easy to achieve, for we have seen that there are four types of virtues (963a-964a), which must be reduced to unity under the aegis of the intellect (964a). This is what Jean-François Pradeau expresses in his comments: «As in that dialogue [the *Republic*], the aim ascribed to political thought and the planning of the city's constitution and government is to enable all the citizens to gain access to virtue in its entirety. And, in the *Laws,* as in all Plato's dialogues, this is only possible in a city governed by intelligence».[22] The relation established between virtue and intelligence derives from the equivalence between virtue and knowledge.

This equivalence is established as a result of the following deduction. «Virtue» (*areté*) is excellence in one's proper function, whether the subject of this function is an inanimate or a living being. In any case, virtue qualifies

[22] Pradeau 2002, 138.

not only excellence of character or conduct, but also and above all the perfection of an activity. If we limit our enquiry to living beings, the essential question becomes: what can the criterion of virtue be, and how can it be acquired? To this essential question, Plato always gives the same answer: although natural dispositions must be taken into account, it is the possession of knowledge that gives virtue its status. Whatever the activity under consideration may be, excellence is always based on previous knowledge. At this point, however, a new question arises: how can we escape the multiplicity of opinions on excellence, and above all, how can the multiple modes in which excellence manifests itself be reduced to unity? The answer is as follows: «So it's due to organization (*táxei*) that the excellence of each thing is something which is organized (*tetagménon*) and has order (*kekosménon*)» (*Gorgias* 506d). Yet it still must be determined in what this order consists, and this in a general sense, for the city cannot be dissociated either from mankind, who is its essential element, or from the universe in which it is inserted.

The divine as principle of order

If we define nature (*phúsis*) as the totality of a thing's process of growth, from birth to maturity, the question of the development of this process becomes the following: does reality result from chance (*túkhe*) or from art (*tékhne*), as is implied by the poets and, according to Plato, taught by the sophists? Alternatively, is it due to a divine intention that manifests itself in the work of the demiurge, as explained in the *Timaeus*, or in the function of the world soul, as explained in Book X of the *Laws*, by means of arguments (*lógoi*) and in the context of a demonstration (*epídeixis*)?

This argument assumes the appearance of a physico-theological proof of divine order within nature (*Laws* X, 897b-899b). Starting out from the hypothesis that the soul is at the origin of all motions, the proof maintains that the celestial bodies are necessarily endowed with a soul. Yet if one considers the motion of the celestial bodies, one realizes that they are akin to the simplicity of the intellect (*noûs*), for it is a circular motion in

one and the same place. The world soul is therefore also endowed with an intellect, which must be assimilated to the divine. An identification between nature (*phúsis*) and principle (*arkhé*) is thus carried out. Yet this principle must no longer be sought at the level of the sensible, which results from the elements (fire, air, water and earth) for the present state of things cannot have come about from its initial state without the principle of ordered motion known as the soul. The soul must therefore be considered as the ultimate principle, veritable nature, and primary reality that explains the origin, development and present state of the universe, mankind, and society. We may suppose that this argument constituted the obligatory background of the discussions between recoverable atheists and the members of the Watch Committee at the Reason Reformatory.

Two questions are thus solved at the same time: that of the conflict between nature (*phúsis*) and convention or law (*nómos*), and that of the diversity of opinions concerning convention or law. The former question was raised by the sophists, who opposed convention, a result of art, to nature, which resulted from chance (*Protagoras* 337c-338b; *Gorgias* 482e-484c and *Laws* III, 690a-d). Such a distinction between the natural and the conventional inevitably leads to an obvious contradiction. Man, as a physical organism endowed with certain characteristics, could never have existed without the aid of nature; as such, he is now subject to instincts, needs, or passions. On the other hand, everything that owes its existence to mankind alone exists only by convention or law. Hence the threat of a conflict between two distinct tendencies. Yet this threat can be avoided if the soul, assimilated to the divinity (*theós*), is considered as the source both of nature and law. Another threat is avoided *ipso facto*: the one constituted by the conflict between diverse laws and customs.

By anchoring the laws within theology (966c-d), and more precisely within astronomy (966d-968b), Plato bases law upon nature.

Teaching and education as ultimate instruments

However, in order to be able to teach others, one must have acquired knowledge. Hence the need for the members of the Watch Committee to acquire a certain amount of knowledge: «No one who is unable to acquire these insights and rise above the level of the ordinary virtues will ever be good enough to govern an entire state, but only to assist government carried out by others» (XII, 968a). This is why, after mentioning the composition of the Committee, Plato continues:

> First of all, of course, we shall have to compile a list of candidates qualified for the office of guardian by age, intellectual attainments, moral character and way of life. Then there's the question of what they have to learn. It is difficult to find out this for oneself, and it is not easy either to discover somebody else who has already done so and learn from him. Quite apart from that, it will be a waste of time to produce written regulations about the order in which the various subjects should be tackled and how long should be spent on each, because even the students, until they have thoroughly absorbed a subject, won't realize why it comes at just that point in the curriculum. So although it would be a mistake to treat all these details as inviolable secrets (*apórreta*), it would be fair to say that they ought not to be divulged before hand (*aprórrethenta*), because advance disclosure (*prorrethénta*) throws no light at all on the questions we're discussing.
>
> *Laws* XII, 968c-e

Unfortunately, the text of the *Laws* breaks off a few lines later, without any specification having been given on the subjects to be learned, the moment to undertake them, or the duration of their learning.

Whereas we have no specification concerning the last two themes, the author of the *Epinomis* seems to have dedicated himself to carrying out the first task. And it seems that the program that can be discerned in the *Epinomis* corresponds roughly to the one found in Book VII of the *Republic*.

Subject	***Republic* VII**	***Epinomis***
arithmetic	521b-526c	990c-d
geometry	526c-528a	990d
stereometry	528a-530c	990d-e
harmonics	530c-531c	991a-b
astronomy	527c-528a	991b-c
dialectic	531c-535a	991c

We can thus understand why the *Epinomis* concludes as follows:

> In private we say and in public we enact into law that the highest offices must be bestowed upon those individuals who have mastered these studies in the right way, with much labor, and have arrived at the fullness of old age. The others must obey them and speak in praise of all gods and goddesses. Now that we have come to know this wisdom well enough and have tested it, we are all bound, most rightly, to use the Watch Committee to pursue it.
>
> *Epinomis* 992d.

It is thus completely natural that in Book III of his *Lives of the eminent philosophers* (§ 60-61), Diogenes Laertius points out that the first subtitle given to the *Epinomis* was *Ho nukterinós súllogos*.

The *Laws* are then more than a legislative treatise, even more than a work of political philosophy, for they appear as the realization of the

project of Plato's work, which seeks to account for the whole of reality: individual, city and universe. This discourse (*lógos*) in which the law (*nómos*) consists finds its origin in the intellect that represents what is most akin to the divine (*theós*) in mankind. In the *Laws*, the Watch Committee is assimilated to the intellect of the city. We can therefore understand why it can be qualified, in the last remaining lines of the *Laws*, as a divine Committee (*theîos súllogos*) (969b). Through this Committee, the city becomes aware that it is an integral part of a universe that is not left to chance. Through the order it reflects, this universe provides the city with the model it must follow if it wants to achieve virtue, a virtue that therefore coincides with the contemplation of the order in the universe. In view of what has been said, it is hard not to find in the Watch Committee an equivalent of the philosopher-kings of the *Republic*, using the Country Wardens to lead the people according to the laws.

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