Poetic Diction and Poetic References in the Preludes of Plato's **Laws**

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Poetic Diction and Poetic References in the Preludes of Plato's *Laws*

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In fourth century Athens philosophy had to reckon with a strong educational authority: poetry. In the Laws Plato sketches the constitution of the imaginary ideal colony of Magnesia. Magnesia is a city founded on virtue and its citizens are educated to follow virtue in all instances of public and private life. Citizens are urged to abide by the laws, but, more importantly, they are persuaded to spontaneously conform to the laws and believe in their correctness. The preludes to the laws are composed specifically to serve this purpose: educate citizens to a virtuous life. This dissertation examines the poetic references and the poetic diction used in the preludes, and attempts to show how Plato incorporates poetry in his writing in order to offer a valid alternative to the moral teaching of the poets.

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LUND
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Abstract

This doctoral dissertation investigates how Plato elaborates and incorporates the works of the poets in the preludes to the laws. It is argued that the poetic style of the preludes represents a key element for the Athenian's purpose of persuading the citizens of Magnesia to spontaneously abide to the new legislation that is being laid out.

The analysis is divided in four chapters. Chapter 1 discusses the general approach that has been followed in the reading of the dialogue, for example, the acknowledgement of the parainetic and protreptic nature of the Platonic dialogues. Chapter 2 engages with the methodology used, a distinction is here made between poetic influences and poetic references occurring in the preludes. Chapter 3 concerns the investigation of 21 preludes which have been divided in three groups: group 1, "Praise and Blame", examines the encomiastic discourse of the Athenian, and more specifically the poetic references to the epinician genre; group 2, "Jussive Parainesis", analyses the diction and the prescriptive style of the preludes; group 3, "Myth as Poetic Rationale" focusses on the resort to fictive stories as a useful means to instil in the young the desire to follow the regulations established for Magnesia. Each group is followed by a concluding section, which summarises the results of the preceding analysis. Chapter 4 restates the findings of the investigations, interprets the preludes in relation to tragic theatre and engages in a discussion regarding the important meaning at 7.717b of the πολιτεία as "truest tragedy."

Key words Plato, Poetry, *Laws*, Preludes, Tragedy

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ἕτερος ἐξ ἑτέρου σοφός
τό τε πάλαι τό τε νῦν. [οὐδὲ γὰρ ῥᾴστον]
ἀρρήτων ἐπέων πύλας
ἐξευρεῖν.
(Bacchylides, fr. 5.1–4)

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Coverphoto by Baldassarre Peruzzi, “Apollo and the Muses”

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To Aske

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To conclude, one quote from the important book by Vlastos still echoes in my head: “I have made mistakes in the past, and more mistakes I will make in the future, anyone who can point them out to me is a friend of mine.” I am grateful to be learning this.

Note to the Reader

The Greek text of Plato follows the five-volume Oxford Classical Text edition by Burnet (*Platonis opera*, 1900–1907; repr. 1967–1968). Occasional discussions of the text (in relation to the Budé edition, 1951–1956) and of variant readings are found in footnotes.

Texts of other Greek authors are quoted from the Oxford Classical Texts, except in the following cases: the Greek text of Homer's *Odyssey* is that of von der Mühll (*Homeri Odyssea*, Basel, 1962); Pindar and Theognis are quoted from the Teubner editions by Maehler (*Pindari Carmina cum fragmentis*, Leipzig, 1971) and Young (*Theognis*, Leipzig, 1971), respectively; deviations from these editions are discussed in footnotes; the fragments of the Presocratic philosophers are quoted both from Diels-Kranz (*Die Fragmente der Vorsokratiker*, Berlin, 1951–1952, repr. 1966) and from Laks and Most (*Early Greek Philosophy*, vol. 3, Cambridge MA, 2016); the Greek text of Sophocles follows the Budé edition, for the plays, and Radt (*Tragicorum Graecorum fragmenta*, vol. 4, Göttingen, 1977), for the fragments; the Greek text of Aristophanes is from the Budé edition, with the exception of the *Clouds* and the *Wasps*, which are quoted from the Old Classical Texts (edited by Dover 1968, repr. 1970, and MacDowell, 1971, respectively); the fragments of Aeschylus are from Mette (*Die Fragmente der Tragödien des Aischylos,* Berlin, 1959) and the fragments of Euripides from Kannicht (*Tragicorum Graecorum Fragmenta,* vol. 5.1, Göttingen, 2004).

The translations of Plato's works used in this study are as follows: *Laws*, trans. by T. Griffith, Cambridge, 2016; *Republic*, trans. by C. D. C. Reeve, Indianapolis, 2004; *Lysis*, trans. by T. Penner and C. Rowe, Cambridge, 2005; *Phaedrus*, trans. by R. Waterfield, Cambridge, 2002. All other translations of Greek texts are quoted from the Loeb Digital Classical Library, unless otherwise mentioned. The translations are occasionally modified and discussed in footnotes.

Abbreviations of ancient Greek authors and works follow the *Oxford Classical Dictionary* (4th edition, 2012).

1 Introduction

1.1 Reading the *Laws*

The *Laws*, Plato's last dialogue,[1] has been the subject of increased scholarly interest over the last twenty years. This dialogue has been subject of interpretation from a range of perspectives.[2] It must, therefore, be clarified from the beginning that this work aims neither to answer the many philosophical and political questions raised in the dialogue, nor to offer a comprehensive literary analysis of it. On a similar line, the present introduction does not intend to offer an exhaustive survey of even the most recent work on the *Laws*; only works that are most closely related to the scope of this study are referred to.

The aim of this study is to analyse Plato's engagement with the poetic tradition in the twentyone selected passages in the *Laws* defined as 'preludes.' Although general studies have been written on the preludes of the *Laws*, there is, to the best of my knowledge, no study of the appropriation of poetic references used by the Athenian in the preludes. This introduction will start by setting out the general frame of the approach followed in this study.

[1] The chronology of Brandwood, 1990 for Plato's dialogues is followed.

[2] In the Anglophone tradition, Morrow's 1960 *Plato's Cretan City* remains the fundamental historical study of the *Laws*. Saunders's 1991 *Plato's Penal Code* considers the penal practice in Magnesia and offers general reflections on the contradictions and implicit ethical premises underlying Athenian democratic ideology. Nightingale, 1995, and Nightingale, 1999 demonstrate that the *Laws* engages intertextually with a variety of ancient genres which are blended together to create the hybrid genre of the dialogue. For philosophical interpretations and scholarly overviews, see Schöpsdau, 2011 and Bobonich, 2010. For a more strictly political perspective, see Saunders, 1991 and Junis, 1996. For the most recent literary interpretations of the *Laws,* see Peponi, 2013, Folch, 2015 and Prauscello, 2014.

1.1.1 Three Milestones in Plato's Reception Studies

The study of the poetic references in the preludes is ideally connected with the analysis of the reception of poetry in Plato. It underlines, that is, the practical use that Plato made of poetry. To understand the interpretative approach taken in this work, it is worth naming some fundamental studies in the scholarship of Plato's use of earlier texts. The works of three scholars form the basis for the present study: Gaiser 1984, Halliwell 2002 (and 2011) and Giuliano 2005. Gaiser wrote *Platone come scrittore filosofico* in 1984, a study that is based on his previous work, *Protreptik und Paränese bei Platon*.[3] *Platone come scrittore filosofico* focuses on the reception of Plato's dialogues, and consequently studies the dialogues from the point of view of their readership. Gaiser's starting point is that Plato's dialogues were intended for the general public and that they had a protreptic and/or "hypomnematic" function, whereas the "real" questions of philosophy were addressed within Plato's Academy.[4] Gaiser notes that the dialogues are characterised by myths, metaphors, similes, ethopeias, Gorgianic figures, and so on, which are essentially poetic devices and are meant to influence the the audience's mind and stir their emotions.[5] Moreover, Gaiser points out that Plato could rely on a broadly shared lore of knowledge, mostly poetic, which he adapted for his own purposes. From this literary background, Gaiser identifies a number of passages in the Platonic dialogues which he calls "autotestimonianze", that is, "moments of self-consciousness": these are passages in which Plato, the author, defines his own

[3] Gaiser, 1984, and 1959, respectively. A German edition of Gaiser 1984 is found in Gaiser 2004 (*Platon als philosophischer Schriftsteller*, 3–72). Gaiser interprets Socrates's poetic efforts as an allusion to Plato himself as a "philosophical poet," whose primary aim in the dialogues is to engage with the tradition of Greek poetry.

[4] It should be pointed out that, although Gaiser belongs to the so-called "Tübingen School," his arguments on the intended readership of the dialogues as philosophically naive do not depend on the question of Plato's "unwritten doctrines." Even though Gaiser's assumption of an "inexperienced philosophical" readership is accepted here, this does not imply that the "unwritten doctrines" hypothesis is embraced. For the question of Plato's "unwritten doctrines" see Dalfen, 1987, Erler, 1987a, and Giannantoni, 1985. This is not the right place to discuss this complex topic. For a comprehensive discussion of Gaiser and his conclusions, see Capra, 2014, esp. 9–14.

[5] Giuliano, 2005, argues for a distinction, made in books III and X of the *Republic*, between useful poetry, i.e. the morally correct poetic writings that can be used as tools to educate the imaginary citizens, and deceitful poetry that should be banned from the ideal cities.

literary dialogues as poetic works.[6] In more recent years, Halliwell, observing Plato's allusive technique, aptly writes:

> "there is, to put it concisely, the seemingly Platonic attitude (and, consequently, the Platonism) which criticizes, censors and even "banishes" poets, and which speaks in terms of unmasking the false pretensions and the damaging influences of poetry. But there is also the Platonic stance which never ceases to allow the voices of poetry to be heard in Plato's own writing, which presupposes not only extensive knowledge but also "love" of poetry on the part of Plato's readers, and which at certain key junctures claims for itself nothing less than the status of *a new kind of philosophical poetry* and art: the status, indeed, of the "greatest music" and even of "the finest and best tragedy" ... The notion of Platonic writing as itself a kind of poetry has roots ... in explicit moments of self-consciousness in the dialogues as well as in their multiple literary qualities."[7]

Halliwell offers here an important and original contribution on Plato's attitudes towards poetry in the *Republic*, and draws the same general conclusions reached by Gaiser in relation to the rest of the Platonic *corpus*.

Considerations such as Halliwell's "new philosophical poetry" are fundamental for the present study of the preludes in the *Laws.* Our investigation endorses Gaiser's idea of the protreptic intention of the dialogues, i.e. the idea that the philosophical dialogues can be regarded as tools intended not only to assert Plato's new ideas, but also as a persuasive means to "convert" people to a morally correct kind of life.[8] Arguably, "convert," in its religiously connoted sense, describes best the aim of changing the nature, i.e. the deepest beliefs, of the citizens of Magnesia. Thus, the preludes are examined from the perspective of the most appropriate type of persuasion. Protreptics in this sense becomes the means by which the audience is led to the virtuous, and consequently happy life.[9]

---

[6] Giuliano, 2005, 77–101. The introduction in Capra, 2014, 1–20, is built on an exhaustive discussion of Gaiser's approach, and offers new insights on the "self-disclosure" passages — as Capra defines them — in relation to the *Phaedrus*.

[7] Halliwell, 2011, 241–242 (italics added). The references to "the greatest music" and "the finest and best tragedy" are to *Phd.* 61a, *Phdr*. 248d, 259d, and *Leg.* 817b.

[8] To accept the idea that the ultimate aim of Plato's dialogues is to influence, persuade, and convert people to the life of philosophy might almost be taken as a requirement for the reader of this work. For substantial studies in this line of interpretation, see Trabattoni, 1994, Scott, 2000, Capra, 2014, and Rowe, 2007.

[9] The same perspective is taken, in a more comprehensive study focused on Isocrates, Plato and Aristotle, by Collins, 2015 who sees the Platonic dialogues as "prompts for participation" and argues that Isocrates, Plato and Aristotle all aim to convince their audiences that their

Furthermore, Aristotle in his *Poetics* regards the Socratic dialogues as a form of poetry in that they make use of μίμησις when representing actions (1447b).[10] According to Aristotle, all poetry is imitation (1447a14–15) and, thus, the similarity of the dialogues to poetry is demonstrated by its mimetic quality, and representation of real life conversations.[11] In *Laws* book 7, the Athenian — in an imaginary dialogue "with the so-called serious poets, our writers of tragedy", who are asking if they are allowed to perform in the new city (817a3–b2) — defines the conversation on the new legislation as the best tragedy:

> Ὦ ἄριστοι, φάναι, τῶν ξένων, ἡμεῖς ἐσμὲν τραγῳδίας αὐτοὶ ποιηταὶ κατὰ δύναμιν ὅτι καλλίστης ἅμα καὶ ἀρίστης· πᾶσα οὖν ἡμῖν ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου, ὃ δή φαμεν ἡμεῖς γε ὄντως εἶναι τραγῳδίαν τὴν ἀληθεστάτην. ποιηταὶ μὲν οὖν ὑμεῖς, ποιηταὶ δὲ καὶ ἡμεῖς ἐσμὲν τῶν αὐτῶν, ὑμῖν ἀντίτεχνοί τε καὶ ἀνταγωνισταὶ τοῦ καλλίστου δράματος ὃ δὴ νόμος ἀληθὴς μόνος ἀποτελεῖν πέφυκεν, ὡς ἡ παρ' ἡμῶν ἐστιν ἐλπίς (817b1–8).
>
> with all due respect, my dear visitors, we are ourselves, to the best of our ability, dramatists —and our tragedy is at once the fairest and the finest in our power. Certainly, our entire political system consists of a representation of the fairest and finest life, which we for our part, claim is the tragedy of the truest kind. You may be poets, but we too are poets, using the same themes, and are your

particular philosophy is the best one for living a good and happy life. More recently, on the role of the reader as similar to that of the interlocutors in the dialogues, and therefore as a participant in a progressive-learning experience, see Cotton, 2014.

[10] A discussion about Aristotle's evaluation of the Platonic dialogues can be found in Westermann, 2002, 30–36. For the conception of μίμησις in Arist. *Poet.*, see Halliwell, 1990, 487–510. For a discussion of Aristotle's conception and definition of the universal (τὸ καθόλου, 1451b6–15) and its relation to both tragedy and philosophy, see Heath, 1991, 389–402. For a commentary on Arist. *Poet*. and the fragments of περὶ ποιητῶν, see Janko, 1987. Janko, 1987, 56–177, interprets μίμησις as "representation," not "imitation," both in a broad and narrow sense of "literary representation", therefore the fragments of περὶ ποιητῶν show that Plato wrote representational literature, even though it was not in verse (see fr. 73R: "The form of his [i.e Plato's] dialogues is between poetry and verse"). For a general discussion of the *Poetics*, see also Davis, 1992.

[11] On an extensive literary interpretation of Arist. *Poet*. and the question of "what is poetry?" see Heath, 2013. On the disparate evidence that supports the definition of the Platonic dialogues as quasi-poetry, see Capra, 2014, 4–5.

> rivals in skill and in performance of the finest drama, which true law alone can in the nature of things perfect, — or such is our hope.[12]

The relationship between the Platonic dialogues and theatre, for instance in terms of setting and characters, is a central feature of the dialogues. When the Athenian makes this claim in book 7, the reader is left to wonder whether the statement refers only to the *Laws* or to the entire Platonic corpus. In this regard, Sauvé Meyer claims that the "truest tragedy" is not to be related either to the *Laws* or even less to the entire Platonic corpus; on the contrary, considering the form of the *Laws*, unadorned of "the beauties of rhythm, meter, diction and melody", the statement only concerns the dialogue in terms of "the content, the message (i.e. "the *logoi* it contains 811d)" which should be taken as example in the works of the poets.[13] Sauvé Meyer's statement will be discussed in more detail and challenged in the epilogue, in the light of the results of the present study.

The question at stake here is whether the relationship with the poetic tradition becomes, in fact, more prominent in the preludes, where the theatrical element is absent. The preludes are not structured as conversations between characters within the main work, and the Athenian addresses the audience directly, as though they were an interlocutor.

From this perspective, the work of Giuliano, *Platone e la Poesia,* constitutes another fundamental juncture for our study. Giuliano focuses on Plato's utilitarian attitude towards poetry, and argues that Plato combines the utilitarian and hedonistic aspects of poetry, which, far from excluding each other, are meant to work together in the shaping of a morally correct community.[14] From this perspective, when in the *Laws* it is stated that the task of the good legislator is to persuade or force the poets to depict only the morally good type of men, the Athenian attributes to poetry a fundamentally utilitarian function:

---

[12] For discussions of the passage, see Laks, 2010, 217–231, Sauvè Meyer, 2011, 387–402, and Murray, 2013, 294–312 cf. the epilogue (section 4).

[13] Sauvé Meyer, 2011, 398. Sauvé Meyer's interpretation is supported by Annas, 2017, 84–85, who claims that the content of the *Laws* is meant as "the best template" for the educators of the young.

[14] In *Resp.* 2 and 3 Plato discusses the criterion of utility in relation to the poetic discourses, and the necessity of educating the young in the first years of life on false λόγοι (3.376e–377a). The problem, as we shall see in the second section of this introduction, lies not in the fact that the discourses are false but rather in the risk that they do not teach the reader or listener the correct moral values. In the *Republic* Plato introduces the idea of a useful lie, ψεῦδος χρήσιμον (3.380c1–3, 382c–d). In this context, the legislator must decide whether or not it is necessary to mislead (*Resp.* 3.389b); see Giuliano, 2005 253–282.

> ταὐτὸν δὴ καὶ τὸν ποιητικὸν ὁ ὀρθὸς νομοθέτης ἐν τοῖς καλοῖς ῥήμασι καὶ ἐπαινετοῖς πείσει τε, καὶ ἀναγκάσει μὴ πείθων, τὰ τῶν σωφρόνων τε καὶ ἀνδρείων καὶ πάντως ἀγαθῶν ἀνδρῶν ἔν τε ῥυθμοῖς σχήματα καὶ ἐν ἁρμονίαισιν μέλη ποιοῦντα ὀρθῶς ποιεῖν (660a3–8).
>
> the lawgiver with the correct ideas will, by his fine and highly admired language persuade him (i.e. the poet) — or compel him, if he cannot persuade him — that the correct thing for him is to depict the characters of men with self-control, courageous, and altogether good, by using his rhythms and harmonies to create the movements they make and the cadences they utter.

In other words, the poetic discourse encouraged by Plato is a λόγος that encourages ethical values that are useful to the community. In this sense, for the philosopher, the very idea of True and False has an ethical value rather than an ontological one: a true discourse is true not when it reflects reality as it is, but rather when it reflects reality as it should be.[15]

1.1.2 The Intended Audience of the *Laws*

The preludes are often defined as "enchantments", ἐπῳδαί.[16] The persuasive force of poetry, advocated for the two ideal communities, i.e. Kallipolis and Magnesia, thus lies in its ability to present its content in an accessible and pleasant form.[17] The present study oscillates between notions of poetry and rhetoric, since the latter, in the fourth-century, exerted the same persuasive force as poetry. Already Gorgias had put the power of πείθειν and ἐπᾴδειν on the same level as rhetoric (82B 11.8–14 DK = D24 Laks-Most). The juxtaposition of rhetoric and poetry was, as a matter of fact, traditional.[18]

---

[15] For a detailed analysis of this concept in Plato with reference to the poetic discourse, see Ferrari, 1987, 113, Halliwell, 1992, 56–59, and Gill, 1993, 42–66.

[16] In virtue of the numerous occurrences of the term *enchantment* and its cognates in relation to the preludes, Morrow, 1953, argues that irrational persuasion is at the base of the preludes. For a discussion of previous scholarship on the preludes, see 1.1.3.

[17] When referring to poetry, this ability reveals its positive characteristic: poetry seems to be the μηχανή which makes a correct discourse trustworthy; thanks to its ability to ἐπᾴδειν, it makes the useful instruction pleasant as well (e.g. *Resp*. 3.414b8–c, *Leg.* 2.658e–660a, 663e–664c).

[18] Cf. Russell, 1981, 14–6, and Verdenius, 1983, 29–31. Arist. *Rh*. 1404a25–6, calls the Gorgianic style "poetic," he also implies that this was hardly an original claim; see Denniston, 1952, 35, 127–138, for some defining traits of Gorgianic style. Norden, 1898, 15–79, remains a fundamental reading in the discussion. For the illustration of rhetorical techniques in antiquity, and its relation to poetry, see Lausberg, 1998; for a rebuttal to the claim that metre is a necessary condition of poetry, see Arist. *Poet*. 1447b9–23, and 1451a38–1b4.

According to Plato, poetry and rhetoric are bound together by a structural analogy: they both deal with discourses of universal content expressed in a pleasant form.[19]

Given the moral influence exercised by poetry, the question of the audience of the *Laws* clearly plays a fundamental role: in 1960 Görgemanns argued that Plato, especially in the preludes, is addressing the moral values and education of the unphilosophical populace.[20] That the preludes are addressed to the masses is clearly stated in book 4 at 722b, where the Athenian remarks that it has never occurred to any lawgiver to adopt a double approach in the prescription of the laws, that is an approach that makes use not only of force but also persuasion, considering that the population is "wholly without education", ἐπὶ τὸν ἄπειρον παιδείας ὄχλον (722b67).[21]

Now, taking into account some apparent inconsistencies of the dialogue, Rowe presupposes that Plato is talking to different audiences, and thus on different levels: (i) a level to which Cleinias and Megillus can respond, (ii) a level for the "un-philosopical" colonists, and (iii) a level for the experienced philosophers, an erudite Platonic readership who understands the real arguments beneath the surface.[22] Undoubtedly, when reading the *Laws*, one soon notices the different voices that intermingle in the text. Firstly, the voices of the elderly interlocutors force the audience to take into account the ethnic

[19] Rhetoric is condemned only when it aims to persuade without concern of right and wrong. If it follows certain directives, it is useful and can be used as *ancilla philosophiae*; see for example *Phdr*. 258d4–6, 259e1–262c4, 271a4–274a5, *Grg*. 454b5–457c3, 458e3–461b2, and 479c8–481b5. For the connotation of κήλησις that Plato attributes to both poetry and rhetoric, see Verdenius, 1983, 36 n. 104. For an analysis of correspondences between rhetorical and poetic messages in public communication, see Giuliano, 2005, chapt. 3.2. For the new genres of literature rising in the fifth cent. and for Plato advocating the Muses in his philosophical discourse, see Murray, 2004, esp. 370–375.

[20] Görgemanns, 1960, 57–58.

[21] The populace is considered to be a mass in need of education also at *Leg*. 10.890e2.

[22] Rowe, 2010. The same idea was already discussed by Schofield, 2003, yet Rowe highlights an important difference: the experienced reader will understand the obscure passages in the *Laws*, by recalling similar principles expressed in other, previous dialogues. More specifically the *Laws*, according to Rowe, 2010, seems to move between the *Statesman* and the *Republic*. Even though it cannot be overlooked that the interpretation of the second-best city also makes constant reference to arguments presented elsewhere in Plato's oeuvre — which are indispensable for understanding the Athenian's views and projects — the overall frame of the *Laws* is much more pragmatic than that of the other dialogues, and it is therefore difficult to recognise a one-to-one correspondence between the *Laws* and the earlier dialogues to which it alludes.

and age groups they represent (see 1.634d–635a, I 641e–643a);[23] secondly, the future citizens of Magnesia are to be considered as interpreters of poetry and law and as creators of discourse (8.829b–e), thirdly, the *Laws* challenges and re-formulate the literary tradition (for instance the legacy of Theognis and Tyrtaeus at 1.629a–630c, or the new definition of tragedy at 7.817a–d).[24] The fourth-century readership, which may or may not be skilled in reading philosophy, is thus invited to identify with and relate to the arguments advanced by the different groups. More specifically, the preludes appear to target the young citizen, who needs to be persuaded of the correctness of the laws and the necessity of obeying them.

1.1.3 Aim of this Study

Within this hermeneutical framework, the contribution that the present study offers is a linguistic and literary analysis of the Athenian's references to the poetic tradition, e.g. allusions, quotations, and more generic references. The analysis thus aims to provide a better understanding of the literary conventions that the Athenian employs in the preludes to convey the correct moral principles. Naturally, the Athenian, in his role as the leading founder of the new colony, is primarily looking at the ethical and political development of the citizens in Magnesia, and our hypothesis is that he appeals to and appropriates for his own purposes figures commonly used by those who enjoy the status and the authority of preservers of the truth, that is, the poets. Now, the poets' hegemony had already started its decline when Plato began to write; however, the poets never really ceased to present themselves as teachers of the polis. Clearly, in our modern times we are inclined to assume that poetry and knowledge are two separate, even opposite, domains, but in ancient Greece things were often seen otherwise.[25]

In this study we aim to analyse 21 preludes in order to demonstrate how the Athenian positions himself within the literary tradition and adopts the poets' language to make his discourse more authoritative and to persuade citizens to conform to his ethical values.[26] As regards Plato's indebtedness to archaic

[23] For the characterisation of Cleinias and Megillus as unpractised in the intellectual discussion, because they grew up in a restrictive regime, see Schofield, 2003, 1–5.

[24] For further differences of the audience within the *Laws*, see Balot, 2014, 76–77.

[25] Arrighetti, 1987, esp. 1–20. Capra, 2014, 2–3. See also Nagy, 1990. The agon between Aeschylus and Euripides in Aristophanes' *Frogs* (1008–1010) is a good example of the function of poetry in the polis.

[26] For a summary of the speech given in the prelude, see also Görgemanns, 1960, 30–49.

poetry, Peponi has recently edited a volume on the *Laws*' interplay with archaic and classical culture, including Plato's engagement with the poetic tradition.[27] Plato's philosophical dialogue appears to be a balanced re-appropriation of different genres; in order to invent a new philosophical genre, the Platonic dialogue borrows from some other genres, alludes to others, and uses for its own purposes the discourses, *topoi*, themes, and structural characteristics of others.[28] As Nightingale states, "Plato's relation to the genres he targets is generally adversarial … in different ways and for different reasons, he forces poetic and rhetorical subtexts to serve his own purposes."[29]

Several studies have explored Plato's involvement with fourth-century Athenian culture, stressing the social and civic functions of music, poetry, song, and dance, and Plato's elaboration of them.[30] In this perspective, it is important to bear in mind that literary criticism — in its history from archaic times to the codification of genres in the classical period — in the fourth-century underwent a process "whereby performative paradigms of judgment were replaced by philosophical standards of criticism."[31] Fundamental studies by Folch and Ford show the important role that Plato plays in laying the groundwork for the evaluation of poetry according to philosophical standards that detach them from the context of performance.[32] In the *Laws*, the philosophical criticism of certain genres of poetry — genres that could be dangerous in the ideal colony — becomes the means by which it is possible to

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[27] Peponi, 2013, 2–4, claims that Plato is the philosopher who perhaps more than any other ancient author succeeds in challenging the authority and re-evaluating the cultural prestige of poetic discourse.

[28] This is especially notable in the definition of the preludes in *Leg*. 722d–724b; see also Nightingale's claim, 1995, 8: "[i]f genres are not merely artistic forms but *forms of thought*, each of which is adapted to representing and conceptualizing some aspects of experience better than others, then an encounter between two genres within a single text is itself a kind of dialogue."

[29] Nightingale, 1995, 7.

[30] See e.g. the essays in Lisi, 2001, Scolnicov-Brisson, 2003, and Peponi, 2013, with bibliography.

[31] Folch, 2013, 557. On the development of ancient literary criticism in the fourth century, see Van Hook 1905, 7–8, Denniston, 1924, vii–xix, Verdenius, 1983, Russell, 1981, 1–33, 69–79, 84–106, 170, Kennedy, 1989a, 78–89, and Ford, 2002, 4, 209–93. See also the contributions by Nagy, Kennedy, and Ferrari in Kennedy 1989b, and Murray, Richardson, Belfiore, and Halliwell in Laird 2006. For discussions of the development of ancient critical vocabulary, see Van Hook, 1905, 10–43, and Russell, 1981, 20–22, 131–47. On the relationship between Plato's approach to literary criticism and Aristotole's, see Halliwell, 1984.

[32] See Folch, 2013, esp. 558–560, and Ford, 2002, esp. 229–249.

integrate those same genres into the community.[33] In this sense, the Athenian presents the readers with an elaboration of the relationship between poetry and philosophy.[34] What is more, the literary aspects of the *Laws* have long been neglected, probably due to negative judgements already in antiquity.[35] Laks, for example, has recently suggested that if Plato's literary skills have never been questioned, the *Laws* is probably not the best place to look for evidence.[36] However, in the last decades, the dialogue has gone from one of the most neglected forms (at least from a literary perspective) to being now regarded as "an original and provocative contribution in the history of ancient poetic theory."[37]

Since Plato's texts can be approached in a variety of ways, it ought to be clarified that the critical approach in our study regards Plato as a literary author and focuses on his intertextual relations with and re-appropriation of poetic tradition.[38] For the prposes of this study, it is therefore of minor importance to identify Plato as the historical author of his work, or to consider specific views conveyed in the dialogue as belonging to Plato the philosopher. In other words, all voices in the dialogue will be regarded as those of literary characters. Two factors prompt this reading of the *Laws*: firstly the fact that the Athenian himself considers the dialogue the truest tragedy at 817b, and secondly that in

[33] For a survey of the genres incorporated in Magnesia's musical repertoire, see Folch, 2013, 155–224. The supervision and regulation of theatrical contexts of performance were assigned to the 'Chorus of Dionysus', a body of elders whose philosophical knowledge of art and training in the proper appreciation of pleasure, made them appropriate judges of aesthetic excellence (II 670d–71a, VII 812b–c). For the psychological benefits of training the irrational pleasure and the aesthetic implication of wine-drinking as discussed in book I and II of the Laws, see Belfiore, 1986, 421–437.

[34] As has been shown by Folch, 2015, 2–15, what we find in the *Laws* is a philosophically inspired poetic art, intended broadly as poetic performance, which includes poetry, music, song, and dance, and which plays a central role in the ideal political community; cf. also Prauscello, 2014, who reaches similar conclusions.

[35] Aristotle considers the *Laws* "mostly a collection of laws" (Arist. *Pol*. 1265a1–2; 1266a–1267b.

[36] Laks, 2007, 53.

[37] Folch, 2015, 5–6. Studies on poetry and music in the *Laws* have been increasing in number; for recent analyses, see Barker, 1984, 249–254, Detienne, 1981, 93–101, Anderson, 1994, 145–166, Bertrand, 1999, 400–405, Bobonich 2002, 357–361, Halliwell, 2002, 67–69, Helmig, 2003, 75–80, Wersinger, 2003, 191–197, Kowalzig, 2004, 44–49, and Prauscello, 2014.

[38] Studies with a similar approach have been carried out by Regali, 2012, Capra, 2010, Boys-Stones, 2010, Haubold, 2009, Morgan, 2013, and Nightingale, 1999. Folch, 2015, addresses questions about Plato's final statement on poetry, performance, mimetic art, and literary criticism, and interprets the *Laws* as a commentary on the political practice of fourth-century Athens.

book 7 the entire dialogue is equated with some kind of poetry. This approach would allow us to acquire new insights on the Platonic use of poetic diction.[39]

Although many Platonic studies focus on the ways in which Plato constructs his new poetic-philosophical discourse (the *Symposium* can be seen as a collection of encomia and a mixture of tragedy and comedy, the *Phaedrus* is considered a playful activity, and the *Critias* and the *Timaeus* are constructed as hymns),[40] few studies have been devoted to the identification and interpretation of poetic references in the *Laws*, and more in the preludes to the *Laws* in particular. The *Laws* is usually regarded as the major work of political philosophy besides the *Republic.* However, it is also the dialogue in which the theoretical criteria for a new educational programme are best defined and Plato's final views of the role of poetry in the city are conveyed. It follows that a study on the ways in which the poetic tradition is assimilated would be fruitful.

Like the poets, the lawgiver is required to impart, through his writings, lessons on the Good, the True and the Beautiful, and "to advise for the best life" (858d6–7).[41] Since the lawgiver develops a constitution that aims to promote the good fortune of the individual and of the polis, he can designate himself at 817b as a poet, and his constitution as "the representation of the best and most beautiful life, which we for our part, claim is the tragedy of the truest kind": ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου, ὃ δή φαμεν ἡμεῖς γε ὄντως εἶναι τραγῳδίαν τὴν ἀληθεστάτην (817b3–7).

When reading such claims, it is difficult, if not impossible, to discard the idea that Plato recognised the pedagogical value of the poets and not only aspired to assimilate the force and power of their expressions in his own writings but also attempted to substitute them in the teaching of moral values.

[39] Both passages are described by Gaiser, 1984, as "moments of self-consciousness."

[40] For a discussion of the *Timaeus* and the *Critias* conceptualised as hymns, see Capra 2010, and Regali 2012.

[41] Cf. *Phdr*. 278c and *Leg.* 858e, where Solon and the lawgiver are mentioned as moral authorities, together with Homer and other poets.

1.2 Preludes in the *Laws*

Since the present study is a literary analysis of the preludes, προοίμια, of the *Laws*, it is fitting to start with a discussion of the term προοίμιον, *proem*, *prelude*, *preamble.* 'Prelude' will be used in this study to translate προοίμιον (latin *proemium*) in consideration of the poetic, musical connotations carried by the term προοίμιον.[42] This is not an investigation of what a correct etymology of the word προοίμιον is, but rather a general overview of its occurrences before Plato, and a discussion of the word in the Platonic corpus. The intention is to understand how the word was initially used and what function it carries in the *Laws*.

1.2.1 Προοίμια in the literary tradition before Plato

It is beyond the remit of this work to survey the debate on the ethymology of the word, and for the purposes of our discussion Chantraine's study will suffice Chantraine accepts two derivations: the word προοίμιον could be derived either from οἴμη "song of heroic deeds" or οἶμος "path, way".[43] The derivation from οἴμη "song" is generally preferred, because of (i) a statement in Thucydides which defines the text known as the *Homeric Hymn to Apollo* as προοίμιον Ἀπόλλωνος ("*prooimion* to Apollo", 3.104.4–5) and (ii) the assertion in Plato's *Phaedo* that Socrates before his death wrote the *Prooimion to Apollo*, τὸ εἰς τὸν Ἀπόλλω προοίμιον (60d).[44] Before looking into the Platonic occurrences,

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[42] (Des Places, 1951, 69 n.2 defines them as "préambules ou preludes," Ferrari, 2005, and Bobonich, 2002, use "prelude"). Generally, scholars also use the word "preamble" *(*Yunis, 1996*,* Griffith 2016, England, 1921), deriving from the late latin rendering, *praeambulum*, "preface (that which walks in the front)," which has yielded the English "preamble" and German "Präambel" (as in Schöpsdau, 2003).

[43] Chantraine, 1968, 783–84. See also the Hellenistic scholarly tradition: Quint. *Inst. Orat*. 4.1.2, included both the derivation from οἴμη and the derivation from οἶμος. According to Durante, 1976, 176–177, the etymology οἴμη and οἶμος is one and the same: οἶμος in its original context means "strip" (*Il.* 19.24), while οἴμη refers more generally to heroic poetry, as the knowledge of facts transmitted by the gods to the poets (see οἴμη in *Od*. 8.72, where it refers to the "story" of the quarrel between Achilles and Ulysses).

[44] It seems that scholars generally agree in defining the *Homeric Hymns* as "prooimia," that is, as "something that preceded the singing of a heroic οἴμη." See for example García, 2002, 8, Böhme, 1937, 28–30, Costantini and Lallot, 1987, 13–28, and Nagy, 1990, 353–60. For a collection of archaic occurrences, see Koller, 1956, esp. 191. The beginning of Hesiod's *Theogony* (as a 'detachable' hymn to the Muses) and the hymn to Zeus (as a possible autonomous section in the beginning of *Works and Days*) represent strong evidence in favour of viewing the *Homeric Hymns* as antecedents to other hexametrical genres (Böhme, 1937, 44–61; cf. Koller, 1956, 179 n. 2). Arrighetti, 1998, 378–383, rightly argues for the novelty

it should be pointed out that the word προοίμιον is attested neither in the *Homeric Hymns* nor elsewhere in the hexameter corpus.[45] Pindar uses it four times: in *Pyth.* 1.3–4 the *phorminx* is said "to start playing the opening sounds for chorus-leading *prooimia*," φόρμιγξ … ἀγησιχόρων ὁπόταν προοιμίων ἀμβολὰς τεύχῃς ἐλελιζομένα;[46] in *Pyth.* 7.1–2, the city of Athens is regarded as "the best *prooimion*" for the poem: Κάλλιστον αἱ μεγαλοπόλιες Ἀθᾶναι / προοίμιον, and προοίμιον indicates here the initial part of the epinician, its noblest opening.[47] In *Nem*. 2.1–3, the poet draws a parallel between the song of the Homeridai, which begins with a prooimion to Zeus, and the first victory of the addressee of the poem, who also received it in the sacred grove of Zeus: Ὅθεν περ καὶ Ὁμηρίδαι / ῥαπτῶν ἐπέων τὰ πόλλ' ἀοιδοί / ἄρχονται, Διὸς ἐκ προοιμίου, "as the Homeridai, singers of verse stitched-together, often begin from a prooimion of Zeus." In this latter case, the passage refers to the rhapsodic practice of starting the song with a hymn to Zeus, and in a similar way the young man begins his successful career with a victory thanks to Zeus.[48] Finally, the last occurrence is in a fragment of a dithyramb (78.2), where *Alala*, a personification of "War Cry", is addressed as the "prooimion of the spears", Ἀλαλά, Πολέμου θύγατερ, ἐγχέων προοίμιον.

Now, the use of the word in Pindar probably reflects the double value that προοίμιον has in archaic poetry, where it defines both the beginning of a poem and the hymns or proomia to the gods in hexameter (as it is said in Thuc. 3.104).[49] It is, however, clear that the προοίμιον always occurs in the initial part of the ode, and Pindar makes clear the importance of this in *Ol.* 6.3–4: ἀρχομένου δ' ἔργου πρόσωπον χρὴ θέμεν τηλαυγές, "we have to make the beginning of the work beam from afar." The most obvious explanation for this claim lies in the fact that the poet establishes a relationship with the audience at the beginning of the poem; the *prooimion* serves to attract those who listen

of the Hesiodic proomion, which moves away from tradition in that it does not provide an illustration of the poetic themes addressed in the poem.

[45] Προοίμιον would have created a cretic, which is an impossible combination for the dactylic hexameter. It seems to have occurred for the first time in Stesichorus *PMG* fragment 241, although there seem to be contextual problems in the interpretation of this fragment. For a discussion about its interpretation, see Maslov, 2012, 197–200.

[46] Ferrari, 2008, 71, n. 2, notes that the ἀμβολαί, represent the initial chords.

[47] Ferrari, 2008, 160; Gildersleeve, 1965, 322.

[48] Bury, 1965, 32 and Burton, 1962, 33.

[49] Gentili, 1995, 553–554.

to the ode of the winner and, what is more, it presents those elements that form the basis of the praise.[50]

The word προοίμιον is often used in Attic sources in the sense of a "beginning of a speech," "address," "invocation."[51] There, it occurs in two forms: προοίμιον and φροίμιον. The former is the only form we find in prose and it occurs in drama five times in reference to the opening of a speech.[52] In Attic drama προοίμιον never refers to lengthy poetic compositions; rather it seems that all occurrences carry the meaning of "beginning, prelude". In the *Prometheus Bound,* the choir promises Prometheus that the account he just heard "is not even the *prelude* for you," εἶναι δόκει σοὶ μηδέπω 'ν προοιμίοις (741). Here the word is used metaphorically to mean "beginning."[53] Also, in *Medea* 663, where Aegeus tells Medea to rejoice since "τοῦδε γὰρ προοίμιον / κάλλιον οὐδεὶς οἶδε προσφωνεῖν φίλους, "there is no proem better than this to address friends", the word is used in the sense of "beginning."[54] Euripides uses φροίμιον ten times (προοίμιον thrice), always in reference to the beginning of a speech. Thus, it appears that in tragedies the word προοίμιον (φροίμιον) most often serves to introduce and grant success to a speech and a related task. Contrary to epic and lyric, in tragedy the poet does not address the audience directly; the poet is absent from the performance and thus the meaning of the story must be deduced from the telling of the events.[55] The bard, on the other hand, makes clear in the *prooimion* — i.e. from the beginning — that he speaks with an authority that is given to him from a divine source of truth and power.[56]

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[50] For a commentary on the Pindaric *prooimion*, see Gentili, 1995, and Hamilton, 1974, 35. For a study on the priamel as fundamental feature of the Pindaric prooimia, see Bundy, 2006 (first published in 1962). It should also be mentioned that half of the Pindaric prooimia take the form of an invocation, while in the others we find either metaphor or priamel, cf. Greengard, 1980.

[51] This use of the term is generally taken as the result of a semantic broadening of "opening, beginning," see Maslov, 2012, esp. 191–205.

[52] Aesch. *PV* 741, Eur. *El*. 1060, *HF* 1179, *Med.* 663, Ar. *Eq.* 1341–44 (marked as discourse of political oratory).

[53] According to Griffith, 1983, the metaphor is taken from music where προοίμιον introduced the main νόμος; for this view, see also Koller, 1956, 182–83, 187–95, 205–6, who argues that προοίμιον originally indicated the opening, monodically performed part of the choral song, that is, it referred to the kitharode's stepping out of the chorus, and that the term was extended to the *Homeric Hymns*, which inherited the form of the kitharodic prooimion.

[54] This use of the term is generally taken as the result of a semantic broadening; see Mastronarde, 2002, 284 (on Eur. *Med.* 663): "a term that originated in reference to musical and poetic preludes or forepieces, is used more widely in tragedy of first statements and introductions."

[55] For some of the implication of the absence of the narrator, see Segal, 1992.

[56] Such authority comes from the Muses, or some other divinity related to the occasion; see for instance Pind. *Ol*. 3,4,8, *Pyth.* 8, *Nem.* 8 and 11, Bacchylides 4, 7, 10, 11; on the Muses and

The allusive function performed by the incipit of a poem has been widely recognised and studied by scholars.[57] In poetic compositions, the *incipit* represents a declaration of poetics, since through it the writer not only informs the audience on how to read the work but also places his own work in the literary tradition.[58] In this sense, the incipit hints at the relationship that the single work establishes with the literary tradition.[59] As regards Greek prose, an important model is the proomion of Herodotus' *Histories*, where it is made clear that the Herodotean narrator places himself in the tradition of the Homeric narrator, that is to say, as a guardian of great and admirable deeds of the past, so that they may not be forgotten.[60] In the *Encomium to Helen,* Isocrates provides an extended *prooimion* to comment upon previous rhetorical

authority of writing, see Gentili, 1988, and Saïd, 1975, 23—25, more recently Murray, 2004, 365–389; on the epic invocation and the Muse, see Strauss Clay, 1983, 9–11, and Arrighetti, 1987 37–51, 2006, 3–25. In the proomion of Hes. *Theog.*, Hesiod tells us that the muses may also tell falsehoods (27), but still, their inspiring breath gives the poet a special power (30–34). See Arrighetti, 1998, esp. 304–307 and 311–313, for the idea that in Hesiod the relationship between the inspiring Muses and poet becomes more complicated: the Muses transform a simple shepherd (γαστέρες οἶον, 26) into a poet, and then, once and for all, they bestow on him the faculty of singing (31).

[57] For a comprehensive interpretation of the proomion as a manner in which the poetic tradition takes form, see especially Conte, 1986 (first published 1974). For a collection of articles regarding "the beginnings in classical literature," see Cole, 1992.

[58] See the contributions of Pedrick, 39–62, Pelliccia, 63–84, and Conte, 147–160, in Cole, 1992.

[59] Conte, 1974, 46–48, argues that Virgil in his *arma virumque cano* recalls the incipit of both the *Iliad* and the *Odyssey*. Virgil himself is very much conscious of the rhetorical function exercised by the poetic tradition within his own incipit. Thus, the reference hints to the genre his work belongs to, or rather it reveals the re-use of the poetic values that the referred works convey. That the ancient Greek writers used to reflect on their own literary 'canon' is demonstrated already in the Homeric poems by the interest shown in the etymology of words, and the interpretation of words that are used in the poetic context (see *Il*. 6.402, 9.556, 22.507, *Od.* 18.1, 19.399, etc.); Pfeiffer, 1968, 3, bases on this etymological interest his fundamental idea that "poetry itself paved the way to its own understanding." For linguistic reflections in Homer, Hesiod and Plato's *Cratylus,* see Arrighetti, 1987, 1–34.

[60] Hdt. 1.1–5: Ἡροδότου Θουρίου ἱστορίης ἀπόδεξις ἥδε, ὡς μήτε τὰ γενόμενα ἐξ ἀνθρώπων τῷ χρόνῳ ἐξίτηλα γένηται, μήτε ἔργα μεγάλα τε καὶ θωμαστά, τὰ μὲν Ἕλλησι, τὰ δὲ βαρβάροισι ἀποδεχθέντα, ἀκλέα γένηται, "Herodotus of Thourioi shows here his investigation, so that events done by men will not fade with time, and great and mirable deeds, accomplished by both barbarians and Greeks will not be left without fame." For a discussion of the Herodotean narrator as being similar to Homer — in that he too is an external, omnipresent (cf. 1.10 and 3.134), and omniscient (e.g. use of prolepse at 1.8) narrator — as well as different from Homer, see De Jong, 2004, 101–104. Cf. the qualification given by pseudo-Long. of Herodotus as being "most Homeric," μόνος Ἡρόδοτος Ὁμηρικώτατος ἐγένετο (13.3.1).

compositions and to hint that his own work will be better than them.[61] In the incipit, that is, the reader is asked to recognise possible literary references.

What is more, the *incipit* instils a poetic quality in the new discourse, in that, through allusions to previous literary works, it demands for itself the same recognition as a literary work. It follows that the reader plays an active part in the recognition of the stylistic deviation from the norm, i.e. in the recognition of the oscillation between old and new, and thus a "learned" reading implies the understanding and the awareness of this double code.[62] The prooimion of Callimachus' *Aetia* is exemplary in this respect, as it presents an assertion of the poet's own poetics in terms of originality. After claiming that "thundering is the work of Zeus" (and not his), Callimachus sings how Apollo Lycius urges him to follow the less travelled road, "even if you will drive it along a narrower path."[63] Callimachus thus places his poetics in relation to that of his predecessors. To sum up, in general the προοίμιον, in literary works, appears to be the section where the author most clearly reveals his position and his poetics vis-à-vis his predecessors.

1.2.2 Προοίμιον in Plato's *corpus*

Having considered the use of prooimia in the literary tradition, it is now time to discuss Plato's use of the word προοίμιον. In *Phaedrus* (266d7) Socrates defines προοίμιον as πρῶτον ὡς δεῖ τοῦ λόγου λέγεσθαι ἐν ἀρχῇ, "what has to be said first in the beginning of a speech." In the following section of text (266d7–269d1) Socrates lists the criteria used by the rhetoricians to prove that, although these are necessary and preliminary notions, they do not represent the essence of the art of rhetoric.[64] In *Phaedo* 60d we find Kebes asking Socrates "about the poems that you have composed by setting into music Aesop's fables

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[61] In order to pinpoint the distinct quality of his work, Isocrates makes use of the priamel, the rhetorical device which is typical of poetic composition: it will suffice here to mention the famous priamel of Sappho 16; for the relation between Isocrates's prooimion and a review of the intellectual milieu of the time, see Tulli, 2008, 91–106.

[62] Conte, 1986, esp. 53–55.

[63] Callim. *Aet.* fr. 1.20–28. For a reconstruction of the text and an exhaustive commentary on the passage, see Massimilla 1996, 217-222, and Harder, 2012. For the sources and models of Callimachus, see Morrison, 2011, 329–348, and Prauscello, 2011, 289–308; for other "poetic voices" in Callimachus, see Cusset, 2011, 454–473.

[64] See Reale, 1998, 247. Yunis, 2011, 201, regards this passage as ironic, and claims that Socrates is mocking his interlocutor, since it was obvious at the time where the προοίμιον should go. Considering the function of the passage in the explanation of the superiority of philosophy, an ironic reading of it seems unnecessary.

and a prooimion to Apollo", περὶ γάρ τοι τῶν ποιημάτων ὧν πεποίηκας ἐντείνας τοὺς τοῦ Αἰσώπου λόγους καὶ τὸ εἰς τὸν Ἀπόλλω προοίμιον.[65]

In the *Republic,* προοίμιον is used three times: 2.357a1–2, 4.432e6–8, 7.531d7–8.[66] In this dialogue, Socrates, Glaucon, and the other interlocutors are discussing the foundation of the utopian city of Kallipolis, ruled by a philosopher-king and all three occurrences of prooimion indicate the conversation that is carried on by them: (i) Ἐγὼ μὲν οὖν ταῦτα εἰπὼν ᾤμην λόγου ἀπηλλάχθαι· τὸ δ' ἦν ἄρα, ὡς ἔοικε, προοίμιον, "When I had said this, I thought I had done with the discussion. But it all turned out to be only a prelude, as it were" (*Resp*. 357a1–2); (ii) Οὕτως, εἶπον, ὡς δοκοῦμέν μοι καὶ λέγοντες αὐτὸ καὶἀκούοντες πάλαι οὐ μανθάνειν ἡμῶν αὐτῶν, ὅτι ἐλέγομεν τρόπον τινὰ αὐτό. - Μακρόν, ἔφη, τὸ προοίμιον τῷ ἐπιθυμοῦντι ἀκοῦσαι. - Ἀλλ', ἦν δ' ἐγώ, ἄκουε εἴ τι ἄρα λέγω "I think we have been talking and hearing about it all this time without understanding ourselves, or realizing that we were, in a way, talking about it. - That was a long prelude, for one who wants to listen! - Listen, then, and see whether there is anything in what I say" (*Resp*. 432e5–433a1); (iii) Τοῦ προοιμίου, ἦν δ'ἐγώ, ἢ τίνος λέγεις; ἢ οὐκ ἴσμεν ὅτι πάντα ταῦτα προοίμιά ἐστιν αὐτοῦ τοῦ νόμου ὃν δεῖ μαθεῖν; "Do you mean the prelude, or what? Or don't you know that all these subjects are merely preludes to the theme itself that must be learned?" (*Resp*. 531d7–8).

In the three cases, what the interlocutors have previously said is defined as προοίμιον, a prelude to the real question that they need to discuss. Thus, the literary philosophical dialogue itself is described as prooimion, as if it were skirting around the heart of the matter.

Finally, the last occurrence of the word is found in *Timaeus* 29d5. Timaeus is about to sing high praise of God, τὸ μὲν οὖν προοίμιον θαυμασίως ἀπεδεξάμεθά σου, τὸν δὲ δὴ νόμον ἡμῖν ἐφεξῆς πέραινε, "and we have most admirably accepted your prelude; so now, we beg of you, proceed straight on with the main song." Νόμος is here to be taken as the *song*, the praise that follows the prelude, the προοίμιον.[67] It appears from the occurrences in the corpus that the term prooimion is often employed in a literary context. In the *Republic*, the term appears to indicate the philosophical conversation that

[65] For a discussion of the precise meaning of the verb ἐντείνω and its relation to both the "Aesop's *logoi*" and the prooimion to Apollo, see Rowe, 1993, 120, and Dixsaut, 1991, 323.

[66] All translations of the *Republic* are by Reeve, 2004.

[67] For an argument against an interpretation of νόμος in a legislative sense, and for a strict connection with *Resp*. 531d8 (πάντα ταῦτα προοίμιά ἐστιν αὐτοῦ τοῦ νόμου ὃν δεῖ μαθεῖν, "all these subjects are merely preludes to the theme itself that must be learned"), see Taylor, 1928. For the function and the literary implications of the frame of the *Timaeus*, see Regali, 2012, esp. 19–22, 106–118.

precedes the real topic of discussion, as it is the case for the use of the term in book IV of the *Laws*, where, as we shall see, it defines the entire conversation that has been carried on until book IV. Arguably, the occurrence in the *Phaedrus* is more strictly linked to the rhetorical realm, yet, all mentions of the word hint at a use of the term that looks back at the literary tradition.

1.2.3 Προοίμιον in the *Laws*

The role and function of preludes is described in book 4 718a–723e of the *Laws*. The Athenian argues that preludes should persuade the listener to be well disposed towards the laws. The aim of these short passages, which at times occur before, at times after the law, is to persuade the citizens to follow the precepts willingly, and not because of fear of legal punishment.

The first mention of the necessity of preludes occurs at 718a6–719a5, where it is claimed that a legislator who reasons like the Athenian has to provide a type of persuasive discourse that cannot be included in the laws, but stands beside them:

> ἃ δὲ χρὴ μὲν αὖ καὶ ἀναγκαῖον εἰπεῖν νομοθέτην ὅστις ἅπερ ἐγὼ διανοεῖται, ἐν δὲ σχήματι νόμου ἀναρμοστεῖ[68] λεγόμενα, τούτων πέρι δοκεῖ μοι **δεῖγμα** προενεγκόντα αὑτῷ τε καὶ ἐκείνοις οἷς νομοθετήσει, τὰ λοιπὰ πάντα εἰς δύναμιν διεξελθόντα, τὸ μετὰ τοῦτο ἄρχεσθαι τῆς θέσεως τῶν νόμων. ἔστιν δὲ δὴ τὰ τοιαῦτα ἐν τίνι μάλιστα σχήματι κείμενα; (718b5–c4).
>
> and then there are things which a lawgiver who thinks as I do should — indeed must — talk about, but which do not lend themselves to being stated in the form of a law. For these, in my view, he must present **a model** which he himself and those he is making laws for can follow — explaining everything else to the best of his ability — and only after make a start on putting his laws in place. In what forms are then matters like that laid down?

The "model" or "pattern," δεῖγμα,[69] of this discourse is not easy to grasp, and the Athenian wonders about the form in which these sections should be

[68] More precisely, the Athenian says that there are certain things that the legislator must say, that "do not fit in the form of the law" (literally: "they are out of tune in the form of law"— ἐν δὲ σχήματι νόμου ἀναρμοστεῖ—).

[69] δεῖγμα is also used in Arist. *Rh*. 1415a12 to indicate the section of the discourse that occurs at the beginning of both juridical and epic poems. The prooimion of the judicial speech is understood by Aristotle as having the same function as the prologue of dramas and epics. δεῖγμα thus indicates the subject matter of the discourse, so that the listeners know in advance what the discourse will be about and will not be kept in suspense: ἐν δὲ προλόγοις καὶ ἔπεσι

structured (ἔστιν δὲ δὴ τὰ τοιαῦτα ἐν τίνι μάλιστα σχήματι κείμενα; "in what forms are then matters like that laid down?" 718c3–4).[70] The legislator aims to make the citizen as obedient to virtue as possible, ὡς εὐπειθεστάτους πρὸς ἀρετήν, (718c8–d1); such a task is not easy to accomplish, since few men agree to become as virtuous as possible in the shortest time (718d8). To make the claim more incisive, the Athenian at this point refers to the verses in Hesiod where he states that the path of virtue is a rugged one:[71]

> τὸν δὲ Ἡσίοδον οἱ πολλοὶ σοφὸν ἀποφαίνουσι λέγοντα ὡς ἡ μὲν ἐπὶ τὴν κακότητα ὁδὸς λεία καὶ ἀνιδιτὶ παρέχει πορεύεσθαι, μάλα βραχεῖα οὖσα, τῆς δὲ ἀρετῆς, φησίν, ἱδρῶτα θεοὶ προπάροιθεν ἔθηκαν / ἀθάνατοι, μακρὸς δὲ καὶ ὄρθιος οἶμος ἐς αὐτήν, / καὶ τρηχὺς τὸ πρῶτον· ἐπὴν δ' εἰς ἄκρον ἵκηαι, / ῥηιδίη δὴ 'πειτα φέρειν, χαλεπὴ περ ἐοῦσα (718e1–719a2).
>
> most people make it quite clear that Hesiod knew what he was talking about when he said that the path towards evil was smooth and short enough to be trodden without breaking into sweat, whereas (he says) without great labour the immortal gods / permit no road to goodness. Long and steep / the road, and rough at first, but easy kept / when once the summit gained — though hard before.

The reference to Hesiod, the paraenetic poet par excellence, seems to have two functions: (i) it grants authority to the view that the path to virtue is a hard one and one which needs persuasion alongside the threat of the law, and (ii) it introduces the next section of this illustrative passage on the preludes, which consists of a supposed dialogue between the legislator and a spokesman of the

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δεῖγμά ἐστιν τοῦ λόγου, ἵνα προειδῶσι περὶ οὗ [ᾗ] ὁ λόγος καὶ μὴ κρέμηται ἡ διάνοια. Cf. Görgemanns, 1960, 32 n. 4. In contrast, the exordia of the epideictic speech are compared to the prooimia of dythirambs. Such exordia derive their topics from the genre of praise, blame, exhortation, diassuasion, appeals to the hearer: τὰ μὲν οὖν τῶν ἐπιδεικτικῶν λόγων προοίμια ἐκ τούτων, ἐξ ἐπαίνου, ἐκ ψόγου, ἐκ προτροπῆς, ἐξ ἀποτροπῆς, ἐκ τῶν πρὸς τὸν ἀκροατήν (*Rh*. 1415a5–7). As will be shown, the theme of praise and blame, as well as the theme of exhortation and the appeal to the reader are fundamental elements in the kind of prelude selected by the Athenian.

[70] For the term σχῆμα as a literary concept, compare *Ti*. 22c μύθου σχῆμα, Isoc. 15.8 ἐν ἀπολογίας σχήματι, and Arist. *Poet*. 1448b36 τὸ κωμῳδίας σχῆμα.

[71] Hes. *Op*. 287–291 The verses are also cited in *Resp*. 2.364c–d, *Prt*. 340d, *Phdr*. 272c.

poets.[72] The Athenian is now about to offer a reflection on the contrast between the role of the poet and that of the legislator in moulding characters.[73]

Initially, the Athenian claims that a legislator cannot allow the poets to say whatever they fancy, because they might say things that are contrary to the laws and thus cause harm to the state.[74] The poets are not able to discern what is right and wrong, and therefore should not be allowed to talk freely, while the legislator is allowed to establish what everyone should do and say (because he has knowledge on his side). In this important section of the dialogue the Athenian opposes these two authorities in moral affairs, and shows that they share the same aim: to mould the characters of the citizens. The Athenian proceeds to address a hypothetical question to the legislator on behalf of the poets:

> παλαιὸς μῦθος, ὦ νομοθέτα, ὑπό τε αὐτῶν ἡμῶν ἀεὶ λεγόμενός ἐστιν καὶ τοῖς ἄλλοις πᾶσιν συνδεδογμένος, **ὅτι ποιητής, ὁπόταν ἐν τῷ τρίποδι τῆς Μούσης καθίζηται, τότε οὐκ ἔμφρων ἐστίν, οἷον δὲ κρήνη τις τὸ ἐπιὸν ῥεῖν ἑτοίμως ἐᾷ**, καὶ τῆς τέχνης οὔσης μιμήσεως ἀναγκάζεται, ἐναντίως ἀλλήλοις ἀνθρώπους ποιῶν διατιθεμένους, ἐναντία λέγειν αὐτῷ πολλάκις, οἶδεν δὲ οὔτ' εἰ ταῦτα οὔτ' εἰ θάτερα ἀληθῆ τῶν λεγομένων. τῷ δὲ νομοθέτῃ τοῦτο οὐκ ἔστι ποιεῖν ἐν τῷ νόμῳ, δύο περὶ ἑνός, ἀλλὰ ἕνα περὶ ἑνὸς ἀεὶ δεῖ λόγον ἀποφαίνεσθαι (719c3–d3).
>
> there's an old story, Mr. Lawgiver, which we ourselves are in the habit of telling, and which nobody else has ever denied, **that once a poet is sitting on three-legged seat of the Muse, he is no longer in his right mind.**[75] **He is like a fountain allowing free passage to the flow of water,** and the fact that his art is essentially imitative means that when he creates characters who contradict one another, he often has no choice but to contradict himself. He has no idea if either of the things he says is true. For the lawgiver, in his laws, this is not

[72] On the education of men and thus the ethical purpose of the constant labour as a theme of Hes. *Op*., see Arrighetti, 1987, esp. 377–384, 390–393, and also Strauss Clay, 1993, 23–33. For the paraenetic intention of the work, see Schmidt, 1986. For the Hesiodic influence in the paraenetic discourse of the demiurge at *Ti*. 41a–d, cf. Regali, 2010, 259–275.

[73] The new topic that the Athenian will now discuss, according to Görgemanns, 1960, 33, n. 3, is the poetic feature of the discourse: "die Antwort, die nachher freilich nicht ausdrücklich gegeben wird, könnte heißen: ποιητικόν τι."

[74] The argument of the poets who cannot be allowed free speech has already been discussed in *Laws* book 2.

[75] The same image of the poet who is out of his mind, οὐκ ἔμφρων, when possessed by divine inspiration occurs in *Ion* 534a–e. Similar views on the poets possessed by the Muses are expressed in *Phdr*. 245a, *Ap*. 22c1–3, *Meno* 99d, *Leg*. 682a.

> something he can do. He cannot give two different answers to a single question. To a single question, he must always give a single, unambiguous answer.

These words of the Athenian unveil the problem of considering the poets to be moral authorities in the ideal city. The poet is out of his mind, οὐκ ἔμφρων ἐστίν: he is like a fountain that lets a message flow, and therefore he cannot know whether there is anything true in what he is saying. In contrast to the poet, the Athenian clarifies, the lawgiver must always pronounce the same opinion. For instance, in establishing the law on burial ceremonies, the lawgiver must hold on to the traditionally well-balanced ceremony and praise it, whereas the poet, depending on the character he imitates, might praise either an overly elaborate funeral, or a frugal one (719c1–e3).

As pointed out by Giuliano, this is the only passage in the Platonic corpus where Plato's theories of μίμησις and ἐνθουσιασμός occur together. A first significant implication of the passage is that the two theories are compatible, in the sense that they both deny knowledge to the poet. The product of the poet's *techne* is poetry as μίμησις, and thus the poet does not know what is true and what is false; the poet speaks the truth only when he happens to imitate those who stand on the side of truth.[76] Now, accused of ambiguity, the poet reproaches the lawgiver for inaccuracy (719e3–4). The legislator is required not only to say that something (e.g. a burial ceremony) is μέτριον, but he needs to define exactly "what" as well as "how much" of it is μέτριον (ἀλλὰ τί μέτριον καὶ ὁπόσον ῥητέον, 719e4). This special task of the legislator is clarified to him by the poet. As long as he does not perform this task, he cannot prescribe his ethical values. The confrontation between the legislator and the poet represents a confrontation between two authorities charged with transmitting correct values.[77] However, this "mistake" by the legislator is pivotal in the discussion, since, instead of stating more precisely what is μέτριον, the Athenian replies by discussing the necessity of adding the element of persuasion to the law. The Athenian, in fact, is aware that, if he intends to morally educate other and not just give orders, he will have to add to his laws

[76] Giuliano, 2005, 193–195.

[77] According to England, 1921, 459, the passage "is a rich piece of Platonic humour which gives the much decried and dangerous poet the task of teaching the lawgiver his duty." The fact that the Athenian talks on behalf of the poet signals that he recognizes his authority in the field: "the poet, as the master of *the way of saying things* (in italics in the original), is the natural adviser of the lawgiver in the matter of the wise and conciliatory *representation* of his laws to the minds of his subjects. Plato shows by his frequent quotations from poets how much he values their power of expression." Even if it is certainly true that Plato recognizes the authority of the poets, they would be allowed in the city only under strict regulations given by the legislator.

the element of persuasion; only by making his precepts persuasive, will he succeed in conveying what is "appropriate," — μέτριον.[78]

In this important dialogue, which shortly precedes the definition of preludes, the Athenian is talking to the legislator ὑπὲρ τῶν ποιητῶν, 719b9, "as spokesmen for the poets" that is, he personifies now the moral authority he intends to substitute. By so doing, he establishes a connection between the preludes and the literary tradition.[79] Besides, the need for a discourse that is μέτριον, recalls the μέτριος ἀνήρ of *Republic* 396c, where, in a section devoted to the role of μίμησις in the shaping of a character, Socrates stresses that the good man (μέτριος ἀνήρ, 396c4) will willingly quote or imitate an honest person, "as if he were himself that man" αὐτὸς ὢν ἐκεῖνος (c6), because the imitation of such a character will bring forth the same qualities in himself.[80] A good imitator is thus the μέτριος ἀνήρ of the *Republic*, while the legislator has yet to define what is μέτριον.

The Athenian's response to the reproach of the poet leads to the definition of his great novelty: the preludes to the laws. In fact, as a response to the lack of a univocal definition, the Athenian affirms the necessity of adding encouragement, παραμυθία, and persuasion, πειθώ, to the law:[81]

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[78] According to Görgemanns, 1960, 36–40, the "mistake" of the lawgiver should not be dismissed, because it would signify the renunciation of adding persuasion to the laws. Cf. Mouze, 2006, 321–323, the insufficiency is fundamental for the legislator, his discourse is imprecise, and thus cannot prescribe: "le legislateur est en effet le poète sur lequel les poètes doivent se regler" (here at 322).

[79] By speaking on behalf of the poet, the Athenian aims to establish a new form of poetry: in the *Timaeus*, Critias tells the tale of Atlantis that he heard by Solon, and thus he takes upon himself the role of the poet (21a8–25d6), cf. Garvey, 2008, 383: "by relating the contexts in which Solon and he himself learned of it, Critias thus insert himself into the tradition of telling the tale of Atlantis as an offering to honour Athena." For the tale as λόγος ἐπιτήδειος, i.e. in line with a new form of literature and thus approved by Socrate's ἐπίταξις, (20c4–d3), see Regali, 2012 39–43. Similarly, Timaeus' account in the dialogue can be regarded as a hymn to the Demiurge (21a3 οἷόνπερ ὑμνοῦντας ἐγκωμιάζειν). Proclus defines Timaeus' account as hymn at *Theol. Plat*. V 20 75.10–14, cf. Garvey, 2008, 388–389 and Regali, 2012, for the literary features of the dialogue.

[80] Cf. 396d–e, 397b, and Murray, 1995, 176–181. The criticism made against the poet who can imitate all characters, and the need for a poet who instead follows the direction of the legislator is clearly expressed at *Resp*. 398a1–b5. In a famous passage in *Resp*. 604e–605c, the mimetic nature of poetry is condemned for its portrayal of the multifarious. Cf. *Laws*, 660a3–8: the lawgiver will have to persuade citizens to practise melodies and dances which imitate good character.

[84] We find the concept of encouragement, παραμυθία, at the beginning of *Leg*. 632e5, in the expression: διαμυθολογοῦντες παραμύθια ποιήσασθαι τῆς ὁδοῦ, "this (scil. the conversation) will keep us entertained along the way." The conversation of the three men is taken as a serious pastime (cf. also wise game, παιδιὰ σώφρων, at 769a1, 685a7–8) that will shorten the long way (cf. παραμυθουμένους 625b6). For the dialectic παιδιά–σπουδή, running

> πότερον οὖν ἡμῖν ὁ τεταγμένος ἐπὶ τοῖς νόμοις μηδὲν τοιοῦτον προαγορεύῃ ἐν ἀρχῇ τῶν νόμων, ἀλλ' εὐθὺς ὃ δεῖ ποιεῖν καὶ μὴ φράζῃ τε, καὶ ἐπαπειλήσας τὴν ζημίαν, ἐπ' ἄλλον τρέπηται νόμον, παραμυθίας δὲ καὶ πειθοῦς τοῖς νομοθετουμένοις μηδὲ ἓν προσδιδῷ; (719e8–720e2).
>
> does that mean that the person in charge of our laws may not make statements of this kind at the beginning of his laws —just come right out and say what people should do and not do, add a penalty by way of deterrence, then turn to the next law, offering no word at all of encouragement or persuasion to the people he is making laws for?

The Athenian's reply implies that the legislator cannot simply prescribe what one should do, because citizens need persuading first. This feature of the discourse is what links together the legislator and the poet. Persuasion is, in fact, linked to the poet's activity, and it is noteworthy that the same opposition between the function of the laws and the poetical texts is found in the work of rhetorician Lycurgus (who is traditionally considered to be a disciple of Plato): Lycurgus assigns poetry the task of changing men's hearts, by virtue of its persuasive force:

> οἱ μὲν γὰρ νόμοι διὰ τὴν συντομίαν οὐ διδάσκουσιν, ἀλλ' ἐπιτάττουσιν ἃ δεῖ ποιεῖν, οἱ δὲ ποιηταὶ μιμούμενοι τὸν ἀνθρώπινον βίον, τὰ κάλλιστα τῶν ἔργων ἐκλεξάμενοι, μετὰ λόγου καὶ ἀποδείξεως τοὺς ἀνθρώπους συμπείθουσιν (Lycur. *Leocr*. 102).
>
> laws are too brief to give instruction: they merely state the things that must be done; but poets, depicting life itself, select the noblest actions and so through argument and demonstration convert men's hearts.[82]

Considering the role of poetry in converting "men's hearts," it might be useful to briefly discuss the poetic passages that attest to the educational function of poetry, before we look at the programmatic passage of the *Laws*. One of the most significant passages is found in Aristophanes' *Frogs*. The comedy stages an *agon* in the underworld between Aeschylus and Euripides in order to decide who deserves the title of being the best tragedian of all time. Dionysus, the god of theatre, has gone to Hades to bring back to Athens Euripides, who is

through the dialogue, see Jouët-Pastré, 2006. The content of the conversation is defined explicitly as a μυθολογία at 752a1, which recalls the μυθολογεῖν of the design of the *Politeia* in *Resp*. 376d9, 501e4, cf. Schöpsdau, 2002, 192. For the foundation of the city which appears as a creation, a work, i.e. as ποίησις, see also Mouze, 2006, 312–315.

[82] The passage is discussed in Capra, 2014, 6–7. For the idea that poetry was considered a form of knowledge, see Ar. *Ran.* 1008–1010; *Prt*. 316d–e, and Allen, 2010, 34–35.

supposed to save Athens from its moral decline. Once in Hades, Dionysus is called to be the referee of the contest, and whoever wins will be brought back to life. Aeschylus challenges Euripides on his contribution as a poet:

> ΑΙ. ἀπόκριναί μοι, τίνος οὕνεκα χρὴ θαυμάζειν ἄνδρα ποητήν;
>
> ΕΥ. Δεξιότητος καὶ νουθεσίας, **ὅτι βελτίους τε ποιοῦμεν / τοὺς ἀνθρώπους ἐν ταῖς πόλεσιν** (*Ran.* 1008–1010).
>
> Aesch.: So answer me this: for what qualities should a poet be admired?
>
> Eur.: Skill and good counsel, **and because we make people better members of their communities.**

Euripides's reply to Aeschylus shows that the value of the poetic work is measured not only in the skills of the poets, but also in the ethical objectives that it meets.[83] What is more, the play sheds some light on the widely spread corpus of didactic poetry available in the fifth century, which constitutes the fundamental basis of the idea of the poet as a teacher. In the *Frogs*, after praising himself because, through the *Persians,* "he taught them (scil. the audience) to yearn always to defeat the enemy" (1027–1028), Aeschylus also extols the achievements of Orpheus, Musaeos, Hesiod, and Homer, all of whom composed prescriptive, instructive poems:

> Ταῦτα γὰρ ἄνδρας χρὴ ποιητὰς ἀσκεῖν. Σκέψαι γὰρ ἀπ' ἀρχῆς / **ὡς ὠφέλιμοι τῶν ποιητῶν οἱ γενναῖοι γεγένηνται**. / **Ὀρφεὺς** μὲν γὰρ τελετάς θ' ἡμῖν κατέδειξε φόνων τ' ἀπέχεσθαι, / **Μουσαῖος** δ' ἐξακέσεις τε νόσων καὶ χρησμούς, **Ἡσίοδος** δὲ / γῆς ἐργασίας, καρπῶν ὥρας, ἀρότους· **ὁ δὲ θεῖος Ὅμηρος / ἀπὸ τοῦ τιμὴν καὶ κλέος ἔσχεν πλὴν τοῦδ' ὅτι χρήστ' ἐδίδαξεν, / τάξεις, ἀρετάς, ὁπλίσεις ἀνδρῶν** (*Ran.* 1030–1037).
>
> That's the sort of thing that poets should practice. **Just consider how beneficial the noble poets have been** from the earliest times. **Orpheus** revealed mystic rites to us, and taught us to abstain from killings; **Musaeus** instructed us on oracles and cures for diseases; **Hesiod** on agriculture, the seasons for crops, and ploughing. And where did the godlike **Homer** get respect and renown if not **by giving good instruction in the tactics, virtues, and weaponry of men**?

[83] Del Corno, 1985. Sommerstein, 1996, 244, remarks that Aristophanes himself emphasises his educational duty and function as comic dramatist; see *Ran.* 389–390, 686–687, and Sommerstein, 1996, 27–30.

Aristophanes combines here two apparently legendary figures, Orpheus and Musaeus, with two that we consider to be historical, Homer and Hesiod. Poems about cosmogony and cosmology were attributed to Orpheus and Musaeus respectively.[84] As is clear from Plato's *Ion*, Homer's characters offered models of behaviour, and is therefore considered the best teacher.[85] In the homonymous dialogue, Ion explains to Socrates that, since a rhapsode is skilled in the art of rhapsody, he also knows everything about military matters: "Do you mean that the art of the rhapsode and the general is one, not two? – It is one, to my mind. – So that anyone who is a good rhapsode is also, in fact, a good general? – Certainly, Socrates."[86]

Thanks to his art, the poet can teach the young about different aspects of life. As Aristophanes writes in the *Frogs* (1055–1056), παιδαρίοισιν ἐστὶ διδάσκαλος ὅστις φράζει, τοῖσιν δ' ἡβῶσι ποιηταί, "for children the teacher is the one who instructs, but adolescents have the poet." It appears clear that the poet expects great respect and autonomy for his role. Even if we assume a subordination of the poet to a paying commissioner, a complete dependence of the poet on his reward is in contrast with the unanimous evidence provided in ancient texts, which affirm both the autonomy and the moral role of the poet in society.[87]

Bearing in mind the educational role of the poets, we can now focus on the analogy with doctors, which serves to explain the reason why persuasion is necessary. Firstly, the Athenian points out that there are two methods in laying down a law: a simple one, ἁπλοῦς, which consists of the pure law, and then a double method, διπλοῦς, which consists of adding to the law either persuasion or threat (720e8, 721a9, b4–e5, d8–e2). The definition of the διπλοῦς law is

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[84] Aeschylus' argument that Homer is a great poet is based on the fact that (i) all great poets have been teachers, and (ii) it is of vital importance to promote military virtues. Homer is regarded as the greatest poet, a divine one, θεῖος Ὅμηρος, 1034. Cf. Pl. *Resp*. 364e–365a; Pl. *Ap*. 41a Eur. *Hipp*. 953–5; for the numerous works circulating under the name of Orpheus, see West, 1983.

[85] Dover, 1993, 15–17.

[86] *Ion* 541a2–6: μίαν λέγεις τέχνην εἶναι τὴν ῥαψῳδικὴν καὶ τὴν στρατηγικὴν ἢ δύο; –Μία ἔμοιγε δοκεῖ. –Ὅστις ἄρα ἀγαθὸς ῥαψῳδός ἐστιν, οὗτος καὶ ἀγαθὸς στρατηγὸς τυγχάνει ὤν; — Μάλιστα, ὦ Σώκρατες. –Οὐκοῦν καὶ ὅστις ἀγαθὸς στρατηγὸς τυγχάνει ὤν, ἀγαθὸς καὶ ῥαψῳδός ἐστιν.

[87] The idea of the poet as "artisan de la parole," that is, as a professional strictly dependent on material reward and therefore ready to quickly change his contents to please the commissioners, is suggested by Svenbro, 1976. A rebuttal to these claims, and a discussion of the risks of following the ancient anecdotic tradition, which often emphasises and attributes to a single person, aspects of an entire society or époque, is found in Arrighetti, 1987, esp. 37–90.

further clarified at 722e5–7, where the Athenian states that they should not simply be defined as double laws but rather as laws consisting of two parts, a law and a prelude to the law: οἵ τέ γε δὴ διπλοῖ ἔδοξαν νυνδή μοι λεχθέντες νόμοι οὐκ εἶναι ἁπλῶς οὕτω πως διπλοῖ, ἀλλὰ δύο μέν τινε, νόμος τε καὶ προοίμιον τοῦ νόμου (722e5–7). This clarification occurs after the Athenian has illustrated the double law on marriage, and after Megillus has given his approval to such a lengthy form of legislation (721e6–722a5). Now the Athenian clarifies that what Megillus defines as persuasive, πειστικὸν, has the function of a prelude to the law (723a2–3).[88] In order to show how the legislator should best use a double approach, the Athenian employs an analogy involving two different types of doctors, and compares himself and the two interlocutors to children, begging the doctor for the sweetest treatment: καθάπερ ἰατροῦ δέοιντο ἂν παῖδες τὸν πρᾳότατον αὐτὸν θεραπεύειν τρόπον ἑαυτούς, "in the way children plead with the doctor, begging him to give them the least harsh treatment" (720a5–6).[89] There is a free doctor, who heals by instructing (διδάσκειν) the patient about the illness and its remedy, and a slave doctor who imparts the medication based on simple personal experience, without giving any explanation to the patient.[90] The Athenian clarifies that the free doctor establishes a dialogue with the patient, explaining to him both the illness and the remedy, and, what is more, he does not impart orders before he has persuaded the patient of the efficacy of the remedy:

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[88] *Leg*. 723a2–3: πειστικὸν λεχθὲν ὑπὸ τοῦδε, ὄντως μὲν εἶναι πειστικόν, προοιμίου μὴν τοῦ περὶ λόγους δύναμιν ἔχειν, "the element described by Megillus as persuasive, while it is certainly designed to persuade, has also the force of a prelude to the law." The person refrred to by ὑπὸ τοῦδε is commonly accepted by scholars to be Megillus, who at 721e6–722a5, claims to prefer a longer law to a shorter one, provided it includes a prelude, (as the law on marriage, the example just made by the Athenian). Cf. Schöpsdau, 2003, 248.

[89] The metaphor of a healthy body and the least painful treatment is used also at 684c3–5. For the metaphor of the sweet meal when conveying an unpleasant truth, see also *Grg*. 521d–522a, where the doctor is compared to a cook facing a jury of children.

[90] The definition of "slave doctor" is generally accepted by scholars (with reference to 720c2 and 857d2), yet, it should be pointed out that initially, at 719b4, the Athenian talks about ὑπηρέται τῶν ἰατρῶν, who can be either free, ἐλεύθεροι, or slaves δοῦλοι. In book IX, at 857d2 the method adopted by the free doctor i.e. establishing a dialogue with the patient, tackling the illness from the beginning, and going back to the "general nature of bodies", is presented as being close to "philosophy." This is clearly a hyperbole, but Laks, 2005, 130–146, suggests that the Socratic method of conversation should at least be considered as the frame in which the theory of preludes should be placed. Laks, 1991, 417–428, argues in favour of the idea of "legislative utopia", which consists in a correspondence between the prelude to the law and the philosophical dialogue. Following this interpretation, the law itself should ultimately be abolished in favour of the philosophical dialogue. For a discussion of Laks, 1991, see Brisson, 2000, 242–243.

ὁ δὲ ἐλεύθερος ὡς ἐπὶ τὸ πλεῖστον τὰ τῶν ἐλευθέρων νοσήματα θεραπεύει τε καὶ ἐπισκοπεῖ, καὶ ταῦτα ἐξετάζων ἀπ᾽ ἀρχῆς καὶ κατὰ φύσιν, τῷ κάμνοντι κοινούμενος αὐτῷ τε καὶ τοῖς φίλοις, ἅμα μὲν αὐτὸς μανθάνει τι παρὰ τῶν νοσούντων, ἅμα δὲ καὶ καθ᾽ ὅσον οἷός τέ ἐστιν, **διδάσκει** τὸν ἀσθενοῦντα αὐτόν, καὶ οὐ πρότερον ἐπέταξεν πρὶν ἄν πῃ **συμπείσῃ** τότε δὲ μετὰ πειθοῦς ἡμερούμενον ἀεὶ παρασκευάζων τὸν κάμνοντα, εἰς τὴν ὑγίειαν ἄγων, ἀποτελεῖν πειρᾶται (720d1–e2).[91]

The free-born doctor spends most of his time treating and keeping an eye on the diseases of the free-born. He investigates the origin of the disease, in the light of his study of the natural order, taking the patients and his friends into partnership. This allows him both to learn from those who are sick, and at the *same* time **to teach** the invalid himself, to the best of his ability; and he prescribes no treatment without first getting the **patient's consent.** Only then, and all the time using his powers of persuasion to keep the patient cooperative, does he attempt to complete the task of bringing him back to health.

The legislator should proceed on this double track, on the one hand by ordering through the laws, and on the other hand by persuading the citizen before stating the law. This instructive dialogue between the legislator and the citizen, is not found in the preludes. In the preludes, we never encounter such a "Socratic method of investigation."[92] In this sense, the rational explanation that we find through the comparison with the doctors, seems inadequate to illustrate how the preludes would make the citizens become virtuous.

In the preludes, nonetheless, we do find a re-telling of the precepts in a manner that is closer to the literary and poetic tradition. What are we to make of such a language? A possibility could be to find in the literary preludes a type of knowledge that stands on solid, philosophical foundations. That is, the references to myths, as well as the poetic expressions used by the Athenian can be taken as *teaching* because they have already passed the moral investigation of the legislators, those who possess a stable, established knowledge.

[91] The passage is often taken as evidence for the interpretation that argues for a "rational" nature for the preludes. Verbs such as "communicate" and "teach" and other similar occurrences in other passages of the dialogue (e.g. 793a9, 773e, 822d) indicate, according to some scholars, such as Bobonich, 2002, a rational dialogue between the legislator and his audience. Yet, there is no example of such a dialogue in the preludes, except for the one against atheists in book 10. According to Laks, 2005, 117, the expression λόγον διδόναι, at 720c3–5, is clearly based on the model of "account for" of the Socratic method of investigation (cf. *Grg.* 464b–c, *Prt.* 336c6, and also *Leg.* 964e4). Yet, in the preludes there is no hint to the citizens being allowed to have a saying about what is to be done or being allowed to discard a law if they disagree. The legislator is still the only one to have knowledge about what is best, cf. Annas, 2017, 93–95.

[92] Laks, 2005, 75.

Certainly, in this case there is a risk that the preludes become as imperative and commanding as the laws are and thus reduced to function as the imperatives given by the slave doctor. This, however, is not the case. In the preludes, we find a gentler exhortation to follow the law, which is often devoid of imperatives. The Athenian directly addresses the reader and illustrates the necessity of obeying the law not because failure to do so will entail punishments, but because it is the right thing to do. The preludes represent the moral basis to be internalised by the audience so as to proceed to the next step, that of becoming perfect citizens.

As Annas notes, the conversation of the free man with the free doctor is functional, because it allows the free man to take an active role in his own cure.[93] The involvement of the citizen in the understanding of the preludes is thus a warrancy for the most morally correct development of the citizen.[94] The direct form of the preludes implies a dialogue, a direct conversation between the legislator and his audience. It is the opposition of the mode of working of the slave doctor, who acts like a tyrant, gives orders based on experience, and quickly runs from one patient to the other:

> καὶ οὔτε τινὰ λόγον ἑκάστου πέρι νοσήματος ἑκάστου τῶν οἰκετῶν οὐδεὶς τῶν τοιούτων ἰατρῶν δίδωσιν οὐδ' ἀποδέχεται προστάξας δ' αὐτῷ τὰ δόξαντα ἐξ ἐμπειρίας, ὡς ἀκριβῶς εἰδώς, καθάπερ τύραννος αὐθαδῶς, οἴχεται ἀποπηδήσας πρὸς ἄλλον κάμνοντα οἰκέτην (720c3–7).
>
> none of these doctors gives any explanation of the particular disease of any particular slave — or listens to one; All they do is prescribe the treatment they see fit, on the basis of trial and error — but with all the arrogance of a tyrant, as if they had exact knowledge.

On the one hand, the Athenian is asking for complete obedience to the laws (and therefore to the preludes), but on the other hand the dialogical and persuasive method of the free doctor opens up for an understanding of them. Contrariwise the method of the slave doctor, who forces a treatment on the patient, is considered χεῖρον, "inferior" and ἀγριώτερον "more hostile"

[93] Annas, 2017, 92–93.

[94] As Annas, 2017, 92, aptly puts it: "We should be slaves to the laws in obeying them, but as free people we are entitled to understand them; in a modern phrase, we can take ownership of our obedience to law in understanding the basis of it, as the free person takes ownership of his cure in understanding why and how he must follow it. The concepts of slavery and of freedom are both involved in forging a new understanding of citizens' obedience to law." In Annas' view, a first complete acceptance of the laws is the *condicio sine qua* non for the citizens to develop a virtous character.

(720e1–4). The best path is to follow the dual method, which employs a combination of law and persuasion. At 720e8–722c5, the structure of a double law is exemplified in the prelude on marriage.[95]

After having delivered the persuasive prelude followed by the proper law, the Athenian reflects that it has never occurred to any previous legislator to adopt a dual approach (i.e. to combine force, βία and persuasion, πειθώ) when setting down the laws. At this point (722c6–723e7) the conversations that the Athenian has been having with Cleinias and Megillus, from dawn to midday, are said to be inspired by a god and defined as preludes to the laws:

> σχεδὸν γὰρ ἐξ ὅσου περὶ τῶν νόμων ἤργμεθα λέγειν, **ἐξ ἑωθινοῦ μεσημβρία τε γέγονε καὶ ἐν ταύτῃ παγκάλῃ ἀναπαύλῃ τινὶ γεγόναμεν**, οὐδὲν ἀλλ' ἢ περὶ νόμων διαλεγόμενοι, νόμους δὲ ἄρτι μοι δοκοῦμεν λέγειν ἄρχεσθαι, τὰ δ' ἔμπροσθεν ἦν πάντα ἡμῖν **προοίμια** νόμων (722c7–d2).

> it was daybreak when we started our discussion of laws, and **now it is practically midday, and here we are in this delightful spot for a rest.** All this time laws have been the sole topic under discussion, and yet, as far as I can see, it is only in the last few minutes that we have started actually putting laws into words. All the things we said prior to that were **preludes**[96] to laws.

The dialogue up to this point is thus defined as a προοίμιον. The scene of the *Laws* at this point, — the three interlocutors who pause their talking during the heat of midday — has close parallels with the *Phaedrus*.[97] In the *Phaedrus*, we are told that Socrates and Phaedrus will receive the gift of poetry by the cicadas only in case they continue their dialogue in the midday heat and do not yield to sleep:

> σχολὴ μὲν δή, ὡς ἔοικε· καὶ ἅμα μοι δοκοῦσιν ὡς **ἐν τῷ πνίγει** ὑπὲρ κεφαλῆς ἡμῶν οἱ τέττιγες ᾄδοντες καὶ ἀλλήλοις διαλεγόμενοι καθορᾶν καὶ ἡμᾶς. εἰ οὖν ἴδοιεν καὶ νὼ καθάπερ τοὺς πολλοὺς **ἐν μεσημβρίᾳ** μὴ διαλεγομένους ἀλλὰ νυστάζοντας καὶ κηλουμένους ὑφ' αὑτῶν δι' ἀργίαν τῆς διανοίας, δικαίως ἂν καταγελῷεν, ἡγούμενοι ἀνδράποδ' ἄττα σφίσιν ἐλθόντα εἰς τὸ καταγώγιον ὥσπερ προβάτια μεσημβριάζοντα περὶ τὴν κρήνην εὕδειν· ἐὰν δὲ ὁρῶσι διαλεγομένους καὶ παραπλέοντάς σφας ὥσπερ Σειρῆνας ἀκηλήτους, **ὃ γέρας**

[95] The prelude on marriage is discussed in section 3.1, 104–120.

[96] Griffith translates προοίμιον as *preamble*, however in this work we will employ "prelude," as clarified in note 1 of this chapter.

[97] The literary setting of the dialogue is noted by Nightingale, 1993a. Also Laks, 2005, 21, 137, remarks on the similarity with some scenes in the *Phaedrus*.

παρὰ θεῶν ἔχουσιν ἀνθρώποις διδόναι, τάχ'ἂν δοῖεν ἀγασθέντες (*Phdr*. 258e7–259b1).

> We're not in a rush, then, apparently. Also, I think that as the cicadas sing and talk to one another **in the heat** above our heads, they look down on us as well. Now, if they saw us behaving like most other people and spending **the midday** dozing off under their spell as a result of mental laziness, rather than talking, it would be right for them to laugh at us. They'd think that some slaves had come to this secluded spot of theirs to have their siesta by the stream, just like sheep. But if they see us talking and sailing past them as if they were Sirens whose spell we had resisted, **they might perhaps be pleased enough to give us the gift which the gods have granted them the power to give people.**[98]

Socrates proceeds to illustrate the myth of the Cicadas, according to which the cicadas were originally humans who were so enchanted by the Muses into singing and dancing that they forgot to eat and drink, and eventually died without noticing it. The Muses then rewarded them with the ability to sing from birth to death, without needing food or sleep. In addition, they were put in charge of reporting to the Muses those who surrender to laziness (lulled by their sweet chants) and those who instead honour them.[99] Socrates tells Phaedrus that, if they continue their dialogue, they will be awarded with the gift of singing.[100]

Now, both the time of day (midday) and the *locus amoenus* appear to have connotations of poetic inspiration. In the *Laws*, the realisation that all previous discourses are to be considered preludes and the definition and illustration of the role of these preludes suggest that the preludes may be interpreted to have similar poetic connotations. A further element that prompts us to understand a scene of poetic inspiration here is the fact that divine inspiration pervades this section: the conversation (until 722c) has proceeded κατὰ θεόν (722c6).[101]

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[98] Translation by Waterfield is slightly modified.

[99] The myth of the cicadas is probably invented by Plato. The comparison between cicadas and men that produce beautiful speeches is found already in Homer *Il*. 3.151 and cicadas are likened to sirens in *Od*. 12.39; see Centrone, 1998, 156.

[100] The dialogue ends with Socrates's prayer to Pan at 279b, after a discussion of the different forms of speech and writing. For an interpretation of the "riddle," as scholars define the prayer to Pan, see Capra, 123–134. Capra, 2014, 120–148, interprets the myth of the Cicada and the prayer to Pan as evidence for a poetic initiation of Socrates, and thus for his subsequent induction as a hero (stories of initiation are linked with stories of heroism, see Aristot. *Rh.* 1398b10–12; for the Archilocheion, cf. Capra, 129–134.

[101] That the establishment of the new legislation is inspired by the gods is repeated several times (see for instance 628e, 722c, 811c). On the fundamental role of divine inspiration in the poetic characterisation of the legislation, see Görgemanns, 1960, 30–55. For the poetic

Furthermore, another scenic element similar to the *Phaedrus* occurs at the beginning of the *Laws,* when we are told that the three men started a journey from Cnossus to the cave and sanctuary of Zeus:[102]

> πάντως δ' ἥ γε ἐκ Κνωσοῦ ὁδὸς εἰς τὸ τοῦ Διὸς ἄντρον καὶ ἱερόν, ὡς ἀκούομεν, ἱκανή, καὶ **ἀνάπαυλαι** κατὰ τὴν ὁδόν, ὡς εἰκός, πνίγους ὄντος τὰ νῦν, **ἐν τοῖς ὑψηλοῖς δένδρεσίν** εἰσι **σκιαραί**, καὶ ταῖς ἡλικίαις πρέπον ἂν ἡμῶν εἴη τὸ διαναπαύεσθαι πυκνὰ ἐν αὐταῖς, λόγοις τε ἀλλήλους **παραμυθουμένους** τὴν ὁδὸν ἅπασαν οὕτω μετὰ ῥᾳστώνης διαπερᾶναι (625b1–7).
>
> it's a fair step from Cnossos to the cave and shrines of Zeus, by all accounts. There are wayside **resting-places**, no doubt in this heat, **with the tall trees giving plenty of shade**. There can be no objection, at our age, to our making frequent stops at them, **using conversation as a means of raising one another's spirit**, and in this way completing all the journey in comfort.

The description of the resting place with its tall trees and pleasant shade calls to mind the spot described in the *Phaedrus*: Phaedrus indicates to Socrates a place with a tall plane-tree (ὑψηλοτάτην πλάτανον), shade (σκιά) and breeze (πνεῦμα μέτριον), where they can sit and even lay down; in short, an ideal place to rest (229a7–11).

Now, in this beautifully connoted setting, the Athenian claims that there is a third element, καὶ τρίτον ἔτι, concerning the laws, one which is not yet to be found anywhere else (722c3–4). This third element is at the core of the conversation that has been unfolding until now, that is, the preludes to the laws. It is, therefore, imperative now to define what he intends with the προοίμια:

> τόδε εἰπεῖν βουληθείς, ὅτι λόγων πάντων καὶ ὅσων φωνὴ κεκοινώνηκεν προοίμιά τέ ἐστιν καὶ σχεδὸν οἷόν τινες ἀνακινήσεις,[103] ἔχουσαί τινα **ἔντεχνον**

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connotations of the *locus amoenus* and the time of midday, see Schöpsdau, 2003, 224. These scenic elements also recur in stories of initiation of poets, see Kambylis, 1965, 59–61.

[102] The pilgrimage of the three aged men has a symbolic value in that it recalls the pilgrimage made by the ancient king Minos, who is said to have visited his father Zeus every ninth year in order to receive oracles concerning the legislation of Crete (624b); see Nightingale, 1993a, 283. For the historical verity of the sanctuary of Zeus, its distance from Cnossus and the time of the pilgrimage, see Morrow, 1960, 27. In general, for the opening scene of the dialogue, see Schöpsdau, 1994, 153–156.

[103] According to LSJ, this word, derived from ανακίνημα (Hippoc. *Acut*. 2.64), literally means: "swinging to and fro of the arms as preparatory exercise of pugilists." It is used here in its metaphorical meaning of prelude, and in the passage, it is unlikely to refer specifically to pugilists. However, the word implies a specific gymnastic move that "brings into movement, warms up, shapes into a form" (cf. *Leg.* 789c2), Görgemanns, 1960, 38, n.3. The term occurs

ἐπιχείρησιν χρήσιμον πρὸς τὸ μέλλον περαίνεσθαι. **καὶ δή που κιθαρῳδικῆς ᾠδῆς λεγομένων νόμων καὶ πάσης μούσης** προοίμια θαυμαστῶς ἐσπουδασμένα πρόκειται· τῶν δὲ ὄντως νόμων ὄντων, οὓς δὴ πολιτικοὺς εἶναί φαμεν, οὐδεὶς πώποτε οὔτ' εἶπέ τι προοίμιον οὔτε συνθέτης γενόμενος ἐξήνεγκεν εἰς τὸ φῶς, ὡς οὐκ ὄντος φύσει (722d3–e4).

I wanted to establish that in all talk, all activity involving the human voice, there are preludes, or introductory remarks — a kind of warm-up, really, **with an artistic attempt to offer a useful** way in to the subject that is about to be performed. **Certainly, in lyric poetry — in all music and poetry in fact —** what are called 'measures'[104] are preceded by preludes and these are taken incredibly seriously. But for the measures in the true sense (what we call "political measures" or laws) no one to this day has yet written a prelude or compiled one and published it — as if such a thing did not exist.

This passage is of fundamental importance in the Athenian's use of προοίμια. The Athenian pinpoints the novelty of using preludes in relation to the laws. He even conceptualises the entire previous discussion as a prelude to the real laws. The reason is that, while in all other forms of speech, people make use of "preludes or introductory remarks," for laws, νόμος in the true sense, no one has uttered a prelude or authored and published one. It is significant that to exemplify an activity where preludes are well-established the Athenian refers to lyric poetry, and to music in general, as if that activity represents the closest parallel to what the Athenian himself is doing.[105]

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only once before Plato, and that is in Sophocles *OT* 728: ψυχῆς πλάνημα κἀνακίνησις φρενῶν, "wandering of the soul and stirring up of the heart."

[104] Griffith, 2016, 166, aptly explains the choice of translating νόμος as "measure": "'measures' here as in III 700b translates *nomoi* (ordinarly rendered 'laws'), chosen to capture the dual use of the word 'laws' and 'musical measure' with a prescribed tuning and rhytm." Griffith, 2016, 166 n. 64, also points out that "preludes" existed not only in poetry but also in oratory and argues that by promoting the use of preludes Plato was advocating a rhetorical dimension to lawgiving (as in *Phdr*. 266d). Still, the Athenian here refers exclusively to the poetic dimension for the use of the word. Throughout the passage, Plato is playing on the double meaning of νόμος, i.e. "law" and "lyrical song." Both the musical and the legal sense of νόμος are mentioned in book 7 of the *Laws*, at 799e10–12. Naddaf, 2000, esp. 245–250, argues that the laws themselves are meant to be sung. Plato discusses different types of *nomoi* at *Leg.* 3.700a–c; cf. Gentili, 1988, 24–31.

[105] Koller, 1956, 188, reads the expression λόγων πάντων καὶ ὅσων φωνὴ κεκοινώνηκεν in the above-mentioned passage as referring to all types of utterances produced by the voice. The meaning of φωνή can be very wide. According to England, 1921, 467, it implies that λόγοι and ποιήματα can be of various kinds: epideictic, forensic etc. Only at d6 is the analogy extended from λόγοι and ποιήματα to the realm of music, but, as Görgemanns, 1960, 39, points out, φωνή is not only used with reference to the voice of men, since it is also a general

The function of the prelude in all the arts, which pertain to the use of the voice, is to prepare the audience for the subject that will be expressed. First, the mention of χρήσιμον, "useful," as a connotation of the prelude, recalls a quality ascribed to the art of poetry (cf. Ar. *Ran*. 110: ὡς ὠφέλιμοι τῶν ποιητῶν οἱ γενναῖοι γεγένηνται, "how beneficial the noble poets have been").[106] In *Republic* book 10, the utility of poetry is the indispensable requirement for poetry to be readmitted to the ideal state:

> Δοῖμεν δέ γέ που ἂν καὶ τοῖς προστάταις αὐτῆς, ὅσοι μὴ ποιητικοί, φιλοποιηταὶ δέ, ἄνευ μέτρου λόγον ὑπὲρ αὐτῆς εἰπεῖν, ὡς οὐ μόνον ἡδεῖα ἀλλὰ καὶ ὠφελίμη πρὸς τὰς πολιτείας καὶ τὸν βίον τὸν ἀνθρώπινόν ἐστιν· καὶ εὐμενῶς ἀκουσόμεθα. κερδανοῦμεν γάρ που ἐὰν μὴ μόνον ἡδεῖα φανῇ ἀλλὰ καὶ ὠφελίμη (*Resp*. 607d6–e2).
>
> then we will surely allow her defenders — the ones who are not poets themselves, but lovers of poetry — to argue without meter on her behalf, showing that she gives not only pleasure but also benefit both to constitutions and to human life. Indeed, we will listen to them graciously, since we would certainly profit if poetry were shown to be not only pleasant but also beneficial.

Utility is thus a fundamental requisite of good poetry. Secondly, the verb περαίνειν, "to accomplish," "to perform," is often used in relation to musical performances.[107] Along the same line, the adjective ἔντεχνος, *artistic*, qualifies

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term in the theory of music, where it stands for any kind of sound/tone, either instrumental or vocalic, cf. Jan, 1962, (first published 1895).

[106] Certainly, Aristophanes expresses here a common opinion of the time. The utilitarian-educative requirement of poetry occurs also in Ar. *Ran*. 686 (the choir should suggest and exhort χρηστά to the city) at 1420–1 (Dionysus will bring back to life the poet who can offer a useful, χρηστόν, advice to the city). See also Ar. *Ach*. 656 and *Lys*. 638–9. For a study on "useful poetry" in Plato, see Giuliano, 2005, 81–90, 253–263. On the motive of useful poetry, see Pohlenz, 1965, 443–5, 462–3, and Verdenius, 1983, 35 n. 101.

[107] Griffith 2016, translates πρὸς τὸ μέλλον περαίνεσθαι with "the subject to be dealt with," however we interpret περαίνεσθαι, as "reciting," "performing." Adam, 1900, on *Resp*. 532a3 notes that περαίνεσθαι is the regular word for "to perform", especially music. Similarly, the Athenian is here talking of other "performances," see England, 1921, 467. It should be noted that in *Leg*., but also in the *Ti.* 29d and *Cri.* 108e, we find many occurrences of the verbs περαίνω and διαπεραίνω. The verb περαίνω is used in a technical meaning in *Republic* book 3, where Socrates introduces the classification of the poetic lexis, and explains that the poets develop their tales (περαίνουσιν) either through plain narration or through μίμησις, 392d5–6. Also, in Aristotle's *Poetics*, the verb occurs in its technical meaning, in connection with literary production: tragedy "produces catharsis," περαίνουσα … τὴν κάθαρσιν (1449b27–28; cf. also 1449b29–31). In the *Timaeus*, Plato attributes to Socrates technical terms that belong to literary production: Timaeus' tale on Atlantis takes on the traits of a poetic

the prelude as belonging to the realm of art, and emphasizes the musical-poetic origins of the word. There is little doubt, then, that the Athenian regards his own preludes too as belonging to the literary-artistic world.[108]

After defining the προοίμιον, the Athenian discusses its function: to make the citizens more favourably disposed to obey the laws:

> ἵνα γὰρ εὐμενῶς, καὶ **διὰ τὴν εὐμένειαν εὐμαθέστερον**, τὴν ἐπίταξιν, ὃ δή ἐστιν ὁ νόμος, δέξηται ᾧ τὸν νόμον ὁ νομοθέτης λέγει, τούτου χάριν εἰρῆσθαί μοι κατεφάνη πᾶς ὁ λόγος οὗτος, ὃν πείθων εἶπεν ὁ λέγων. διὸ δὴ κατά γε τὸν ἐμὸν λόγον τοῦτ' αὐτό, προοίμιον, ἀλλ' οὐ λόγος ἂν ὀρθῶς προσαγορεύοιτο εἶναι τοῦ νόμου (723a4–b2).

> the idea is that the directive— i.e. the law— should be accepted willingly **(and because willingly more receptively)** by the person to whom the lawgiver is addressing the law. That was the manifest aim of everything said by the person making the case for the law. On my reckoning therefore, the correct name for this particular element would be a prelude to the law, not the text of the law.

In this passage, the Athenian explains the effects that preludes are expected to have on the audience. The concepts mentioned are those of εὐμένεια and εὐμάθεια, concepts that, as we know from Quintilian, became essential in the schools of rhetoric.[109] To form citizens who are well-disposed towards the laws and more apt to learn is the aim of the lawgiver, and, for this reason, the Athenian points out that it is necessary to have a prelude for each law (723b4–5). However, the Athenian also clarifies to Cleinias that, even though all laws have by nature a prelude, the legislator should consider the importance of the law when he decides whether or not it needs a prelude (723c1–8). The orator, the legislator and the singer are granted the freedom to decide in each case the opportunity of uttering the prelude that each law by nature has: αὐτῷ δὲ τῷ τε ῥήτορι καὶ τῷ μελῳδῷ καὶ νομοθέτῃ τὸ τοιοῦτον ἑκάστοτε ἐπιτρεπτέον, "the decision, in any particular case, can be left to the orator, or singer or lawgiver"

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discourse, and Socrates is the judge who represents the connection between the new literary production and the knowledge that arises from self-investigation, see Regali, 2012, 50–56.

[108] Görgemmans, 1960, 56, defines the preludes as a new literary genre ("eine neue litterarische Gattung").

[109] Among the functions of the "prooimion", later rhetoric manuals indicate that it should make the hearer, εὔνους, προσεκτικός, εὐμαθής, "good-willed," "attentive" and "apt to learn." For other occurrences and clarifications of the formula "iudicem docilem parare," see Lausberg, 1998, 128. For the correspondent terms in Latin (i.e. "benevolus," "attentus," "docilis") cf. *Rh. Her*. 1.7, Cic. *Inv*. *Rhet*. 1.20–23, Quint. 4.1.5; Anaximen. *Rh.* 29. On these three "prooimial search formulas," see Lausberg, 1998, 124–126. On the connection between preludes and rhetoric, see also Görgemanns, 1960, 39–42.

723d3–4). Clearly, the three categories of authorities are in charge of the delineation of preludes in their respective domains (i.e. λόγος, ἀσμα, νόμος). The reason is that these three groups are in charge of shaping the moral character of the new citizens of Magnesia.

Now, Plato's concern for education, the role of the poet and poetic writings, as means for raising good citizens, is a central topic in his dialogues. It is not surprising, then, that in the *Laws*, a dialogue specifically devoted to the building of a new colony, Plato targets these writings, and, moreover, attempts to show how, if composed in the correct manner, they can be beneficial in the creation of a morally good society. In the preludes citizens are asked to embrace the laws in their deepest meaning: they should be led to a just life by their free will and not under a legal threat.

To put it briefly, having considered (i) the significant role played by the literary tradition in the definition and function of the prelude, and (ii) the role played by the poetic tradition in the education of the young, in this study it is argued that the Athenian intends to adopt, through the use of its most common stylistic devices, the language and authority of traditional moral teachers, the poets.

2 Methodology

Studies of linguistic and literary aspects in Plato are neither numerous nor as complete as one would expect. Partly, this is because there are old summaries that rarely go beyond a survey of material, and, partly because other studies only focus on one or more isolated topics.[110] At the same time, as has long been recognised, the literary aspects of a Platonic text are as a worthy of study, and as important for the understanding of the text, as the philosophical arguments.[111]

In what follows, the terminology and method that will be used throughout the analysis is discussed, the main works that have examined these important sections of the *Laws* are outlined, and, finally, this study is positioned within exisisting scholarly debate.

2.1 Terminology and Method

In the present study it is argued that, in the preludes, the Athenian makes use of poetic devices that will have on the audience the same effects as the ones usually exercised by earlier poetic texts.[112] It is thus suggested that the preludes

[110] For a collection of poetic citations in the Platonic dialogues, see Brandwood, 1976, 991–1003. For the study of Homeric quotations and misquations in Plato's corpus, see Labarbe, 1949. More general studies and welcome contributions to the study of poetic quotations are Tarrant, 1946, 109-117, Halliwell, 2000, 94–112 and Clay, 2010, 327–338.

[111] Long, 2012, in his review of Zuckert, 2009 correctly notes that "the dramatic approach, broadly understood to include all those who recognize the philosophical importance of the artistic form in which the dialogues were written, has now been widely adopted by various traditions, if to varying degrees." For a discussion of the tradition that regarded Plato as poet and dramatist, see Gordon, 1999, 64–71. See also the discussion in Griswold, 1988, Gonzales, 1995, and Scott, 2007. Recently, see also Lidauer, 2016, 1–2.

[112] This seems to be the direction promoted also by the studies of Martin, 2013, who argues that the form of the preludes recalls Homeric hymns, and Morgan, 2013, 288, who considers the legislator of Magnesia as the poet of praise and blame, and life in Magnesia "one vast choral performance orchestrated by the lawgiver."

are modelled on the genre of moral advice (*paraenesis*) exemplified in Greek literature by personalities such as Nestor and Phoenix in the Homeric poems, and the poets Hesiod and Solon themselves.[113] Central to the argument in the present study is that Plato pays a great deal of attention to poetic diction. "Poetic diction" refers here to a set of ideas, words, and rhetorical devices that is mostly (if not exclusively) found in poetic texts.

Moreover, an important distinction in this study is made between "poetic reference" and "poetic influence." The term "poetic reference" indicates an intended parallel to an earlier poetic text, that is to say, an explicit allusion to the title, a (complete or incomplete) citation or paraphrase from, or a mention of, the author of an earlier poetic work. The term "poetic influence" indicates a more implicit, possibly unintended, reminiscence of a poetic text, e.g. a poetic word or expression that has become so inherently part of the vocabulary of the time that it is difficult to know whether the word has been chosen to make the audience think of a specific author.[114]

The difficulty to distinguish between an (intended) poetic reference and a (more implicit) poetic influence when reading the preludes is inescapable. Now, in order to understand if a phrase was, for instance, a proverb or a current expression, if it is a poetic word, a quote or a "winged word,"[115] if a vivid expression should be seen as a "fresh" metaphor or if it was already a commonplace, we need to consult the texts of other Greek authors. In this sense, if a specific word or expression only occurs in earlier poetic works, it is likely that

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[113] At *Laws* 711d6–712a7, the Athenian argues that a city would acquire most benefits if it is ruled by individuals that can combine, in their role as tyrants, both power and wisdom (d6–e1) or if there would be born in the state a personality such that of Nestor, who is distinguished from all men because of his ability to speak (τοῦ λέγειν ῥωμῃ, 711e2) and even more because of his wisdom (τῷ σωφρονέιν 711e3). For the characteristic of the philosopher-king in the *Republic*, see *Resp.* 499b–d. For the paraenetic rhetoric of the preludes cf. Görgemanns, 1960, esp. 49–68; Yunis, 1996, 229, also sees the preludes as a "species of the modest, somewhat vague genre of moral advice (paraenesis)," however, he considers the term "advice" a too innocuous term to define the generally "more aggressive and compelling" features of the preludes and prefers to describe them as some kind of "preaching discourse." On paraenesis in the *Laws*, see Gaiser, 1959, 214–217, and Görgemanns, 1960, 69–71. On paraenesis in early Greek poetry, see West, 1978, 22–25, and Kurke, 1990, 89–94.

[114] Giuliano, 2005, 20 includes both types of explicit and implicit reference under the term "citation." Under the definition of "poetic influence" we would, for instance, count Clay's definitions of "Poetic tag dissociated from its original context" and "Submerged context underwriting a quotation," Clay, 2010, 333–334, respectively.

[115] The concept of "winged words" has been introduced by Büchmann following the Homeric *epea pteroenta* for "solche Worte, welche, von nachweisbaren Verfassern ausgegangen, allgemein bekannt geworden sind und allgemein wie Sprichwörter angewendet werden." See Büchmann, 1972, XV (32nd edition, first published in 1864).

the word was poetic, and thus that it would carry poetic connotations in the prelude.

The search for poetic references has been carried out first through the examination of linguistic commentaries to the passages, and, secondly, by means of philological databases such as the *Thesaurus Linguae Graecae* (TLG) and, for inscriptions, the *Packard Humanities Institute* (PHI).[116] Furthermore, one might encounter in the text quotes of or allusions to poets that are not considered as such by the Athenian and at times their mention in the dialogue is so far removed from the context of their origin that they appear to have taken on a proverbial character.[117] Besides proverbs, what we deal with when talking of "poetic influence" is a definition of intertextuality that eludes a one-to-one directionality in favour of a system of earlier texts. In this sense, a hierarchy of references becomes questionable, i.e. arguments such as "source A is more important than source B for this reference" are less relevant.[118] Now, to read a text looking for parallels in a system of earlier texts is the opposite of reading a text in isolation.[119] The broader concept of intertextuality implied through the expression "poetic influence" is located in the literary reception and, ultimately, in the reading practice. This does not mean that one-to-one directionality is suddenly not important. Directionality is, of course, fundamental for some of our claims about ancient texts, but it is not the only possible mode, and the fact that intertextuality also works in a more unconscious, implicit way might help us to better grasp the possibilities of re-contextualisation of a source-text, i.e. the text that employs such an "undefined reference."

Moreover, we are not so much interested in the formal aspect of the reference, i.e. in the formula introducing a citation, or the form in which the original is re-used (unless this is significant to clarify the function of the

[116] The three linguistic commentaries that have been used are: England, 1921, Des Places, 1951, (books 1–6), Diès, 1956 (books 7–12), and Schöpsdau, 1994 (1–3), 2003 (books 4–7), 2011 (8–12).

[117] Some proverbs, especially in the field of ancient Greek, are most likely to have a literary origin; see Strömberg, 1954, 10.

[118] Fowler, 2000, discusses intertextuality in conjunction with the structuralist approach, which is concerned not with what the author thinks but rather with the system of texts against which literature functions. He also discusses the problems that arise with a deconstructionist use of intertextuality, which regard the "endlessness of the intertextual chain that makes any stopping-point an arbitrary one." See esp. 118–121.

[119] Cf. Conte, 1986, 29: "intertextuality, far from being a matter of merely recognising the ways in which specific texts echo each other, defines the condition of literary readability … the sense and structure of a work can be grasped only with reference to other models hewn from a long series of texts of which they are, in some way, the variant form."

reference within the prelude taken under consideration). The aim of this study is neither to define a Platonic concept of citation or allusive art, nor to detect a change in style through the introduction of different registers, since we believe that an awareness of such elements, and the ensuing codification of them, originated only later in the history of Greek literature.[120]

Therefore, we intend to avoid any excessive trespassing in the field of stylistics, rhetoric, and theory of literature. Nonetheless, the formally rhetorical features of the preludes, which have amply been noted by scholars, will, of course, be taken into account.[121] In this perspective, the present study refers mostly to Aristotle's definition of poetic diction as outlined in chapter 22 of the *Poetics*:

> λέξεως δὲ ἀρετὴ σαφῆ καὶ μὴ ταπεινὴν εἶναι. σαφεστάτη μὲν οὖν ἐστιν ἡ ἐκ τῶν κυρίων ὀνομάτων, ἀλλὰ ταπεινή· παράδειγμα δὲ ἡ Κλεοφῶντος ποίησις καὶ ἡ Σθενέλου. σεμνὴ δὲ καὶ ἐξαλλάττουσα τὸ ἰδιωτικὸν ἡ τοῖς ξενικοῖς κεχρημένη· ξενικὸν δὲ λέγω γλῶτταν καὶ μεταφορὰν καὶ ἐπέκτασιν καὶ πᾶν τὸ παρὰ τὸ κύριον (1458a18–23).
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> virtue of the diction (scil. the poetic diction) is to be clear and not low. On the one hand, the clearest diction is produced by ordinary words: an example is the poetry of Cleophon and Stheneleus. On the other hand, diction that avoids the ordinary and employs the out of the ordinary is solemn. For "out of the ordinary" I mean the foreign word, the metaphor, the lengthening, and everything beyond the ordinary.[122]

Poetic diction thus appears to entail the use of words that are elevated above everyday speech. Also, Aristotle regards poetry as deriving from two basic categories of praise and blame (1448b24–28) and dealing with the universal (ἡ

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[120] For a study on the register variation in ancient Greek Language, see Willi, 2010. In the introduction to De Vivo, 1992, 5, we read that: "only at the beginning of the I cent. A.D. there seems to develop a reflection on the function and modalities of inserting poetic texts in prose-texts." For a theory of poetry in Isocrates (in regard to encomia in prose), Plato (in regard to a categorisation of poetic genres) and Aristotle (in regard to the origin of poetry as two basic genres of praise and blame) see Ford, 2002, 250–271, and Gentili, 1988.

[121] See for example Morrow, 1953, Stalley 1994, and Laks, 2005. The rhetorical elements beg the question of the "irrational persuasion" that characterise the preludes, see e.g. Morrow, 1953, and Bobonich, 2000.

[122] Translation is mine. Kassel, 1980, 208, notes that the term ξενικός: "would cover, though not coincide with, our category archaic 'language.' Cf. Arist. *Rh*. 1404b10–25, for Aristotle's judgement that it is appropriate to seek for an "effect of estrangement" in the poetic λέξις.

μὲν γὰρ ποίησις μᾶλλον τὰ καθόλου ... λέγει, 1451b6–7).[123] Such an interpretation is preferred here, rather than a modern formalist approach that deems the "poetic language" to be composed by an autonomous set of specific linguistic properties that can be analysed as such.[124]

There are clearly some limitations to the method here outlined. It must be stressed, for instance, that to talk about "poetic language" when there was not yet a defined theory of poetry can be anachronistic. In this sense, one should take into account that Plato's writings are placed in the delicate moment of transition from orality to literacy that develops in Athens at the end of the fifth century.[125] In the fifth and early fourth century Greek literature boundaries between genres are blurred, and writers, by crossing frontiers, construct literary genres. In particular, it is in this time that takes place what Andrew Ford calls the "objectification of poetic language." In his study on the origins of literary criticism, Andrew Ford investigates the birth of poetics and poetic theory and, in his view, the emergence of poetics should be seen as referring "to self-

[123] Arist. *Rh.* 1448b24–28: διεσπάσθη δὲ κατὰ τὰ οἰκεῖα ἤθη ἡ ποίησις· οἱ μὲν γὰρ σεμνότεροι τὰς καλὰς ἐμιμοῦντο πράξεις καὶ τὰς τῶν τοιούτων, οἱ δὲ εὐτελέστεροι τὰς τῶν φαύλων, πρῶτον ψόγους ποιοῦντες, ὥσπερ ἕτεροι ὕμνους καὶ ἐγκωμια. Cf. also Arist. *Poet.* 1458a20–59a4.

[124] The general idea that poetic devices (purely verbal linguistic facts) can be examined as such, is common to the members of the OPOJAZ (Society for the Study of Poetic Language, founded in 1916) however different schools of Russian formalists disagree on the exact nature of a device, or how they are used and are to be analysed in a given text, see Steiner, 1984. To formalists such as Jakobson, the poetic language is object of study in itself. As Warner, 1982, 71 notes: "Jakobson makes clear that he rejects completely any notion of emotion as the touchstone of literature. For Jakobson, the emotional qualities of a literary work are secondary to and dependent on purely, verbal linguistic facts." Clearly, such an approach does not take into account the sociological and moral implications of poetry underlying Plato's re-appropriation of it. Moreover, the theorists of OPOJAZ make a distinction between "practical and poetic language." The former is meant for day-to-day communication while the latter has a value in itself. According to Jakubinsky, "the practical goal retreats into background and linguistic combinations acquire value in themselves." When this happens, language becomes de-familiarised and utterances become poetic." See Steiner, 1984, 22.

[125] The transition from orality to literacy seems to have culminated in the late fifth century B.C. This thesis is strongly defended by Eric Havelock, who investigates Plato's concern of the audience response, in combination with the passage from an "oral state of mind" to a "literate" one: the situation of the learner and that of an adult attending an epic recital or a performance in the theatre were part, for Plato, of the same learning practice. Thus, Havelock argues: "it is fair to conclude that the cultural situation described by Plato is one in which oral communication still dominates all the important relationships and valid transactions of life. Books of course there were, and the alphabet had been in use for over three centuries, but the question is: used by how many? And used for what purposes? Up to this point its introduction had made little practical difference to the educational system or to the intellectual life of adults" 1963, 38. See Havelock, 1963 and 1982.

conscious attempts to give systematic accounts of the nature of poetry in the most scientific terms available." According to Ford's study, in this time we witness a "fundamental and broad shift from early responses to singing as a form of behaviour regulated by social, political, and religious values to a conception of poetry as a verbal artefact, an arrangement of language subject to grammatical analysis."[126] Andrea Nightingale has also examined in detail Plato's peculiar authorial attitude and has questioned the wisdom of drawing strict boundaries between the genres of poetry, rhetoric and Platonic philosophy.[127]

It seems thus fair to claim that Plato plays with the traditional (oral or performative) thought-patterns, themes and motifs in order to re-organise and re-employ them in accordance with his own ideas. The relationship with the tradition might thus be regarded as an interaction: what has been hitherto internalised by the fifth-century B.C. audience as traditional or poetic is now objectified, criticised and reviewed by Plato so that it functions at the service of philosophy.[128]

In the present study, the primary focus is the poetic language of the preludes from a linguistic and literary perspective and the Athenian's use of both "poetic reference" and "poetic influence," in order to explore the Athenian's re-appropriation of the distinctive features of traditional poetry.[129] From this

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[126] Ford, 2002, 8, cf. also, Ford, 2002, 157: "conversion of the Greek heritage of song into fixed and tangible forms that could be studied, analysed, and revised, assisted the development of technical, structural criticism as the most adequate account of song." At 161–87, Ford also shows how Gorgias's treatment of logos and poiesis should be seen in the light of fifth century philosophical discussions that promote a "scientific reduction of speech to language as substance with inherent properties and powers."

[127] Nightingale, 1995, 5.

[128] As Morgan, 2000, shows, the traditional linguistic material is reshaped by Plato in the construction of the philosophic logos, so to meet his own philosophic ends, see Morgan 2000. Petraki, 2011, 12–14, distinguishes between two levels in her account of the poetic language in the *Republic*: at the "microcosmic level" Petraki analyses Plato's treatment of diction and image-building, and at the "macrocosmic level" Plato's appropriation and treatment of myth. In short, she differentiates between, on the one hand, Socrates's usage of familiar (or traditional) poetic language and imagery, and on the other hand, "the simultaneous introduction of novel modes of linguistic arrangement, which aim to shape the philosophic language" (here at 14).

[129] When talking of "distinctive features of traditional poetry" we intend the "recognisable themes and motifs" which Petraki identifies as "a number of linguistic and stylistic features that can be immediately recognised by his (scil. Plato's) contemporaries as lying in the field of ancient Greek poetry, which he severely criticised in Book 3 and ultimately rejected in Book 10. … Plato appears to be engaging in a dialogue not only with the various thinkers of the pre-Platonic era, but also with another highly influential strand of ancient Greek thought and culture: the poets and their much-performed productions" Petraki, 2011, 8.

perspective, Thesleff's study on the style of the Platonic works is of fundamental importance. Thesleff lists ten classes of style: (i) colloquial, (ii) semi-literary/conversational, (iii) rhetorical, (iv) pathetic, (v) intellectual, (vi) mythic narrative, (vii) historical, (viii) ceremonious, (ix) legal and (x) *onkos*.[130] The last one appears to be prominent in the preludes, and it is defined by Thesleff as follows:

> "This term (scil. *onkos*) can be applied to the expansive, weighty and lofty diction typical of Plato's late works. Ancient critics quite often referred to this specifically platonic manner and described it in various terms (ὄγκος, σεμνότης, μεγαλοπρέπεια, πολυτέλεια, διθυραμβώδη). … Style 10 appears to have been Plato's own creation. … It seems to me that all the phenomena charachteristic of style 10 can be connected with either or both of the following two main tendencies:
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> 1) the tendency to *expansion* and *weight*, e.g. expansive and complicated sentence structure, including large use of participles, genitive absolute, etc.; anaphoric repetition, assonance, polyptoton, synonymy, other pairs and various other accumulative and amplificatory phenomena such as pleonasm and periphrases; abstract nouns qualified; lack of article; heavy words, such as compounds, extensive derivatives, archaic words, and poetical words.
>
> 2) the tendency to variation, e.g. rare words, lack of balance, chiasm, intermixture of different styles, anacoluthon, and above all a twisted and complicated order of words."[131]

Thesleff admits that the reader's subjective factor is greater with style 10 than with any other Platonic style (a passage that is felt by one reader as predominantly coloured by onkos, might be felt by a different reader as composed of, for instance, rhetorical and intellectual style) and therefore he lists the following principles of classification which will, hopefully, offer a compromise solution:

> "the use of an archaic or in general heavy vocabulary and a synchysis in word order, combined with a general expansion of expression, will be taken as the leading style markers. In a passage where these devices occur all phenomena

[130] Cf. Arist. *Rh.* 1407b–108a.

[131] Thesleff, 1967, 78–80.

> amounting to "weight" and "variation" no matter how common they are in other styles will be considered as markers of style."[132]

To recapitulate, the presence in the preludes of both poetic references and poetic influences as well as the poetic diction of the preludes will be taken into consideration with the aim of recognising their functions, and, ultimately, with the aim to broaden our knowledge of Plato as a user of poetic texts: for this aim it is seldom necessary to determine whether the poetic element is an explicit reference or a more vague poetic influence. Moreover, Plato recognises in both poetry and rhetoric the power to present content in an accessible and pleasant form, and hence he values the persuasive force of both.[133] A systematic linguistic and literary analysis of the preludes will allow us to better illustrate this claim, as well as to demonstrate Plato's conscious usage and adaptation of the poetic tradition.

Furthermore, poetic language, by employing cross-references is responsible for the cultural memory of a certain age, in that it preserves, modulates or elaborates the manner in which the contemporary relates to the past. It has been noted that the upshot of the process, which links together the memory of the poet and the reader who understands the reference, is the shaping of the "poetic tradition." It is thus important to clarify that the allusive art cannot operate if there is no consciousness of the contact existing between a phrase in its immediate and direct meaning and the image that the reader needs to perceive beyond it.[134] In this sense, the ancient Platonic reader was able to understand the meaning of the dialogue only in analogy or in contrast with the literary models with which he was familiar.

Finally, when talking of "poetic language" it is useful to refer to Heinrich Lausberg's important distinction between 'Verbrauchsrede,' that is, "language that is used up in the currency of everyday living" and 'Wiedergebrauchsrede'

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[132] Thesleff, 1967, 80. Although Thesleff's rigid distinction in classes will not be systematically followed in this study, his definition of the *onkos* style appears to be fitting to the reading of the preludes.

[133] Already Gorgias had ascribed the power of πείθειν and ἐπάδειν to both poetry and rhetoric (82 B 11.8–14 DK = D24 Laks-Most). Gorgias's treatment of poetry as a subcategory of λόγος, as well as its pervasive influence on the mind is discussed by Petraki, 65–69. For Gorgias reflecting fifth century discussions that promote a "scientific reduction of speech to language as substance with inherent properties and powers" see Ford, 2002, 161–187, here at 161.

[134] Conte, 1986, 38–39. According to this perspective, the ultimate meaning of Plato's dialogue can be understood by its readers only by means of analogy, or in contrast with the literary models with which they were familiar.

"language that can be reused".[135] The latter, which is significant for our study, is used to control, celebrate or apply further meaning to certain situations within the social order. A pre-requisite of this latter type of discourse is the *value* that it has for the public: a value of social consciousness. On the other hand, the poetic discourse functioning as *Wiedergebrauchsrede* does not solely serve to immediately convey something. This privileged function is shared with other *Wiedergebrauchsreden* such as the religious, magical and juridical discourses, which all share similar formal structures. In other words, such discourses are characterised by a freer intention that deepens the possibility of re-use by the individual.[136]

Furthermore, the characteristic of re-use in discourse implies the preservation of certain forms in the collective poetic memory. Since, in order to transform a discourse into poetry, it is first necessary to distance it from its utilitarian role, when defining poetic discourse, the reader is expected to make an effort to grasp the discourse itself beyond the immediate referentiality of a communicative discourse.[137] This process has shaped, as a direct result, what is now called the "literary tradition."

To conclude, the close boundary between the function of ancient Greek poetry and that of the preludes can be illustrated by the following six aspects: (i) the preludes are on the whole based on the poetic model of praise and blame (719e); (ii) they are intended to exhort and persuade (719b, 723a–b) (iii) there are numerous allusions to the "enchanting" effect of the preludes (an effect which is typical of poetry);[138] (iv) the Athenian affirms that the poets must follow the models laid down by the legislator (810c–e, 812a); (v) the three elders, i.e. the Athenian, Cleinias and Megillus are defined as poets (817a–b); (vi) the motive of divine inspiration occurs repeatedly in the dialogue, and in relation to the preludes (see esp. 722c–723e; 811c8–9). It follows that, in the preludes of the laws, the Athenian is expected to intensify the relationship with the literary tradition, in order to make the reader more receptive of the values conveyed by the laws.

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[135] Lausberg, 1967, 47 ff.

[136] Conte, 1986, 41.

[137] As Conte, 1986, 46 puts it: "the transparency of purely communicative discourse thus constitutes the pole of tension opposite to the opacity of poetic discourse." Cf. Todorov, 1967, vol. 3, 2006–23.

[138] For the concept of enchantment in relation to the preludes, see 659e, 664b, 665c, 666c, 670c, 671a, 773d, 812c, 837e, 887d, 903b, 944b. For a study on enchantment in the *Laws,* see Morrow, 1953. For the three levels of enchantment in the *Laws*, i.e. (i) pedagogical, (ii) philsophical, and (iii) political, see Helmig, 2003.

1.3.2 Plato and earlier Greek Philosophers

As we shall see, a further relevant question that comes up when analysing the preludes regards Plato's relationship with earlier Greek philosophers. Obviously, he is deeply influenced by them: even though the first philosophers (e.g. Xenophanes, Empedocles, and Parmenides) criticised the earlier poets, they were still influenced, in numerous ways, by Homeric and Hesiodic patterns.[139] Both Xenophanes and Empedocles criticised the fact that so many Greeks simply accepted erroneous views from the poets, i.e. the established authorities, without analysing them critically. This criticism, however, never concerned the aesthetic beauty or the rhetorical persuasiveness of archaic poetry, but only the falsity of their content. In a manner similar to Plato, earlier Greek philosophers claimed that opinion governs all things, while truth is more difficult to achieve.[140]

From this perspective, Plato's criticism of earlier poets is in line with that of his predecessors. He criticises the content and not the form of the message. In the present study we argue that he tries to adopt and adjust such a form to suit his own aims. Surely, we should also take into account the possibility that, however strong the influence of the poets upon the philosophers might have been, it is likely to have been subliminal rather than conscious.[141] Yet, it is also necessary to bear in mind that the early Greek philosophers, in all probability, preferred to deploy textual strategies closely connected with early Greek poetry. The most obvious examples are Xenophanes, Parmenides, and Empedocles, who all used the dactylic hexameter to convey their philosophical message.[142] Even earlier thinkers such as Anaximander wrote in a prose not entirely devoid of poetic features (for example comparisons, unexpected

[139] For the interrelation between poets and early Greek philosophers, see Most, 1999.

[140] Xenophanes, DK 21B11 = D8 Laks-Most, DK 21B34 = D49 Laks-Most, cf. B35 = D50 Laks-Most. Democritos DK 68B17, 18. As for the implicit poetics of the early Greek philosophers, Most, 1999, 332–350 identifies five criteria that were achieved by the poets and remained relevant for the early Greek philosophers: (i) Truthfulness, (ii) Essentiality of content, (iii) Comprehensiveness of content (iv) Narrative temporality (v) Looseness of macroscopic form vs. Precision of microscopic form. And Most concludes, 1999, 350: "In all these ways, the early Greek philosophers continued to work within the discursive framework that they had inherited from the earliest Greek poets and transformed it into a set of expectations that could continue to apply not only to poetry but also to serious prose." Cf. also De Long, 1999, 1–21.

[141] In other words, any Greek producing public discourse in this period would inevitably have been influenced by the poets; Most, 2006, defines this type of influence as "implicit poetics."

[142] See Snell, 1953, 136–152; Long, 1985, 245–253.

similes, explanatory analogies, etc.).[143] Heraclitus's style seems to imitate the rhythmic swing of poetic discourse, relying, as it does, on poetic devices such of assonance, repetition, antithesis, and symmetry. The same could be said for later philosophic prose writers (Zeno of Elea, Melissus, Anaxagoras, etc.).[144] Now, as Jeffrey Walker notes, such prose "was meant for public recitation and was meant to retain the psychagogic power and memorability of rhythmically measured epideictic verse."[145] Consequently, Walker argues that already in the philosophical prose of the fifth-century pre-Socratics, one might see the beginning of a new kind of poetry: "one that arises "dialectically" in opposition to (or in competition with) the older song tradition and its older wisdoms."[146] In other words, the writers of the new prose were well aware of the positive and compelling effect exercised by the epideictic/poetic discourse and hence they adopted and tried to transfer those effects into their own writing.[147]

At the same time, the fifth century witnessed the development of a new *techne*, namely "rhetoric" which focused on analysing and emphasising the effect of rhetorical devices upon the audience.[148] As already stated, the definition of what should be regarded and defined as "poetic" is certainly problematic and we prefer not to draw a line between poetic and rhetorical.[149] In other words, in the fifth century there was not yet any clear distinction between the art of rhetoric and poetry; rather than "rhetorical" it would maybe be more correct to regard those discourses which aim to influence the basic

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[143] Most calls this kind of prose "immanent", since it makes systematic use of specific poetic devices in the service of a philosophical communication. As Most, 2006, 351, aptly puts it: "Its application [scil. the application of such devices] provides a vividness and concreteness to their discourse that we may wish to call poetic."

[144] Walker, 2000, 19–26.

[145] Walker, 2000, 22.

[146] Walker, 2000, 22.

[147] It should also be noted that writers of the fifth and fourth centuries were already able to recognise the new epideictic as a kind of poetry: Isocrates likens himself to Pindar, *Antid.* 45–50, 166 and Aristotle writes that Plato's dialogues may be regarded as a yet nameless kind of poetry, *Poet.* 1447b.

[148] As Most, 2006, 334–335, remarks, the study of rhetorical devices, and in general the close attention that earlier writers, such as Protagoras and Gorgias, devoted to the formal devices and large-scale structure of early epic, can be regarded as an attempt to understand the success of earlier poets, and thus as a "tactical instrument in the service of philosophical self-legitimation."

[149] As Walker, 2000, 11, remarks: "In general, the conventional poetry/rhetoric distinction of the modern mind are more likely to confuse than to illuminate our understanding of oral and archaic discourse practices."

values and beliefs of a society, as epideictic and pragmatic discourses.[150] The poetic discourse in the fourth century still represented an authoritative cultural paradigm of wisdom and it is likely that all prose-writers that engaged in questions regarding a morally correct life had to take that discourse into account.

1.3.3 Scholarly Debate on the Preludes

As discussed above, the preludes of the *Laws* can be defined as shorter or longer prefaces to the single laws. Their function is to make the citizens well-disposed towards such laws and willing to obey them. As mentioned above, not every law has a prelude, nor are all preludes of the same length.[151] While a systematic literary analysis of the preludes to the *Laws* is still lacking, the last few decades have witnessed an increasing number of academic publications on the nature of these important sections of the *Laws*.[152] The scholarly debate about the nature of the preludes has usually focused on whether they consist of a rational argumentation or whether they persuade through means other than philosophical argument, that is, by appealing to the emotions and thus inculcate false but useful beliefs.[153]

We argue that such a dichotomy between rational and irrational persuasion is misleading, since the message always has a rational basis, even when myths or poetic expressions are employed. That is, it is never a question of actual

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[150] Walker, 2000, esp. 7–16, challenges the conventional definition of rhetoric, according to which, rhetoric is conceived as an art of civic argument that was born in the fifth to fourth century, when rhetoricians debated proposals in the public assembly and argued cases in courts. Instead, Walker claims that the art of rhetoric originates not from the pragmatic discourse of the fifth century, but rather that the concept was already present in the eloquence of the prince and the bard in the eight century writings of Hesiod (*Theog.* 81–104); in this sense both the eloquent βασιλεύς and the ἀοιδός practice rhetoric, the psychagogic craft of persuasion. It should also be noted that in Hesiod's works, words such as "poetry" and "rhetoric" do not yet appear: *poiesis, poietes* will only appear in the fifth century and the disciplinary term *rhetorike* will first appear in the fourth century in Pl. *Grg.,* cf. Gentili, 1988, 3. Cole 1991, 2, Schiappa 1991, 40–49.

[151] The reason is twofold: i) some laws are strictly dependent on other laws and thus they lack a specific prelude (723c8–d2), and ii) the nature of the prelude is flexible, because of its double role to impose obedience and communicate reasons, cf. Laks, 2005, 129–132.

[152] Bobonich, 1991, Nightingale 1993, Brisson, 2000, Laks, 2005, Mouze, 2005, Buccioni 2007, et al.

[153] For the preludes as rhetorical enchantments see Morrow, 1953, Stalley, 1994, and Brisson 2000. For a detailed summary of the debate concerning persuasion in the *Laws*, see Buccioni, 2007.

"lies," since the principle argued is always correct at a rational level. That said, the view of a "rational persuasion" inherent in the preludes is defended by Bobonich, who argues that the persuasion at stake employs rational arguments that give recipients the choice of making up their own minds: "such rational persuasion is benign, because it gives good epistemic reasons and aims to inculcate true ethical beliefs."[154] Bobonich's first article on this subject appeared in 1991 and some years later he reaffirmed his interpretation, arguing for the following five "programmatic remarks" about the Platonic preludes:[155]

I. The addressee of the prelude requires good epistemic reasons (885d–e).
II. Preludes are characterised as teaching and the citizens are supposed to "learn" (718c–d, 720d, 723a, 857d–e, 888a).
III. Preludes are designed to be instances of rational persuasion, that is, they attempt to influence the citizens' beliefs through appealing to rational considerations. They are not intended to inculcate false but useful beliefs or to effect persuasion through non-rational means.
IV. Preludes are meant to provide quite general ethical instruction.
V. The Athenian introduces the preludes through an analogy in which the relationship between the laws and the citizens are compared to the treatment given by a free doctor to a free patient.

These general remarks illustrate some themes present in the *Laws*.[156] However, they do not present the entire picture, since they do not provide an account of the type of language that is employed to "teach." Although Bobonich's attempt to find an interpretation that explains the full range of preludes and, at the same time, an explanation that allows us to see Plato's programmatic remarks as sincere is praiseworthy, his interpretation relies almost exclusively on the theoretical passages of the preludes and on the atypical, rationally argued prelude against the atheists at 885b–910d. He does not examine any other

[154] Bobonich, 1991, 366, 369, 373–6, 383, 388.

[155] Bobonich, 2002, 104–105.

[156] As for remark V, it is certainly true that the Athenian introduces the preludes with a comparison with the doctor, but that does not imply that we find that specific relationship in the actual preludes.

preludes.[157] Most of the preludes are, in fact, based on myths or forms of discourse that are different from a deictic reasoning.

Morrow, 1953, argued for a more comprehensive analysis of persuasion in the *Laws*. According to Morrow, the lawgiver uses many "ways of enchanting, or casting a spell over, the minds of citizens" and "the persuasive preambles are also considered a species of enchantment."[158] However, Morrow does not suggest that the preludes are solely non-rational. In fact, he explicitly states that: "in saying that these are enchantments (*epodai*), I do not wish to imply, nor I think would Plato, that they make no appeal to reason."[159] The type of persuasion suggested by Morrow is linked to the art of psychagogy as outlined in the *Phaedrus*;[160] that is, a persuasion based on knowledge and which allows the philosopher (the legislator in the case of the *Laws*) to address in the right way all the different types of souls.

The line of interpretation of "the good kind of rhetoric" has since Morrow been followed by Stalley — who stresses the exhortative and sermon-like character of the lawgiver's persuasion — and by Yunis, who claims that the persuasion of the preludes is "enlightened persuasion that leads virtue to action – the very notion of psychagogy used in the *Phaedrus*."[161] It is, however, quite

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[157] A similar observation is made by Yunis, 1996, 228. In Bobonich, 2002, 114, Bobonich justifies the absence of strong rational argumentations in almost all preludes (noted by most of the other scholars) in a problematic way: "The *Laws*' text is already extremely long and shows signs of incompleteness. The impiety prelude by itself occupies almost all of Book 10. It would have been an unmanageable task to provide similar preludes on all the central issues in ethics." The assertion implies that if Plato had finished the *Laws* he would have included more lengthy arguments. There is no clear evidence for that. Similarly, Samaras, 2002, 316, admits that we do not find "rational persuasion" where we would expect to find it, but this remark leads him to conclude that Plato "does not consistently meet the standards that he has set for himself for this persuasion." We hope to be able to offer an interpretation which solves such contradictions and does not cast into doubt the coherency of Plato's theory and praxis.

[158] Morrow, 1953, 240. Helmig, 2003, 81–86, defines the preludes as "political ἐπῳδαί" and stresses three positive aspects of incantations, one from a pedagogical, one from a philosophical, and one from a political point of view. In the *Laws*, incantations assume a central role. The "political ἐπῳδαί" (i.e. the preludes) do not necessarily have to be true; their function is to affect citizens emotionally so that they will more easily conform to the laws.

[159] Morrow, 1953, 242.

[160] It should be noted that Morrow, 1953, 242, is talking not only of the persuasion in the preludes, but of the use of persuasion in the entire legislation: "Plato's legislation is, in short, one vast system of total persuasion, the climactic fulfilment of the art of psychagogy that he outlined in the *Phaedrus*."

[161] Yunis, 1996, 223. Even though he takes the side of a primarily rational argumentation, Yunis specifies that the instruction of the preludes does not imply the transfer of expert knowledge but is meant to induce the appropriate behaviour through understanding. In other words, for

remarkable that, instead of searching in the preludes for the type of psychagogy illustrated in the *Phaedrus*, Yunis prefers to interpret them as being analogous to preaching a sermon, a genre of discourse that did not exist in the pre-Christian ancient Greek World, as he himself recognises.[162]

The similarity with the "positive rhetoric" outlined in the *Phaedrus* appears, however, to be a viable path. In 2000, in his important contribution to the debate, Brisson rejected the notion of "rational persuasion" in the *Laws*. As Brisson states, unless one assumes that the concept of "philosophical rhetoric" sketched in the *Phaedrus* can actually be put into practice, the concept of "rational persuasion," is not justifiable by the Platonic terminology, since the term πειθώ (which is often employed in the *Laws* in relation to individual preludes), is usually distinguished from διδαχή, "teaching" the only active term in the domain of rationality.[163] Brisson refutes an interpretation based on rational argumentation and provides instead evidence for an ample use of myths in the preludes, and argues for the predominance of non-rational means of persuasion. Nonetheless, we would argue that to define myths as non-rational means of persuasion is to downplay the intellectual value that Plato attributes to them.

Recently, a compromise in this debate has been proposed by Laks, who claims that there is no rational argumentation in most of the preludes.[164] According to Laks, the preludes, in general, offer non-rational forms of argumentation and are expressed either through a discourse of praise and blame or through mention of ancestral myths (remuneration myths) that often occur in relation to penal laws.[165] At the same time, however, Laks acknowledges

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the scholar, the lawgiver is addressing a specific type of audience, which has been educated in the right way and is therefore able to understand the rational argumentation that is left unsaid. More recently, Mesch, 2003, argues for a type of good rhetoric that represents Plato's *gentle* ("sanft") side of philosophy.

[162] Yunis, 1996, 223–226. Yunis categorizes "preaching" as a fourth kind of rhetoric, in addition to the classical three labelled by Aristoteles: deliberative, judicial, and epideictic.

[163] Brisson, 2000, 241, considers the terms in relation to Plato's theory of forms: while the word διδαχή deals with the study of the intelligible things perceived by the intellect (and cannot therefore be separated from a true argumentation addressed to a small number of people), the word πειθώ deals with sensible things perceived by the senses (and therefore it does not need argumentation and can reach the masses).

[164] Laks, 2005, esp. 131-140.

[165] It should be pointed out that the claim that the preludes make use of rational argumentation is also contradicted by the mention of the useful lies at 663d6–e2, which seems to imply that a rational argumentation is not always the best way to convey a legislative prelude. Accordingly, Nightingale, 1993a, states that the lawgiver's social control of the citizens of Magnesia is made clear at 662–64: in this passage, the Athenian discusses the use of beneficial "fiction" (ψεύδεσθαι 663d8; ψεῦδος 663d9; ἐψεύσατο 663e1) to persuade the

that there is a correlation between the recommendations given in the form of praises or myths, that is, in the language of poetry, and the imperatives of reason.[166] In other words, according to Laks, for persuasion to be effective, there must be some kind of reason in the irrationality itself. In Laks' view the preludes symbolise an ideal condition where the society will dismiss the necessity of having laws.[167] Recently, Annas has discarded the three main interpretations of the preludes (that is, (i) rational justification, (ii) non-rational, (iii) the ideal and instead has argued that the preludes serve as an ethical, obligatory base for a genuine virtuous development of the citizens, and thus, in order to achieve this aim, they make use of both rational and non-rational means. [168]

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young to adopt a morally right behaviour willingly and without either compulsion or a fear of the law. Cleinias approves such measures: "Truth is a fine thing. A lasting thing. You may find some difficulty getting people to go along with you" (663e3–4). Through the reference to a mythological tale (which had become a traditional belief) the Athenian demonstrates that "if you put your mind to it, you really can persuade the souls of the young of just about anything" (663e8–10). Nightingale points out that the "fictional" approach at 664b7–c1 consists of an appeal to the authority of a god rather than to a logical argumentation, and she also demonstrates that the word *pseudos* is used here to denote a fiction or a story rather than a lie, since it can be used as a vehicle for truth. Yet, that a story can be, and often is, a lie needs no demonstration and that a lie is often regarded as a means to convey a truth to those that are not sufficiently educated in philosophy to learn it is a fundamental claim in *Resp*. book 2 and 3.

[166] According to Laks, one has to admit that in the *Laws* two types of discourse coexist: one type of rational (argumentative) discourse – although the examples are very few – and one irrational (non-argumentative, rhetorical in the strict sense of the term), and therefore the real question is not if the preludes are rational or irrational but rather why and how the two kinds of discourse coexist, cf. Laks, 2005, 167–168.

[167] Buccioni, 2007, who does not quote Laks, formulates the same pivotal question: why are both enchantment and rational argumentation used in the preludes? Buccioni believes that the vast variety of techniques (e.g. brief and lengthy explanations, detailed expositions, a few complex arguments, and many simple or truncated ones, as well as stories, myths, allusions and analogies) is meant to address the different forces that operate in the human psyche. Such a method reminds the reader of the "genuine rhetorician" of the *Phaedrus*, who knows all different types of souls, and is able to speak to them accordingly (*Phdr*. 270; 282–283). Buccioni also asks how such a genuine art of rhetoric is employed or envisioned by the lawgiver in the *Laws* and she refers to one common feature of all preludes: "all of them seek to guide the self-interest of citizens towards the communal interest and admonish or condemn selfishness and self-centeredness (270)." In other words, for Buccioni, all preludes constitute "a means to curb individualistic tendencies in favour of the common good." Even though such a conclusion can be helpful to understand the content of the preludes, it does not provide evidence on *how* this type of rhetoric is actually employed, that is, to what kind of specific linguistic features the Athenian resorts in order to make his persuasion more effective.

[168] Annas, 2010, 71–92, and also 2017, 73–119.

Still, this definition of "irrational form" appears problematic. The myth of Er at the end of the *Republic* is meant as a conclusive story that essentially summarises what has been argued in the dialogue regarding the necessity of Justice. To define that myth as "non-rational means" seems to deprive it of its very rational nature.[169] The point that we want to make is that it is possible to investigate the persuasive language of myths and/or other poetic reminiscences in the preludes as features of the "philosophical rhetoric" discussed in the *Phaedrus*. In other words, the distinction between irrational μῦθος and rational λόγος, and the supposed inferiority of the former to the latter, appears to be a false problem, and moreover one already surmounted.[170]

The problem with the scholarly disagreement on the preludes is that it is not founded on a systematic literary analysis of them. As Yunis has pointed out, "the discussion on the preludes has often failed to look at the preludes. The overly simplistic question on whether the preludes persuade by rational or non-rational means is a consequence of this failure."[171] An exception to this claim is, however, Nightingale's study, which is useful because, instead of focussing on the traditional dichotomy between rational and non-rational means of persuasion, she resorts to modern Speech Act Theory to analyse the differences between the language of the laws and the language of the preludes. Following Austin's conclusion that "constative utterances" (i.e. descriptions, explanations, matters of fact statements), can and often do have a performative[172] impact, Nightingale concludes that the "language contained in the preludes has a high degree of performativity and is thus far from a neutral exposition of explanations and factual information."[173] Yet, even though Nightingale's resort to Speech Act Theory to make sense of the language of

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[169] For an interpretation of the logical meaning of the myth, see Halliwell, 2007, 445–473. As Morgan, 2000, 209, puts it: "the Myth of Er is the culmination of tendencies at work in the Gorgias and the Phaedo. These final myths are constructed on the basis of reasoned argument and express a meta-logical intuition about the nature of the soul." For a collection of articles on the uses and status of the Platonic myths, see Collobert-Destrée-Gonzalez, 2012, esp. 187–198, 259–278.

[170] See Gill, 1993, 38-87. Halliwell, 2000, 107–100, argues for a subjection of mythos to logos considered by philosophy's viewpoint which allows incorporations of poetry (found in innumerable places in the dialogues) as long as these poetic utterances can be subject to judgement, rather than be a priori accepted as authoritative. Cf. on the same topic, Tarrant, 1946, 107–117. For the pedagogical power of the irrational in the *Laws*, cf. Belfiore, 1986.

[171] Yunis, 1996, 228, n. 29. Yunis considers Morrow, 1953, and Nightingale, 1993a, as exceptions.

[172] With "performative" is meant the quality of a constative statement to make the addressee "perform" an action; see Austin, 1962.

[173] Nightingale, 1993a, 293. Austin, 1962, 139.

the preludes throws new light on their reading, we believe that such a theory does not take into proper consideration the great variety of linguistic elements and literary motifs present in the preludes. To conclude, in order to understand the language, the functions and the novel nature of the preludes it is necessary, we believe, to examine the relationship between them and the previous literary tradition.

1.3.4 Criteria of Selection and the List of Preludes

Over the years, scholars have suggested many criteria for the identification of preludes. In this study, we will follow André Laks' criteria of selection, as presented in *Médiation et coercition. Pour une lecture des* Lois *de Platon*.[174] Although we regard Laks' study as the most recent and comprehensive analysis of the preludes, we will also take into account the preludes indicated by Klaus Schöpsdau in his three commentaries to the *Laws*. Considering these studies, the following criteria have been adopted for selecting the preludes: (i) the definition of the passage as προοίμιον (ii) the presence of a prescriptive formula, such as "if he can be persuaded by this or in the opposite case here is the law (e.g. 741a6–741e7);"[175] (iii) the vocative form of address (e.g 770b4–771a4); the use of terms such as παραινεῖν, or παραμύθιον to define a passage, followed by a law, [176] (v) the presence of a myth, or the definition of the passage as "enchantment."[177] These appear to be the most common formulas used to define a prelude.

For methodological reasons, in this study a subdivision of the preludes in three groups is proposed: (a) Praise and Blame, (b) Jussive Paraenesis (c) Myth as Poetic Rationale. Although all the preludes (i) respond to the moral

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[174] Laks, 2005, 129.

[175] Nightingale, 1993a distinguishes two categories of prelude. The first category includes those passages characterised by the use of a second person pronoun (715e–18a; 726a–734e; 741a–e; 772e–773a; 823d–824a; 854b–c; 888a–d; 899d–900c; 903b–e; 916d–17b; 923a–c). In the second category, we find injunctions in the third person that are designed either prospectively or retrospectively as "preludes": 721b–d, 949e-50d, 959a-d; retrospectively: 870a-d; 930e-32a; 942a-43a.

[176] Laks, 2005, 129.

[177] Brisson, 2000, 243–244, identifies a first group of preludes, which includes preludes that make use of rhetoric in a broad sense (for a total of 16 preludes).The difficulty concerning this group is that the criteria according to which they can be regarded as preludes are not specified and thus it is difficult to accept them as such. The second group includes all the preludes where a myth occurs, for a total of 14 preludes: 771c7, 773b4, 790c3, 804e4, 812a2, 840c1, 841c6, 865d5, 872e1, 887d2, 903b1, 913c2, 927c8, 944a2.

dichotomy of praise and blame, (ii) they are all characterised by what has been defined as "onkos style," and (iii) they all carry out a parenetic function, it might be useful, for reasons of clarity in the analysis, to also point out some differences between them. The preludes of the first group are more explicitly characterised by a discourse of praise and blame, i.e. the poetic structure of praise is more clearly identifiable. In the second group ("Jussive Paraenesis"), the preludes are shorter, and characterised by a more injunctive tone: for instance, the use of the imperative, which is mostly absent in other preludes, is frequent in this group. In the third and last group, the reference to or the elaboration of a well-known myth, as well as the invention of a new myth by the Athenian is examined in the light of the Athenian's appropriation of literary traditional material. Philosophical myths, as the ones we find in the preludes, are different from traditional myths because they have a new educational point to make (and in a new narrative format), and they are important essentially because they have to show how myths can be employed correctly.[178]

A table of the preludes that will be examined in each group follows on the next pages.

[178] Several studies on Platonic myth-making have demonstrated how Plato in his dialogues also appropriates this well-established mode of poetic discourse at the service of his own philosophy. See *Phd.* 61b–e. See Morgan, 2000, Brisson, 1982.

Table1

	Group	Prelude	Subject
P1a	1. Praise and Blame	4.715e7–734e4. Part One (4.715e7–718a6)	General prelude to the new legislation
P1b	1. Praise and Blame	4.715e7–734e. Part Two (4.726a–734e).	General prelude to the new legislation
P2	1. Praise and Blame	4.721b6–d7 and 6.772e7–774a2	Prelude on the marriage law
P3	2. Jussive Paraenesis	5.741a6–e6	Prelude on the exhortation to the Acceptance of the Land-Lot
P4	1. Praise and Blame	7.823d3–824a9	Hunting
P5	3. Myth as Poetic Rationale	8.835b5–842a9	Prelude on Sexual Matters
P6	3. Myth as Poetic Rational	9.853d5–854c8	Prelude on temple-robbery
P7	3. Myth as Poetic Rational	9.870a1–871a1 and 872d5–873a4	Prelude on murders
P8	2. Jussive Paraenesis	9.879b7–880a8	Mistreatment of the Elders
P9	2. Jussive Paraenesis	9.880d8–881b3	Prelude on violence against family members
P10	3. Myth as Poetic Rational	10.885b2–907d3	Prelude on Impiety
P11	2. Jussive Paraenesis	11.916d4–917b7	Prelude on Fraud
P12	2. Jussive Paraenesis	11.918a6–919d2	Prelude on Trade
P13	2. Jussive Paraenesis	11.922e5–923c2	Prelude on Testament

P14	3. Myth as Poetic Rational	11.926e10–927e8	Prelude on Orphans
P15	3. Myth as Poetic Rational	11.930e5–932a8	Prelude on Honours due to Parents and Progenitors
P16	2. Jussive Paraenesis	11.933b7–933d1	Prelude on Drugs
P17	2. Jussive Paraenesis	11.937d6–938a7	Prelude on Trials
P18	3. Myth as Poetic Rational	12.941b2–c3	Prelude on Theft
P19a	1. Praise and Blame	11.942a5–943a3	Prelude on military service. The best warrior
P19b	1. Myth as Poetic Rational	12.943d5–944c4	Prelude on military service. The abandoning of armoury
P20	2. Jussive Paraenesis	12.949e6–950d4	Foreign relations
P21	3. Myth as Poetic Rational	12.959a4–d2	Prelude on funerals

3 Poetry in the Preludes

3.1 Praise and Blame

P1a: Prelude to the New Legislation (4.715e7–734e4). Part One (4.715e7–718a6)

The prelude at 715e7–734e4 is generally considered a prelude to all of the legislation: the Athenian commends the citizens of Magnesia to implement the new set of laws that the three men are enacting. The appeal is divided in two parts (715e7–718a6 and 726a–734e) and in between them there is the explanation of the necessity of preludes, which we have discussed in the introduction. The present analysis regards the first part of the prelude, i.e. 715e7–718a6. We will argue that the reference to certain topics and expressions serve to evoke in the mind of the reader both the sacred sphere and the teachings of earlier poets.

The speech is based on several arguments. In the present analysis three are taken into consideration:

a. a general appeal to fair Justice and to the fair justice of Zeus (715e7–716b7) which, as we shall see, draws on both an Orphic fragment and Hesiod's *Works and Days*;
b. the idea that moderation should be the virtue common to both men and gods (716c1–6);
c. a discussion on the correct attitude of the young towards the old (717c4–6);

The analysis will be divided according to such themes. As previously argued, the all-encompassing aim of the preludes is to persuade and to lead the citizens to virtue. By looking at the language of the prelude we will attempt to show how the Athenian achieves that aim.

a. A general appeal to fair Justice (715e7–716b7)

At the beginning of the prelude, the Athenian directly addresses the citizens (ἄνδρες, 715e7). He begins his speech by mentioning ὁ θεός, "the god," as the leading principle of all things. To express this concept the Athenian refers to "an ancient saying", παλαιὸς λόγος, which professes that the god has in his hands the beginning, the end, and the middle of all exisisting things:

> ὁ μὲν δὴ θεός, ὥσπερ καὶ ὁ παλαιὸς λόγος, ἀρχήν τε καὶ τελευτὴν καὶ μέσα τῶν ὄντων ἁπάντων ἔχων, εὐθείᾳ περαίνει κατὰ φύσιν περιπορευόμενος τῷ δὲ ἀεὶ συνέπεται δίκη τῶν ἀπολειπομένων τοῦ θείου νόμου τιμωρός (715e7–716a3).
>
> it is god, according to ancient legend, who holds the beginning and end and middle of all things in his hands. Straight is his course, so nature ordains, and behind him ever follows Justice, taking vengeance on those who depart from divine Law.[179]

This means that god is the very essence of all things. The scholion to the passage refers the old saying to the Orphic doctrine, and commentators generally agree with this interpretation.[180] The initial part of the phrase, i.e. the god being "the beginning, the end and the middle of all things," definitely recalls the description of Zeus in the Orphic fragment, which runs as follows: Ζεὺς κεφα[λή, Ζεὺς μέσσ]α, Διὸς δ ἐκ [π]άντα τέτ[υκται],[181] "Zeus is the beginning, Zeus is the centre, from Zeus all things are created."

The resemblance is striking, and certainly the Orphic teaching was known by Plato. Nevertheless it is not easy to define the precise content and meaning of a παλαιὸς λόγος; according to Des Places, the παλαιὸς λόγος usually denotes an Orphic teaching.[182] In the *Laws,* however, the expression seems to be more

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[179] Unless otherwise indicated, all translations of the *Laws* are by Griffith, 2016.

[180] The passage is said to refer to the orphic religious world (*fr.* 31 Bernabé). The scholion to the passage connects the "old saying" to an orphic doctrine: παλαιὸν δὲ λόγον λέγει τὸν Ὀρφικόν, ὅς ἐστιν οὗτος· Ζεὺς ἀρχή, Ζεὺς μέσσα Διὸς δ ἐκ πάντα τέτυκται Ζεὺς πυθμὴν γαίης τε καὶ οὐρανοῦ ἀστεροέντος ("the ancient saying to which he refers is Orphic, and goes as follows: 'Zeus is the original cause, Zeus is the centre, from Zeus all things are created, Zeus is the foundation of earth and of the starry heaven'), see England, 1921, 447. Furthermore, in Arist. [*Mund.*] 401b, the above passage of the *Laws* is quoted right after some verses that belong to the Orphic poem (31 Bernabé). It is not surprising that the scholion refers the passage to the Orphic fragment, considering the deep interest, at the time of the scholion, in the interpretation of orphic fragments. For the interpretations and the reformulations of the orphic fragments by the neoplatonists such as Proclos, Damascios, and Ermias, see Arrighetti, 1959, 10. The passage at *Leg.* 716a1–3, was much quoted in antiquity; for a list of all occurrences see Des Places, 1951, n. 2, 65–66.

[181] Bernabé, 2005, 45.

[182] Des Places, 1951, 66: "L'antique parole désigne d'ordinaire un enseignement orphique."

commonly used as a way of introducing an old saying or legend, and only once, at 757a5, might it echo a Pythagorean teaching.[183] Undoubtedly the expression παλαιὸς λόγος is very frequent in all platonic dialogues, and it seems to introduce always a type of discourse that allegedly derives from the past, that is, a discourse based on ancient knowledge, often a myth, that has not yet been subjected to any philosophical reasoning.[184]

It is worth noting some passages, in which the expression serves as an authoritative premise from the past, to introduce a philosophical content. In the *Timaeus* (21a) Critias the old is about to re-tell the myth of Atlantis that was once told by Solon (20d).[185] The story, the myth of Atlantis, is a παλαιὸς λόγος. The telling of the myth of Atlantis has a clear educational purpose, that is to present as heroes not the traditional warriors but the good citizens of the *polis*.[186] The παλαιὸς λόγος, the tale that has its roots in the past, responds to this specific educational purpose.[187] In the *Symposium* (195b5), Agathon, at the beginning of his speech, uses the term παλαιὸς λόγος in reference to the old saying that "like goes with like."[188] The entire philosophical reflection on love proffered by Agathon in the *Symposium* relies on ancient poetic tradition, as it has a poetic vocabulary and includes frequent allusions to Hesiod and the tragic poets.[189] Moreover, if we look at the *Phaedo*, at 70c Socrates appeals to the "ancient saying" (παλαιὸς λόγος) to introduce the first argument for the immortality of the soul.[190] In this case, Socrates takes as the starting point for

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[183] Cf. *Leg*. 676c9, 677e1, 738c2, 757a5, 865d5, 872d7, 881a2, 913c1–2, 927a3–6.

[184] As Regali, 2015, 126–148, shows, Socrates often starts his philosophical quest in response to an external factor (this might "the examination of an interlocutor, or of a proposition, a dream, an oracle, or a παλαιὸς λόγος" here at 125–126). In Regali's view, Socrates' dependence for the examination on an external source is evidence for his sincere approach in the dialogue, that is, lacking any pre-established knowledge.

[185] Critias starts by saying that he will tell the story that he once heard from an old man: ἐγὼ φράσω, παλαιὸν ἀκηκοὼς λόγον οὐ νέου ἀνδρός, *Ti*. 21a7.

[186] For the actual realisation of the tale told by Critias, see Erler, 1998, 5–28.

[187] The historical past (i.e. the fiction of historical veracity) is employed as a sapient tool to learn about universal philosophical principles, cf. Erler, 1998, 19–20. For the narrative modalities introducing the myth of Atlantis in the *Timaeus*-*Critias*, see also Gill, 1979, 64–78.

[188] The saying is discussed later in this section.

[189] For the echo of epos in the incipit of Agathon's speech, see De Sanctis, 2016, 92–97. the poetic implications of the speech of Agathon in Pl. *Symp*. see Regali, 2016a, 204–208 and Männlein-Robert, 2016, 198–203. For analysis of the speech, and its partial approval by Socrates, see Sedley, 2006, 47–69.

[190] *Phd.* 70c4–8: Σκεψώμεθα δὲ αὐτὸ τῇδέ πῃ, εἴτ' ἄρα ἐν Ἅιδου εἰσὶν αἱ ψυχαὶ τελευτησάντων τῶν ἀνθρώπων εἴτε καὶ οὔ. **παλαιὸς** μὲν οὖν ἔστι τις **λόγος** οὗ μεμνήμεθα, ὡς εἰσὶν ἐνθένδε ἀφικόμεναι ἐκεῖ, καὶ πάλιν γε δεῦρο ἀφικνοῦνται καὶ γίγνονται ἐκ τῶν τεθνεώτων. "Let's consider it in the following sort of way. Let's see whether or not it turns out that when people

his own reasoning an argument about the afterlife, which is derived from an ancient past.

The crux of the matter is that, in order to effectively convince the audience of its truthfulness, a discourse needs to appeal also to less rational elements of the soul. From this perspective, the recourse to a component that is external to logical reasoning, for instance a story or a saying borrowed from the past, appears to be a rhetorical device that makes the speech more persuasive, by an explicit or implicit allusion to older authorities (for instance to the earlier poets).[191]

Now, the mention of a παλαιὸς λόγος at the beginning of the general prelude to the *Laws* (715e–718a) might carry out a similar function, that is, by mentioning a truth that does not need proof, the παλαιὸς λόγος is meant to give authority to the speech. The mention of Zeus as leader of all things refers to the general, traditional poetic image of Zeus as the unquestionable master of both earthly and celestial matters. Such a stand at the very beginning of the speech makes the entire prelude more authoritative, gives the entire appeal a sense of religious authority and hence makes the speech more persuasive.

Turning to the second part of the sentence, the idea of Zeus whose course "is straight, so nature ordains," εὐθείᾳ περαίνει κατὰ φύσιν περιπορευόμενος (716a1) can be linked to some similar ideas that we find in poetic texts, more specifically in Hesiod's *Works and Days*.[192] The Athenian states that the god "completes his straight course by revolving, according to nature:" εὐθείᾳ περαίνει κατὰ φύσιν περιπορευόμενος and one cannot but agree that this sentence is obscure in meaning. First of all, περαίνω is rarely used in a "completed" sense, as in "effect one's purpose;" the "completed" form is

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have died their souls exist in Hades. Now, there is an **ancient saying** which comes to mind, that souls exist there when they have come from here, and that they come back here and come to be from dead people" (all translations of *Phaedo* are by Sedley-Long, 2011). For a commentary of the Platonic doctrine in Pl. *Phd*. see also Dixsaut, 1991.

[191] Cf. Meno 81a, where the myth of the afterlife, is introduced by the authoritative word of wise people (81a5–6: ἀκήκοα γὰρ ἀνδρῶν τε καὶ γυναικῶν σοφῶν περὶ τὰ θεῖα πράγματα; 81b1–2: λέγει δὲ καὶ Πίνδαρος καὶ ἄλλοι πολλοὶ τῶν ποιητῶν ὅσοι θεῖοί εἰσιν). For an anlysis of the formal features that make it possible to consider the account as a myth, see Arrighetti, 2007, 173–183.

[192] Of course, also the idea of Zeus as the beginning of the cosmic order and as the most powerful god is certainly common in earlier poetic authors. In Hesiod, Zeus is the invincible βασιλεύς who defeated the Titans (*Theog*. 453–506; 617–720), the one god who sees and understands all (*Op*. 267).

mostly found with a negation.[193] The main difficulty of the passage lies, however, in the contrast here between εὐθείᾳ, "straight," and περιπορευόμενος, "move in circle." The scholiast paraphrases εὐθείᾳ with κατὰ δίκην and applies to εὐθείᾳ the metaphorical meaning of a justice that is morally straight. If one interprets the adjective in the metaphorical sense of moral rectitude, and not in the concrete sense of a straight-line, the contrast between the two terms appears less puzzling.[194] Clearly, the feminine form of εὐθείᾳ implies a feminine noun, which can plausibly be either δίκη or ὁδός. Moreover, the mention of the personified δίκη in the next line might be a hint in this direction. The idea of Zeus "straightening" (ἰθύνω) the wrongdoers is common in Hesiod. In *Works and Days* 7, we read: ῥεῖα δέ τ' **ἰθύνει** σκολιὸν καὶ ἀγήνορα κάρφει / Ζεὺς ὑψιβρεμέτης, "and easily he **straightens** the crooked and withers the proud—hight-hundering Zeus" (7–8).

A closer connection between the expression "straight Justice" in the *Laws* and the role of justice in Hesiod might be found also at 224, where the poet states that Justice bears evil to those humans who chase her away and do not pay straight justice: κακὸν ἀνθρώποισι φέρουσα, / οἵ τέ μιν ἐξελάσωσι καὶ οὐκ ἰθεῖαν ἔνειμαν (*Op.* 223–224).

Certainly, the idea of the gods giving "straight" (i.e. in a moral sense, "straightforward," "just") judgements was very common among the poets.[195] However, what is remarkable is that both in Hesiod and in the prelude "straight Justice" is mentioned together with the punishments that the goddess will inflict upon the wrongdoers. In Hesiod, as we read above, she brings evil to those who do not deal justly, while in the *Laws*, at 716b4 (right after the passage quoted above), those who are full of ὕβρις and do not follow her are

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[193] See for instance *Resp*. 426a ἰατρευόμενοι γὰρ οὐδὲν περαίνουσι, "through the cures they achieve nothing" or Eur. *Phoen*. 589 περαίνει δ'οὐδὲν ἡ προθυμία, "eagerness fulfills nothing."

[194] England, 1921, 448, finds this reading problematic since "no doubt εὐθείᾳ symbolically contains the notion of moral rectitide but if it is merely an alternative for κατὰ δίκην, Plato would hardly have added τῷ δὲ ἀεὶ συνέπεται δίκη (in the next line)."

[195] There are numerous poetic examples that prove the affinity between εὐθεῖα (in its moral sense) and δίκη. Ἐὐθεῖα δίκη occurs in Aesch. *Eum.* 433 as a request to Athena by the choir to make a straight (in the sense of "fair / just") judgement: ἀλλ' ἐξέλεγχε, κρῖνε δ' εὐθεῖαν δίκην, "confute him, make a straight judgement." The straight justice of the gods is also aknowledged in Theogn. 1.330: σὺν εὐθείῃ θεῶν δίκῃ ἀθανάτων, *thanks to the fair justice of gods*; in Solon, fr. 36 19, θεσμοὺς δ'ὁμοίως τῶι κακῶι τε κἀγαθῶι εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην ἔγραψα, "I have written laws for the noble and for the vile, awarding each straight justice," and in Pindar *Nem.* 10. 12 εὐθείᾳ … δίκᾳ. It is finally worth noticing that the compound verb περιπορεύομαι is very scarcely used. It occurs only once in Plato (in the above-mentioned passage), once in Arist. [*Oec.*] 1353b20, and in Polibius.

condemned to suffer her vengeance.[196] The hypothesis here is that, in this prelude, the role of unwavering justice is depicted in similar terms as in the *Works and Days.* At 716a3–4, the Athenian states that he who intends to be happy has to follow Dike in orderly and humbly manner: ᾗς ὁ μὲν εὐδαιμονήσειν μέλλων ἐχόμενος συνέπεται ταπεινὸς καὶ κεκοσμημένος, "he who would be happy, would stay close by her, following in meek and orderly fashion" (716a3–4).

Similarly, in the *Works and Days,* Hesiod advises the community to treat foreigners and fellow-citizens rightly, and, as a reward, their city will bloom and so will they in the city:

> οἳ δὲ δίκας ξείνοισι καὶ ἐνδήμοισι διδοῦσιν / ἰθείας καὶ μή τι παρεκβαίνουσι δικαίου, / τοῖσι τέθηλε πόλις, λαοὶ δ' ἀνθεῦσιν ἐν αὐτῇ (*Op.* 225–227).
>
> but those who give straight judgments to foreigners and fellow citizens and do not turn aside from justice at all, their city blooms and the people in it flowers.

The message is clear: if the citizens follow Justice, their lives will be happy.[197] In Hesiod, moreover, nature itself will act accordingly to the righteous behavior, bringing an abundance of produce, and the birth of children (232–235, thus, one might argue, a new golden age would be re-gained, which Hesiod had earlier described at 109–120).[198] However, if they are unjust, then Zeus will send famine and pestilence and their wives will not give birth (241–243). The Athenian, when persuading the citizens of Magnesia to follow justice, argues in a like-minded way: first he argues that he who follows justice is happy, and then he describes the unfortunate life that awaits the boisterous man who turns his back on Justice.[199] Such a man, abandoned by the divinity

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[196] The idea that men should firstly obey Justice, δίκη, (as she is a direct descendent of Zeus) is discussed in Hesiod. The noun δίκη occurs only 5 times in the *Iliad* and 11 in the *Odyssey*. In the *Iliad*, it appears to indicate either a judgment given by a judge or an assertion of his right by a party to a dispute, while the sense of "right," "custom" first occurs in the *Odissey* cf. Lloyd-Jones, 1971, 166 n.23.

[197] The motif of a happy life for the just men was probably very common in the poetic writings of the time, see already Hom. *Od.* 19.109–114.

[198] For the utopic vision of the followers of δίκη as living in a state of blessing, see Erler, 1987c, 14–15. The ideal state is, for Hesiod, a fertile one, in contrast to it, Hesiod sets a world were women are infertile or miscarry, cf. West, 1978, 214.

[199] A world forsaken and in chaos, in which the divinity is absent, recalls also Pl. *Ti*. 53b, cf. Des Places, 1951. In the *Critias*, the end of Atlantis is determined as a punishment for their impiety by the will of Zeus (121b–c), for the passage echoing epic features also through the concept of Διὸς βουλή, see Capra, 2009, 213–214.

and accompanied by wretched companions,[200] destroys both himself and his own city (paying back its price to Justice):

> καὶ πολλοῖς τισιν ἔδοξεν εἶναί τις, μετὰ δὲ χρόνον οὐ πολὺν ὑποσχὼν τιμωρίαν οὐ μεμπτὴν τῇ δίκῃ ἑαυτόν τε καὶ οἶκον καὶ πόλιν ἄρδην ἀνάστατον ἐποίησεν (716b3–5).
>
> in the eyes of many people he is somebody, but before too long he undergoes at the hands of Justice that punishment — not blamable, —and destroys the person himself, together with his household, and city, root and branch.[201]

This description recalls, more specifically, Hesiod's *Works and Days*, 238–247, where the man who acts unjustly makes the entire city pay for it: πολλάκι καὶ ξύμπασα πόλις κακοῦ ἀνδρὸς ἀπηύρα / ὅστις ἀλιτραίνῃ καὶ ἀτάσθαλα μηχανάαται, "Often even a whole city suffers because of an evil man who sins and devises wicked deeds" (241–242). The idea that the entire city is going to suffer for the wrongdoings of few unjust people is thus already present in Hesiod.[202]

Furthermore, there are more elements in the prelude that brings the discourse of the Athenian closer to the Hesiodic content. In the prelude Justice is personified as the avenger of those who desert the divine law: τῷ δὲ ἀεὶ συνέπεται δίκη τῶν ἀπολειπομένων τοῦ θείου νόμου τιμωρός, "behind him ever follows Justice, taking vengeance on those who depart from divine law," 716a1–2.[203] Although in the works of Hesiod we find no evidence of such a definition, still the role of Justice in Hesiod's works is still not very dissimilar from the one reported in the prelude: in the *Theogony*, Δίκη is the guard of the social order, the daughter of Themis and Zeus (902), while in the *Works and Days* (259 ff.) she is the helper of Zeus and, sitting next to him, reports to him the injustice of men. We should also note that Solon, who has reformulated

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[200] *Leg.* 716b2: ἄλλους τοιούτους προσλαβὼν **σκιρτᾷ** ταράττων πάντα ἅμα, "he takes up with others like himself and **leaps around** overturning everything." Σκιρτάω is a poetic word which is mostly used, beside by Homer and Hesiod, by tragic and comic authors such as Euripides, Sophocles, Aristophanes etc. and then later on by grammaticians in the 3rd, 2nd century BC. In Plato, we find four occurrences of the term: *Phdr.* 254a4; *Resp.* 571c6; *Leg.* 716b2, 653e2. It defines the irregular movement of the body in a condition of irrationality. In *Phaedrus* it charachterises the movements of the black horse in the grip of instincts, and in the *Republic* it refers to the animal part of the soul.

[201] At Hes. *Op.* 239.

[202] In Hesiod δίκη is an instrument of Zeus' punishment and it intervenes in a positive or a negative manner in accordance with a just or unjust beahviour, cf. Arrighetti, 1998, 426.

[203] Δίκη τιμωρός occurs also at 872e2 and *Epin.* 988e.

many of the Hesiodic motifs, writes that she is the avenger of ὕβρις (Δίκη ἀποτεισομένη 4.14–16 West), the same function that she carries out in the above-mentioned passage of the *Laws*.[204] Thus, it is not implausible that the Athenian reformulates here the role of Justice, by employing the same Hesiodic motif that had already been adopted and furthered by a previous poet-legislator, namely Solon.

In short, Hesiod's work represents a fruitful point of departure for the Athenian's description of Justice.[205] It should also be noted that this first part of the prelude is preceded by the mention both of the myth of Cronos and of the kingdom of the first race — which occur in *Op.* 109–122 — a few lines earlier, (713b8–714b1) and it is also followed (at 719a) by a quotation of Hesiod (*Op.* 287–292). These two references almost frame this first part of the prelude and thus seem to bring closer the speech of the Athenian to the Hesiodic writing.

b. *The virtue of moderation: "like is dear to like, so long as it observes measure" (716c1–6)*

The Athenian now proceeds to indicate how a man should act in accordance with the god. There is only one way, which follows and old saying — an ἀρχαῖος λόγος: "like is dear to like, so long as it observes measure," that is, a man would be dearer to the divinity, the more similar to the divinity he tries to make himself.[206] Accordingly, thus to this argument, the moderate man is dear to the god, because he is similar to him, while the one who is not moderate is dissimilar. As we shall see in this short passage, in order to make his statements more convincing, the Athenian hazily alludes to some ancient sayings, that were, presumably, familiar to everyone at that time.

> τίς οὖν δὴ πρᾶξις φίλη καὶ ἀκόλουθος θεῷ; μία, καὶ ἕνα λόγον ἔχουσα ἀρχαῖον, ὅτι τῷ μὲν ὁμοίῳ τὸ ὅμοιον ὄντι μετρίῳ φίλον ἂν εἴη, τὰ δ' ἄμετρα οὔτε

[204] It is very common to find *Dike* personified in the writings of the Pre-Socratics, although some differences do occur: in Heraclitus, for example, *Dike* symbolises the cosmic order (22B 94 DK = D89c Laks-Most), while in Parmenides she is the "severly punishing dike," Δίκη πολύποινος (28B1.14 DK = D4.14 Laks-Most).

[205] In the *Timaeus*, the speech of the demiurge to the assembled gods (41a–d) shows interesting parallels with the proem of *Works and Days*, both in terms of its interest in etymologies and in the depiction of the task of Zeus, see Regali, 2009, 259–275.

[206] See *Leg.* 716d1.

> ἀλλήλοις οὔτε τοῖς ἐμμέτροις. ὁ δὴ θεὸς ἡμῖν πάντων χρημάτων μέτρον ἂν εἴη μάλιστα, καὶ πολὺ μᾶλλον ἤ πού τις, ὥς φασιν, ἄνθρωπος (716c1–c6).
>
> so, what kind of activity is dear to god and attendant upon him? Only one kind, based on one long-standing principle — that like is dear to like, so long as it observes measure or due proportion. Things that lack measures are at odds both with each other and with things that do possess measure. Now, in our eyes it will be god who is the measure of pretty well all things, and much more than man, as many say.[207]

The idea that "like is dear to like" is found first in the *Odyssey* at 17.218: ὡς αἰει τὸν ὁμοῖον ἄγει θεὸς ὡς τὸν ὁμοῖον, "the god always leads the similar to the similar." The Athenian adds to it the conditional clause, ὄντι μετρίῳ, "if it is measured." This addition shows an adaptation of the old proverb to the philosophical rule that the Athenian is going to establish: like is dear to like only if both parts are μετρία, that is, if they possess the right measure and are far from excess. If they are not balanced there can be no friendship neither between them nor with others (716c3–4).[208]

In addition to the high rhetorical style, by the use of polyptoton and alliteration (τῷ μὲν ὁμοίῳ τὸ ὅμοιον; ὄντι μετρίῳ … τὰ δ'ἄμετρα … τοῖς ἐμμέτροις, 716c2–3), the concept of τὸ μέτρον is made fundamental in Plato's *corpus*. Both in the *Protagoras* (351b3–359a1) and in the *Politicus* (283b1–287b3) the concept of τὸ μέτρον shifts from the field of speeches (i.e. speeches should neither be too long, nor too short, but of the right length) to the field of ethics. The so-called μετρητική τέχνη, "art of measuring," is defined in the *Protagoras*, as an art that, through calculation, allows one to choose the action that will cause more pleasure and less pain. In the same way, in the *Politicus*, the μετρητική τέχνη (284e2) regards not only the art of discourse, but also the art of politics and all other arts that are based on the principle of the right measure.[209] The ethical dimension of τὸ μέτρον was certainly a shared and celebrated value among poets.

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[207] Griffith, 2016, 157 translates καὶ πολὺ μᾶλλον ἤ πού τις, ὥς φασιν, ἄνθρωπος with ("don't let anybody try to tell you it is 'man'"), however such a translation does not emphasise the ὥς φασιν, which is, we believe, important.

[208] Schöpsdau, 2003, 210–211, notes, that it is only made clear in the *Laws* that true friendship is only possible if both parts are united by a third element, namely virtue. For a wider analysis of the term ἀρετή and its implications in the Athens of the 5th cent. see Krämer, 1959.

[209] The passage at *Plt*. 283d2–287a offers the lengthiest explanation of the "art of measure." At 283b the Stranger from Elea distinguishes between two aspects of the art of measure: the first aspect — of epistemological nature — regards the definition of the right measure, according to which one can establish the deficit and the excess of one object; the second one — of ontological nature — corresponds to the thesis according to which each single entity

Particularly significant is an elegy by Theognis (873–876) where the poet partly praises and partly blames the wine and is unable to either love it or hate it completely: he calls it ἐσθλὸν καὶ κακόν, "noble and evil." According to Theognis, only the one who has the right measure of knowledge can decide either to praise or blame something.[210] Theognis employs the word in an abstract, ethical sense, with all probability re-elaborating the Hesiodic admonishment of keeping the right measure (*Op.* 694). Pindar, in *Pyth*. 2.34, sings about the necessity for all men to observe the right measure of all things, because of the limits of their own condition. The term μέτρον acquires particular relevance in the poetic works of Pindar, where it becomes, together with χαιρός, a criterion to establish the right length of praise.[211] Undoubtedly, the poets were very familiar with the concept of τὸ μέτρον, and through the expression ὄντι μετρίῳ, "so long as it observes measure," appears to echo the this long poetic tradition.

Furthermore, after having quoted the ancient saying, the Athenian clarifies that things with no measure are dear neither to each other nor to those who possess the right measure (716c3–4). He concludes claiming that it is the god that is the measure of all things, much more than any man, as some others have claimed (716c4–6). The allusion here to the principle of Protagoras that the man is measure of all things (80 B1 DK = D9 Laks-Most) is self-evident.[212] Plato, however, overturns this principle. The god is the measure; the only criterion of truth. Each man who aspires to become dear to the divinity should struggle to become similar to it: καὶ κατὰ τοῦτον δὴ τὸν λόγον ὁ μὲν σώφρων

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keeps its existence in virtue of a certain measure, see Brisson-Pradeau, 2003, 240–241. Cf. also *Phlb*. 55d–e that shows how the knowledge of the right measure is able to differentiate among arts in virtue of their accuracy. In this sense, the object of the "art of measure" is not a specific one, but rather all types of arts that are likely to have deficit or excesses.

[210] Thgn. 875–876: τίς ἄν σέ τε μωμήσαιτο, τίς δ'ἄν ἐπαινήσῃ μέτρον ἔχον σοφίης, "who could condemn you? And who could praise you, having the measure of wisdom?" For the strict relation between μέτρον ἔχων σοφίης by Theognis, the ἰμερτῆς σοφίης μέτρον by Solon and the Protagorean principle of μέτρον ἄνθρωπος, see Corradi, 2012, 122–23.

[211] See e.g. *Ol.* 13.47–48 and *Isthm.* 1.60–63. As Privitera, 1982, notes in his comment on *Isthm.* 1.60–63, the reason to keep the song at the right measure reveals the recognition of "measure" as a supreme ethical value (here at 153). For the motif of φθόνος and praise in Pindar, see Most, 2003.

[212] Corradi, 2012, 112–132, reconstructs the close connection between Protagoras and the poets, as it emerges from Plato's dialogues (*Cra.* 391b–d, *Tht.* 166a–168c, *Resp*. 600c–e; *Prt*. 316a–317c*;* 325e–326b, 338e–339a). In the Platonic dialogues in which he appears, the sophist is always questioned side by side with the poets, mostly because they fulfil the same role in the community: they are the educators of the young. As can be seen from Corradi's study, the relationship between Protagoras and the earlier literary tradition, is a helpful key to better understand the original significance of Protagoras most famous principle.

ἡμῶν θεῷ φίλος, ὅμοιος γάρ, "and what our argument suggests it that he among us who has self-control is dear to god — because he is like him — (716d1–2)." From Plato's perspective, the only possibility that a man has to become μέτρον in all things is by rising up towards the divine.[213] The principle of Protagoras is then refused on the base of this new criterion.

Also, the general idea that "similar is dear to similar" occurs at *Lysis* 214a6, where Socrates attributes to the poets the saying "ever the god brings like to like," αἰεί τοι τὸν ὁμοῖον ἄγει θεὸς ὡς τὸν ὁμοῖον. The expression recalls, almost literally, the verse at *Od*. 17.218: ὡς αἰεὶ τὸν ὁμοῖον ἄγει θεὸς ὡς τὸν ὁμοῖον. Now, the three contexts of this expression (i.e. *Od*. 17.218, *Lysis* 214a6, and *Laws*, 716c3–4) differ from one another: in the *Odyssey* the expression is used by Melanthius to insult Eumaeus and Odysseus: they are a case of the bad leading the bad, because "the god brings like to like;"[214] in the *Lysis* the context is more neutral: in looking for the cause of φιλία, Socrates claims that the poets and "prose writings of the wisest people" (214b2–6) declare that like is dear to like, because god brings the two together. Likness thus appears to be cause of friendship.[215] Finally in the *Laws*, the context is utterly positive: "like is dear to like" implies that a moderate man is dear to the god, because of his being similar to him.

The expression has clearly undergone important changes and it might be possible that by the time of Plato it had already acquire a proverbial value. Still, in the *Laws,* the expression is employed by the Athenian for a significantly different purpose than by Melanthius in the *Odyssey*.[216] Rather than as a means to insult his adversary, the Athenian uses it to encourage his audience to adopt the virtue of moderation. Through this reference, then, Plato moulds his encouragement with the language of epic poetry (and its association with popular wisdom), while simultaneously alerting his audience to the dramatic change of purpose.

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[213] For the ὅμοιος θεῷ as model of the true legislator, see Lavecchia, 2006, 163–66. For the ὁμοίωσις θεῷ as a founding principle of Plato's philosophy, cf. e.g. *Phd*. 80b1–3, *Resp*. 611e2, *Theat*. 176b1–2, c1–2, *Symp*. 188d5–9, 195b, *Phdr*. 249c8–d3, and Lavecchia, 2006.

[214] *Od*. 17.217–218: νῦν μὲν δὴ μάλα πάγχυ κακὸς κακὸν ἠγελάζει, / ὡς αἰεὶ τὸν ὁμοῖον ἄγει θεὸς ὡς τὸν ὁμοῖον.

[215] *Lys*. 214a2–b4: λέγουσι δὲ δήπου … ἀλλὰ τὸν θεὸν αὐτόν φασιν ποιεῖν φίλους αὐτούς, ἄγοντα παρ' ἀλλήλους. λέγουσι δέ πως ταῦτα, ὡς ἐγᾦμαι, ὠδί – αἰεί τοι τὸν ὁμοῖον ἄγει θεὸς ὡς τὸν ὁμοῖον καὶ ποιεῖ γνώριμον· ἢ οὐκ ἐντετύχηκας τούτοις τοῖς ἔπεσιν; – Ἔγωγ', ἔφη. – Οὐκοῦν καὶ τοῖς τῶν σοφωτάτων συγγράμμασιν ἐντετύχηκας ταῦτα αὐτὰ λέγουσιν, ὅτι τὸ ὅμοιον τῷ ὁμοίῳ ἀνάγκη ἀεὶ φίλον εἶναι. For a detailed reading of the *Lysis*, see Penner-Rowe, 2005, 74–75. Cf. also Trabattoni, 2003, 292–293.

[216] For the proverbial value of the expression see Labarbe, 1949, 207–210.

c. The correct attitude of the young towards the old (717c4–6)

The Athenian continues in his discourse and gives advice about the behaviour that children should observe towards their parents. As soon as they are born, children contract a debt from their parents, which they will repay when the latters have grown old. The idea here proposed is that some elements of this part of the speech echo the poetic world, and, more specifically, Hesiod. In the prelude, it is stated that all that belongs to a man (in terms of wealth, body, and soul) should be put at the service of those who have begotten him (717b8–c3). It is in fact right to pay back the first and biggest loans first:[217]

> ἀποτίνοντα δανείσματα ἐπιμελείας τε καὶ ὑπερπονούντων ὠδῖνας παλαιὰς ἐπὶ νέοις δανεισθείσας, ἀποδιδόντα δὲ παλαιοῖς ἐν τῷ γήρᾳ σφόδρα κεχρημένοις (717c4–6).
>
> he will pay back as though they were debts the cares and the ancient anguish of those who endure excessive strain, which are lent out to the young, and to the elders he will pay it back, in the moment when they need it the most.[218]

The idea that sons should pay their parents back for the care and attention that they have received is present in Hesiod (*Op.* 188). In the *Works and Days* (185–189), Hesiod warns against the so-called race of iron, when sons will dishonour

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[217] *Leg.* 717b8–9: ὡς θέμις ὀφείλοντα ἀποτίνειν τὰ πρῶτά τε καὶ μέγιστα ὀφειλήματα.

[218] Griffith's transaltion ("In this way paying back his loans — the care and painstaking labour lent to the young all those years before — and reimboursing his elders in old age, in their hour of need") is modified. In the text δανείσματα stands in juxtapposition to ἐπιμελείας and ὠδῖνας παλαιὰς which are further defined as ἐπὶ νέοις δανεισθείσας. Generally, παλαιάς is taken by scholars to refer to the aorist passive participle of δανείζω, "to be lent out," thus "lent out a long time ago" (and hence "ancient loans" in England, "comme un prêt ce qu'ils sont avancé dès longtemps à notre jeunesse" Des Places, "die sie unter großen Mühen uns vor alters in unserer Jugend vorgestreckt haben" Schöpsdau). The problem with these readings is that the emphasis is put on δανεισθείσας, "that were lent out," rather than on ἐπιμελείας and ὠδῖνας "cares and anguish," to which, we argue, the adjective is referred. Also, there is no stringent reason to interpret δανεισθείσας as a participle used as a noun, "loans," since the noun δανείσματα "loans," is already present in the previous line. In the reading proposed here, the cares and pains of the parents are *ancient*, because the parents themselves have grown old. Hence, the poetical παλαιός recalls, even though implicitly, the "aged" parents, through the "ancient cares and labours" and thus it maintains its significance as "old in years" and, what is more, it stands in clear opposition with νέοις, "young boys", which occurs right after it: παλαιὰς ἐπὶ νέοις. In other words, there is a subtle difference in translating "ancient cares and anguish," and "cares and pains that were lent out a long time ago." The former translation renders the text more poetic, while the latter more prosaic. For the emphasis produced by the internal accusative, cf. *Prt.* 319a6 and *Ti.* 27a2.

their parents by addressing them with grievous words, and will not pay back to them the debt for their rearing:

> αἶψα δὲ γηράσκοντας ἀτιμήσουσι τοκῆας·/ μέμψονται δ' ἄρα τοὺς χαλεποῖς βάζοντες ἔπεσσι, / σχέτλιοι, οὐδὲ θεῶν ὄπιν εἰδότες· οὐδέ κεν οἵ γε / γηράντεσσι τοκεῦσιν ἀπὸ θρεπτήρια δοῖεν (*Op.* 185–188).
>
> they will dishonour their aged parents at once; they will reproach them, addressing them with grievous words — cruel men who do not know of the gods retribution! — nor would they repay their aged parents for their rearing.

A similar idea of the ingratitude towards parents when they approach old age occurs at Theognis 821–822: οἵ κ'ἀπογηράσκοντας ἀτιμάζωσι τοκῆας, τούτων τοι χώρη, Κύρν', ὀλίγη τελέθει, "those who do not honour the parents when they grow old deserve little esteem."[219] However, the more specific idea of paying back the rearings to the parents occurs in Homer (*Il*. 4.477–79, 17.301–302)[220] in Aeschylus' *Seven against Thebes* (548) and in Euripides' *Iphigenia in Aulis* (1228–1230). In the *Iliad*, the expression οὐδὲ τοκεῦσι θρέπτρα φίλοις ἀπέδωκε, "he did not pay back to his parents the reward for his upbringing" is used in both cases in relation to the premature death of Simoeisius in book four, and of Hippothous, in book 17, both at the hands of Aias: they could not pay back their debt.

As has been pointed out, the motif of the death of a son was regarded as a terrible loss in the ancient Greek culture, since he is regarded as responsible for keeping the identity of the family and passing it through to the next generation. The entire cycle of credit and debts, which characterise the domestic institution collapses with the death of the child.[221] In the Aeschylean tragedy, *Seven against Thebes* the καλὰς τροφάς, "good nurtures" are paid back by Parthenopaeus of Arcadia to the city of Argo, because it raised him well (548–549). In the *Iphigenia in Aulis*, it is Iphigenia who begs her father not to kill her because she has to reach adulthood and pay him back for his

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[219] For the modelling of five anonymous excerpts in the *Theognidea* on the Hesiodic passage *Op*. 180–202, see Peretti, 1953, 271–274. Other passages of the Theognidea that encourage honour to the parents occur at 131–132, 271–278, 409–410, 1225–1226, cf. Carrière, 1948.

[220] *Il*. 4.477: οὐδὲ τοκεῦσι / θρέπτρα φίλοις ἀπέδωκε; 17.301–302: οὐδὲ τοκεῦσι / θρέπτρα φίλοις ἀπέδωκε.

[221] Cf. Ciani-Avezzù, 2007, 265 n. 26. Griffith, 1976, 164–165, also notes that at 17.300–301 the pathos is emphasised since the poet combines the "far from home" motif together with that of a "short life" and "bereaved parents" ones: "these two (scil. the latter two motives), in their fully expanded form, dominate the architecture of the whole poem, from the Achilles and Chryses scen in Iliad 1 to the encounter of Achilles and Priam in 24" (here at 165).

nursure (1228–1230).[222] The element of pathos is strongest in the tragedy. Going back to the *Laws*, the Athenian exhorts the citizens to pay back to the parents the care they have received (717c): the poetic influence on the exhortation of the Athenian is clear. To convey his exhortations to Perses, Hesiod depicts a dark scenario, an iron age where children will neglect to repay the aged parents. The Athenian instead urges citizens to respect the divine law (θέμις 717b6) which requires one to pay back the oldest debts first, and by so doing, he leaves out the threat.

Moreover, a few lines later, the Athenian admonishes children to always mantain a respectful language (εὐφημία), and never speak disrespectful words (κοῦφοι πτηνοὶ λόγοι) to their parents (716c6–717d2). In the *Works and Days*, Hesiod warns the young that Zeus will punish those who offends their aged parents by addressing them with "grievous words:"

> ὅς τε γονῆα γέροντα κακῷ ἐπὶ γήραος οὐδῷ / νεικείῃ χαλεποῖσι καθαπτόμενος ἐπέεσσι· / τῷ δ' ἦ τοι Ζεὺς αὐτὸς ἀγαίεται, ἐς δὲ τελευτὴν / ἔργων ἀντ' ἀδίκων χαλεπὴν ἐπέθηκεν ἀμοιβήν (*Op.* 331–334).
>
> and if he rebukes his aged father upon the threshold of old age, attacking him with grievous words: against such a man Zeus himself is enraged, and in the end, he imposes a grievous return for unjust works.

Hesiod calls them χαλεπὰ ἔπεα, "grievious words." The Athenian, in a similar manner, warns against the "flippant" (κοῦφοι) and "winged" (πτηνοί) words, which are subjected to a heavy penalty:

> παρὰ δὲ πάντα τὸν βίον ἔχειν τε καὶ ἐσχηκέναι χρὴ πρὸς αὐτοῦ γονέας εὐφημίαν διαφερόντως, **διότι κούφων καὶ πτηνῶν λόγων** βαρυτάτη ζημία (717c6–d2).
>
> His whole life through he should have mantained — and should still maintain —the outmost respect in the way he addresses his parents; the penalty for **thoughtless, casual words** is extremely severe.

The message is the same: disrespectful language spoken to the aged parents is targeted of punishment.

In Hesiod's *Work and Days,* an enraged Zeus will be in charge of inflicting vengeance upon the wrongdoer, while the Athenian appeals to Nemesis, the messenger of Δίκη, as the one responsible for guarding against this kind of

[222] Aesch. *Septem*, 548: Ἄργει δ' **ἐκτίνων καλὰς τροφάς**; Eur. *IA* 1228–1230: Τί δ'ἄρ'ἐγὼ σέ; πρέσβυν ἆρ' ἐσδέξομαι / ἐμῶν φίλαισιν ὑποδοχαῖς δόμων, πάτερ, / πόνων **τιθηνοὺς ἀποδιδοῦσά σοι τροφάς**, and cf. Stockert, 1992, 544.

slights: πᾶσι γὰρ ἐπίσκοπος τοῖς περὶ τὰ τοιαῦτα ἐτάχθη Δίκης Νέμεσις ἄγγελος, "the supervision of everything of this kind has been entrusted to Nemesis, the messenger of Justice" (717d2–3). Νέμεσις is here personified as the messenger of Δίκη, and hence in charge of keeping Justice among men.[223]

One more consideration has to be taken in relation to the attributes given to the disrespectful words of the young, the so-called κοῦφοι and πτηνοὶ λόγοι (717d1). As previously stated, the Athenian is now instructing his interlocutors and the citizens of Magnesia on the attitude that they should mantain towards their own parents.[224] The language he himself uses plays an important role. The young should not utter any disrespectful words or, more precisely, any "thoughtless" or "vain" words towards their parents, because in this case the penalty would be most severe. Now, the expression κοῦφοι πτηνοὶ λόγοι recalls the recurrent Homeric formula ἔπεα πτεροέντα.[225] In Homer, the epithet refers to words that fly through the winds from speaker to listener, while Plato appears rather to relate them to shameful words that are pronounced without thinking.[226] Des Places reads here a criticism of the "winged words" of Homer: "proférées contre eux (scil. the parents), les 'paroles ailées' d'Homère entraînent leur poids de châtiment: c'est encore une critique du poète."[227] In other words, Des Places links the πτηνοὶ λόγοι of the young to the parents to the words of Homer and, therefore, reads a critique of the poet here. It might be here worth noticing here that in *Ion*, one of the most poetic of the Platonic dialogues, Socrates describes the poet through the same adjectives: **κοῦφον** γὰρ χρῆμα ποιητής ἐστιν καὶ **πτηνόν** καὶ ἱερόν, "the poet is a light, winged and

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[223] The poetical device of personification is common in antiquity; see e.g. Hesiod *Op*. 200; *Cypr*. 9; Pindar *Pyth*. 10.44 f. Cf. Schöpsdau, 2003, 217.

[224] The attitude of sons towards parents is also discussed in other dialogues, see *Cri*. 51b–52a, *Phd*. 113e8–114a1; *Resp*. 10.615a4; *Lett*. 7.331c. For further considerations cf. also Des Places, 1949, 90.

[225] Cf. *Od*. 1.201. The metaphor of ἔπεα πτεροέντα seems to to be derived from archery rather than ornithology and therefore some scholars have held that ἔπεα πτεροέντα are well-chosen words that, as an arrow, fly straight to the listener's comprehension; the image of utterance as an arrow is very common in Greek literature, see Aesch. *Supp*. 446; *Eum*. 676; Pind. *Ol*. 9.11–12, Pl. *Symp*. 219b etc. However, Heubeck-West-Hainsworth, 1988, 92, argue that, because of the variety of utterance to which the epithet is referred, it is more plausible that the poet attributes πτεροέις to any word, with no specific characteristic: "the poet who coined the phrase was attempting to answer the question how words pass from speaker to listener, and any word, once uttered is πτερόεν."

[226] As Schöpsdau, 2003, 217, points out, the consequence of uttering such frivolous/nagging words is discussed again at 935a1–3.

[227] Des Places, 1951, 68.

sacred thing" (534b2).[228] The poet or, more specifically, the content conveyed by the poets, is sometimes κοῦφον, "vain," and πτηνόν, "idle/ineffective," because poets possess no knowledge of what they are talking about. It appears that both Socrates in the *Ion* and the Athenian in the prelude intend to admonish the audience against this type of discourse.

If a connection can be traced between the Homeric **πτηνοὶ** λόγοι, the description of the poet as **κοῦφον** χρῆμα καὶ **πτηνὸν**, in the *Ion*, and the **κούφοι πτηνοὶ λόγοι** of the young in the prelude, the suggestion made by Des Places that these words reveal a criticism of the poet is strenghtened. The idea that in the prelude we find a reference to the *Ion* is also strenghened by the description of the poet, later in the passage, as a man who is not rational once he is sitting on the tripod of the Muses (719c). This image corresponds the famous passage in the *Ion*, where the poet, when inspired by the divinity, is not in his mind anymore, ἔμφρων δὲ ὢν οὔ; like a bacchant he can compose poems only when he is out of is mind (534a) and he draws his verses "from honey-dropping founts" (ἀπὸ κρηνῶν μελιρρύτων 534b1). In the *Laws*, the poet acts in a similar way, he is unconscious when inspired by the Muses and he is a fountain himself, letting his message flow with no restrain:

> ὅτι ποιητής, ὁπόταν ἐν τῷ τρίποδι τῆς Μούσης καθίζηται, τότε οὐκ ἔμφρων ἐστίν, οἷον δὲ κρήνη τις τὸ ἐπιὸν ῥεῖν ἑτοίμως ἐᾷ (719c3-5).
>
> the poet, once he is sitting on the three-legged seat of the Muse, he is no longer in his right mind. He is like a fountain, allowing free passage to the flow of water.

The two passages in the *Laws* and in the *Ion* clearly have a lot in common, and it seems plausible to argue that there is a connection between the danger inherent in the writings of the poets and the warning of the Athenian. To sum up, by means of warning against the poetic *casual* words, and at the same time by means of elaborating on the teachings professed by them (as in the case of

[228] It is fascinating that Callimachus himself longs to be ὁ ἐλαχύς, ὁ πτερόεις (*Aet.* 32–33). As Hunter, 1989, 1, points out, Callimachus is here referring to Plato's *Ion*: "the reference is to the cicada, but the language can hardly be other than a reworking of the famous words which Plato puts in Socrates' mouth at *Ion* 534b: κοῦφον γὰρ χρῆμα ποιητής ἐστιν καὶ πτηνὸν καὶ ἱερόν. Callimachus' familiarity with this passage — which would hardly require proof — is in fact established by an echo of *Ion*, 534c in *Iambus* 13 (fr. 203.31–3)." It seems as though Callimachus adopts Socrates poetic language to assert his lyric inspiration. The familiarity of Callimachus with Plato is analysed from another perspective in Hunter, 2012, where it is argued that Plato is a fundamental stop-over in the reception of Homer in the Hellenistic period.

the paying back of the rearings at 717c4–6), the Athenian attempts to indicate the right path to follow, and establishes a bridge between his own task as educator and the educative task usually perfomed by the poet.

In short, in the first part of the general prelude to the entire legislation the Athenian mostly employs religious elements, by means of quoting an Orphic hymn at the beginning of the speech and the formula with sacred connotation of ἐλπὶς ἀγαθή at the end of his speech. In addition to the sacral and high rhetorical tone of the entire speech, we encountered the mention of a poetic reference that had probably become a proverbial expression: "like goes with like" and the influence of the teaching of Homer and Hesiod, both in terms of the principle of paying back parents for their rearings, and as regards the mention of the κοῦφοι πτηνοὶ λόγοι, which may be read as a criticism towards the words of the poets. To conclude, then, the influences by earlier poets colour this first part of the general prelude which is on the whole characterised by a high, religious tone.

P1b: General Prelude to the new Legislation (4.715e7–734e) Part Two (4.726a–734e).

At this point of the discussion, the Athenian is about to complete the general prelude to the legislation. After having spoken about the gods, he now discusses the value of the souls, the bodies and property. The main scope of the prelude will thus be to persuade his audience to honour the soul (726a–728b), the body (728d–e) and material property (728e5–729b) in the best possible way. From the point of view of style, this prelude resembles, in its essential parts, a praise of the citizen who performs the task in the most correct way. As we shall see in the course of the analysis, the Athenian employs rhetorical devices that first occurred in poetic texts and a lyrical language that best fits victory odes. In this analysis, we will only focus on some of the claims that, either in style or content, appear to be linked with poetry. The themes of the prelude can be enumerated as following:

a. The honour that belongs to the best body
b. The best inheritance for the children
c. The competition among citizens to achieve the greatest virtue

Nonetheless, before we assert these claims, we first need to mention the preliminary section of the prelude, which is related to the superiority of the soul. This brief section (726a–728c) is devoted to instructions on how best to honour the soul.

The superiority of the soul

The first part of the speech focuses on the superiority of the soul. This section (726a–728c) is structured as a list of behaviours that are all considered antagonistic to the correct way of honouring the soul. The claim of the superiority of the soul and hence the demand of the Athenian to praise it in the correct manner, is based on the following points:

- Every man is composed of two elements: one stronger and superior, which gives orders, and the other weaker and inferior, which obeys orders. One should always honour that which is superior (726e).
- After the gods and divinities, who are the masters, one should honour one's own soul (727a1–3).
- When a man magnifies his soul by praising it with words, gifts, or grants, he does not improve the soul and therefore he is not really honouring it (the example of the adolescence who lets the soul do whatever it craves, 727b).
- When a man does not take charge of his own responsibilities, or if he gratifies his soul beyond the rules and the approval of the legislator, he ruins the soul rather than honouring it (727b–c).
- When a man fails to endure the recommended efforts, the fears, the sufferings, and the pain, he ruins his soul instead of honouring it (727c).
- When a man thinks that "survival is always good," he dishonours the soul; for by considering that life in the underworld to be evil, he does not entertain the possibility that "the best goods (i.e. the best advantages, the commonweal," πάντα ἀγαθά) might actually be in the underworld, set there for men by the gods, 727d).[229]
- When a man places beauty before virtue, he dishonours his soul (727d).
- When a man desires to possess wealth unlawfully, he dishonours his soul (728a).

The Athenian has now listed and judged what is shameful and what is right to consider in relation to the soul. At the end of this illustration he clearly indicates that the man who does not respect and follow the correct principles

[229] The Athenian implies that the correct attitude to be held, toward the soul, is the one that Socrates mantains in the *Apology*: he is conscious that he does not know what men will find in Hades, but he still believes that the best goods are to be found there. Cf. *Ap*. 29a–b, 40e–41c; 42a; *Phd*. 68a–b, 69e. See also Schöpsdau, 2003, 255–256.

in realtion to the soul deserves to be blamed because he is dishonouring the second most valuable good (the gods take the first place):

> ὡς δὲ εἰπεῖν συλλήβδην, ὃς ἅπερ ἂν νομοθέτης αἰσχρὰ εἶναι καὶ κακὰ διαριθμούμενος τάττῃ καὶ τοὐναντίον ἀγαθὰ καὶ καλά, τῶν μὲν ἀπέχεσθαι μὴ ἐθέλῃ πάσῃ μηχανῇ, τὰ δὲ ἐπιτηδεύειν σύμπασαν κατὰ δύναμιν, οὐκ οἶδεν ἐν τούτοις πᾶσιν πᾶς ἄνθρωπος ψυχὴν θειότατον ὂν ἀτιμότατα καὶ κακοσχημονέστατα[230] διατιθείς (728a5–b2).
>
> to sum up, the lawgiver enumerates and lays down what is disgraceful and evil, and conversely what is fine and good. Any human being who refuses to avoid the former by all means possible and practise the second with all his might and main, is failing to realise that in all this he is treating his soul — a thing divine — as if it were no value at all, which is a complete disgrace.

The idea that every man should follow the behaviour that is praised by the legislator is thus repeated. Each and every man who does not follow the legislator's advice is therefore treating his own soul in the most dishonourable way.

a. The honour that belongs to the best body

The remaining part of the prelude focuses, firstly, on the value of the best body and, secondly, on the grounds for which it deserves to be praised. As we shall see, both claims are introduced by means of a priamel, a rhetorical device that is mostly found in poetic texts.[231] Before we start looking at the passage under consideration, it is important to state a clear definition of a priamel: "a priamel is a poetic/rhetorical form which consists, basically, of two parts: a 'foil' and a 'climax.' The function of the foil is to introduce and highlight the climactic term by enumerating and summarising a number of 'other' examples, subjects, times, places, or instances, which then yield (with varying degrees of contrast or analogy) to the particular point of interest or importance."[232] Another

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[230] The word κακοσχήμων, ον, "unseemly" an adverb in the superlative form, appears to be a rare word: only Plato uses it in Classical Greek (here, at 728b1, as a superlative adverb). Later, in the fifth cent. A.D. the word is used by Stob. *Flor.* 4.1, 115, l.53, by Eust. *Il.* 4.976, and in the *Schol. Eur*. 307–315, l.11. The adjective κακοσχήμων, ον, is used as an adverb in Lib. 25.15.

[231] Race, 1982, 17–18, 80 and Schmid, 1964, IX: "die Priamel ist also ein Stilfigur, die vor allem in der Dichtung gern und oft angewendet wird, eine Beispielreihung, die vom Dichter zusammengestellt wird um 'ein Din, ein Geschehnis, (eine Sentenz) oder eine Tatsache auf breiterem Hintergrund erscheinen' zu lassen."

[232] Race, 1982, IX. As in the case of all rhetorical phenomena, a narrow definition of priamel can be subject to criticism. A good overview on the relationship of the priamel to other

definition to be considered is the one offered by Bundy: "the priamel is a focusing or selecting device, in which one or more terms serve as foil for the point of particular interest."[233]

According to these definitions, it seems possible to identify two priamels in the prelude. By means of the first priamel, the Athenian explains the various reasons to honour the best body. The legislator is in charge of praising the best body:

> τὰς δ'αὖ τιμὰς δεῖ σκοπεῖν, καὶ τούτων τίνες ἀληθεῖς καὶ ὅσαι κίβδηλοι, τοῦτο δὲ νομοθέτου. μηνύειν δή μοι φαίνεται τάσδε καὶ τοιάσδε τινὰς αὐτὰς εἶναι, **τίμιον εἶναι σῶμα οὐ τὸ καλὸν οὐδὲ ἰσχυρὸν οὐδὲ τάχος ἔχον οὐδὲ μέγα, οὐδέ γε τὸ ὑγιεινόν** – καίτοι **πολλοῖς ἂν τοῦτό γε δοκοῖ** – καὶ μὴν οὐδὲ τὰ τούτων γ' ἐναντία, τὰ δ' ἐν τῷ μέσῳ ἁπάσης ταύτης τῆς ἕξεως ἐφαπτόμενα **σωφρονέστατα ἅμα τε ἀσφαλέστατα** εἶναι μακρῷ (728d5–e4).

> though here again, we have to look at these values, and ask which are genuine and which are spurious. That is a matter for the lawgiver and he will indicate, I imagine, what these values are and of what kind they are; **the body to value being not the one which is beautiful, or strong or swift, or large or even healthy — though that is the answer many people would expect.** Nor again is it their opposites. No, it is what occupies the midpoint of this whole range **that show the greatest self-control and are the most steady by far.**[234]

To list the virtues of the best body is the job of the legislator and he would argue that the best body is not one which is beautiful, strong, swift, large or healthy, but rather the one which is moderate and steady. We read here a clear opposition between the opinion of the Athenian (through μοι φαίνεται), and the opinion of the masses, the *hoi polloi*. The Athenian lists a series of features for which the body is usually praised, i.e. beauty, strength, speed, dimension, and health, and these features serve as foil to allow him to reveal, at last, the

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rhetorical devices is offered by Race, 1982, 17–30. For our present case it will suffice to mention that the priamel differs from a simple *comparison* because of the larger number of terms that are mentioned; from the *praeteritio* because in the *praeteritio* there is no explicit opposition between the view of the speaker and the view expressed by the "others;" from a *list* because in a list we do not find the climactic element at the end. Generally speaking, the priamel distinguishes itself from other rhetorical forms because of the multiplicity of items that exist as "foils" and thus it highlights what is truly more important or more interesting per se.

[233] Bundy, d.e. 2006, 7 (first published 1962).

[234] Griffith, 2016, is modified here: ἀσφαλέστατα, is interpreted by Griffith as "the most safe" we argue however, that the Atheanian is talking here about the steadiness, the firmness of the body, and therefore the translation is here modified.

features belonging to the best body, i.e. self-control and steadiness. The true best features are expressed by two superlatives, and in the priamel they serve to single out and emphasise the term of interest above the rest.[235] In the case of the praise of the body, the statement (i.e., a good body is one that bides in the middle between the opposites) acquires more intensity thanks to the priamel. In his analysis of the prelude, Laks states that the advice for the correct honouring of the soul in the fifth book (726a–734e) rests on an implicit ranking of goods: body and wealth are subordinated to the soul.[236] However, we argue that in the prelude there is more than an implicit, general ranking. The Athenian, in order to express the single claims, makes use of several rhetorical and poetic devices, of which the priamel at 728d4–e4 is but the first example.

In his analysis of *Priamel der Werte*, Schmidt divides the priamels that he has investigated into four groups, according to their affinities in terms of form and function.[237] The first group, and the one that interests us the most, is called *zweipolig.* In the *zweipolig* priamel the author presents his own reflection as superior to that of "others." The most explicative example of this group is Tyrtaeus fr. 12 West, where the poet contrasts a series of commonly appreciated qualities (such as athletic prowess, strength, beauty, wealth, political power, eloquence) with his own preferred quality: valour in war. In the second book of the *Laws*, 660e-661e, the Athenian re-writes the words of Tyrtaeus and composes a similar priamel, which is also considered in this group by Schmidt. It is argued here that, similarly, in the above-mentioned passage (728d4-e4), the priamel consists of the opposition between the perspective of the lawgiver, μοι φαίνεται, and the perspective of the hoi polloi, πολλοῖς ἂν τοῦτό γε δοκοῖ.

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[235] In his study on Pindar, Bundy, 2006, 15, clarifies the relevance of superlatives in priamels and lists a significant number of examples: *Nem.* 6.58 (μάλιστα), *Pyth.* 6.45 (μάλιστα), *Isthm.* 7.2 (μάλιστα), *Ol.* 1.1 (ἄριστον), *Ol.* 1.100 (ὕπατον), *Ol.* 3.44 (ἀριστεύει and αἰδοιέστατος), *Ol.* 13.46 (ἄριστος), *Nem.* 5.18 (σοφώτατον), and many others. On the use of superlative in priamels, see also Race, 1982, 15.

[236] Laks, 2005, 141.

[237] Schmid, 1964, IX–XI. Besides the *zweipolig,* which is discussed in the following pages, the remaining groups are: (ii) the so-called *einpolig*, where the preference of the author is stated with no reference to other groups (*Od*. 14.222–228, Archil. 60D (114W), Eur. *Med.* 542–544, Callim. *Aet.* 3, fr. 75.44–49 and Her. 8.144); (iii) the third group comprises priamels that are not characterised by a negation between the author's choice and the opinions of others, i.e. the two different things have the same value (*Il*. 13.726–735, Pind. *Nem.* 8.37–39, Eur. fr. 660, Sappho fr. 16 etc.); (iv) the fourth group comprises anonymous examples of priamels that lack both the opinion of the others and the "I" of the author (Thgn. 255–256, Esdras 4.34–41). For a criticism of this division, and a review of other studies on priamel, see Race, 1982, 5.

By means of this rhetorical device, the Athenian both highlights his own preferred value and renders the passage more poetic. The stylistic choice does not surprise us, since, as Bundy has pointed out, in virtue of its introductive function, the priamel is "a good prooimial device."[238]

Furthermore, by means of this rhetorical device, Plato seems to follow the tradition of the poets who make use of the priamel to establish their own scale of values. Undoubtedly, the most famous example of priamel in the extant Greek literature is Sappho's fr. 16.1–4 Page, where Sappho differentiates between her love, and the desires of other people.[239] In fr. 12 West, Tyrtaeus claims in a list of twelve foils the values that were mostly praised at his time: the qualities are named both through the anaphora of οὐδ'εἰ and through references to emblematic mythical figures, i.e. the Cyclops for strength (3), the Boreas, god of the north wind, for speed (4), Tithonus for beauty (5), Midas and Cinyras for wealth (6), Pelops for royalty (7), and Adrastus for eloquence (8). Only after the list of these wellknown mythical examples does the poet reveal his own favoured virtue: the courage to stay and fight against the enemy.

All of the previous qualities are dismissed to highlight this very last one.[240] In the *Laws* book 2 (660e2–661c5), Plato refers to Tyrtaeus and makes use of

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[238] Bundy, d.e. 2006, 8. Bundy cites as example the proemium at Pind. *Ol*. 1.1–9, where water, fire, gold and sun exist as foil for the Olympian games, although the real climax comes with mention of Hieron.

[239] fr. 16.1–4: οἰ μὲν ἰππήων στρότον οἰ δὲ πέσδων // οἰ δὲ νάων φαῖσ' ἐπὶ γᾶν μέλαιναν // ἔμμεναι κάλλιστον, ἔγω δὲ κῆν' ὅττω // τις ἔραται, some say a host of horsemen, others of infantry, and others of ships, is the most beautiful thing on the dark hearth: but I say, it is what you love (Transl. by Page, 1955, 52. The fragment is echoed in the *Lysis*, where Socrates introduces the subject of friendship by means of a priamel: "one person has a desire to get horses, while for another it's dogs, for another, gold, for another, public honours; but as for me, I don't get excited about these things — what I'm absolutely passionate about is getting friends (211d–e)." For the literary scenes in the *Lysis* see Capra, 2003, 173–231. According to Capra, the elements of the priamel indicate the pastimes and courting approaches typical of the aristocratic class, Capra, 2003.

[240] A similar structure is found in Xenophanes 21B2 DK = D61 Laks–Most: the poet begins with a list of virtues that are usually praised. Unlike Tyrtaeus, though, his examples do not refer to mythical names but rather to athletic races, which are listed by anaphora of the disjunctive particle ἤ. Even though the poet acknowledges the winners in the different sports, he claims that a winner in races deserves much less praise than a man who is σοφός, since his σοφίη is more valuable than the strength of men and horses. The mention of the races and the prices that are destined to the winner allows the poet to remind the audience of the distance between the values of hoi polloi and his own chosen virtue.[240] Finally, in Thgn. 699–718 we read that the masses, πλῆθος ἀνθρώπων, regard becoming rich to be the most important, πλουτεῖν. In this case the poet does not account for his own scale of values, but he lists, through a negative anaphora, all of the virtues that are disregarded by the multitude (mentioning also, as his predecessor Tyrtaeus, the mythical figures that are famous for those qualities).

the structure of the priamel to extol the superiority of justice over courage. Even though Plato is not bound to respect the metre, there are clear similarties with Tyrtaues'poem: he re-uses some terms verbatim and shapes his priamel on Tyrtaeus' fr. 12 West.[241] What links these passages is the dissension of the poet from the traditional values praised by his contemporaries. As pointed out by Schmid, the poetic structure of the priamel at 660e2–661c5 expresses the polemical-paraenetic purpose that we read first in Tyrtaeus and later in Xenophanes and Theognis.

At 728d4–e4 the Athenian applies the same poetic-rhetorical device: he uses a priamel to praise the moderate body and thus by separating his own chosen form from the traditional one, he gives new emphasis to it. In this sense, the Athenian inserts himself into the tradition of polemic-paraenetic poets.[242]

Moreover, the priamel appears to be a central feature in the final part of the general prelude (726a–734e). In fact, the entire second half of the prelude is characterised by a broad agonistic structure. All citizens must compete with, and defeat the others in the contest of virtue. Towards the end of the prelude, at 730d2–7, the Athenian clarifies that the best citizen is not the one who does not commit injustice, nor the one who prevents others from committing injustice (although both of these are good citizens) but the one who assists the magistrates in inflicting punishments on the wrong-doers:

> τίμιος μὲν δὴ καὶ ὁ μηδὲν ἀδικῶν, ὁ δὲ μηδ' ἐπιτρέπων τοῖς ἀδικοῦσιν ἀδικεῖν πλέον ἢ διπλασίας τιμῆς ἄξιος ἐκείνου· **ὁ μὲν γὰρ ἑνός, ὁ δὲ πολλῶν ἀντάξιος ἑτέρων**, μηνύων τὴν τῶν ἄλλων τοῖς ἄρχουσιν ἀδικίαν. ὁ δὲ καὶ συγκολάζων εἰς δύναμιν τοῖς ἄρχουσιν, ὁ μέγας ἀνὴρ ἐν πόλει καὶ τέλειος, οὗτος ἀναγορευέσθω νικηφόρος ἀρετῇ (730d2–7).
>
> we should honour the person who does no wrong, certainly. But someone who will not accept wrong-doing in others either, when they do wrong, deserves twice the respect — **in fact, more than twice, since the first counts as one**

[241] For the similarities of *Leg.* 660e–661a and Tyrt. fr. 12 West see Schmid, 1964, 27–33.

[242] Schmid, 1964, 31–32, concludes that Plato "tut in diesem seinem Priamelabschnitt nichts anderes, als was auch Xenophanes und Theognis in ihren Priamelegien getan haben …Es handelt sich dabei trotz aller Polemik genauso wie bei Theognis und Xenophanes um eine formale Nachfolge, indem Platon die dichterische Aussagekraft der Tyrtatiospriamel seinem eigenen Anliegen nutzbar macht." In other words, through the poetic device of the priamel, Plato follows the tradition of the polemic-paraenetic poets, such as Tyrtaeus, Xenophanes (21B2 DK = D61 Laks–Most), and Theognis (699).

> **man, whereas he is as worthy many other men**,[243] when he reports the wrong-doing of others to authorities. But the person who, to the best of his ability, actually joins with the authorities in punishing wrong-doers — the great man in a city, its perfect citizen — in the price for human goodness, he shall be proclaimed the winner.

The educative message of the Athenian is conveyed here in the form of a priamel, where the mention of the two good citizens functions as foil for the mention of the greatest citizen. Thus, the mention of the two good citizens serves here to emphasise the remark about the "greatest" of all citizens, i.e. the one who actively joins in the enforcement of law-breakers. It should also be noted that to take up such an active role implies not only the obedience to the laws, but an active effort to promote them. The Athenian, that is, is looking for something more than a passive assent.[244] Also, the ranking of citizens provided here hints at the idea that the Athenian envisages a virtuous development in the education of the citizen. The more one is convinced of the aims of the laws, the more he will be active in ensuring the supremacy of them.

Also, at 730d4–5, we read a possible reference to *Il*. 11.514. The Athenian states that the good citizen "who reports others' wrong-doing to the authorities, **is as worthy as many other men**," **ὁ δὲ πολλῶν ἀντάξιος ἑτέρων**, μηνύων τὴν τῶν ἄλλων τοῖς ἄρχουσιν ἀδικίαν (730d4–5). The same expression, i.e. ὁ δὲ πολλῶν ἀντάξιος ἑτέρων, is found in the *Iliad,* spoken by Idomeneus who asks Nestor to bring the wounded Machaon on his chariot, i.e. out of the battle:

> ὦ Νέστορ Νηληϊάδη μέγα κῦδος Ἀχαιῶν / ἄγρει σῶν ὀχέων ἐπιβήσεο, πὰρ δὲ Μαχάων / βαινέτω, ἐς νῆας δὲ τάχιστ᾽ ἔχε μώνυχας ἵππους·/ **ἰητρὸς γὰρ ἀνὴρ πολλῶν ἀντάξιος ἄλλων** /— ἰούς τ᾽ ἐκτάμνειν ἐπί τ᾽ ἤπια φάρμακα πάσσειν (*Il*. 11.511–514).

> Nestor, son of Neleus, great son of the Acheans / come, mount your chariot, and let Machaon mount beside you and drive your single-hoofed horses with all speed to the ships; a healer who has the skill to cut out arrows and apply soothing ointments is worth a great number of other men.

The precious value of Machaon indicates a recognition of value in the art of medicine and, moreover, a specialisation and a distinction of tasks within the group. The same value is attributed to the expression literally cited at *Symp*.

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[243] Griffith, 2016, 174 translates: "whereas he counts as many," we slightly modified the translation in accordance with the translation of the expression in the following occurrences: Il. 11.514, Pl. *Symp*. 214b7, *Plt*. 297e11.

[244] On the responsibility of the citizens in their path to virtue, see Annas, 2017, 104–106.

214b7, when Alcibiades, in reply to Eryximachus' question on how to proceed with the symposium, says that they will do as he prescribes, since "it is necessary to obey you, in fact **a physician is as worthy as many other men**," δεῖ γάρ σοι πείθεσθαι, **ἰητρὸς γὰρ ἀνὴρ πολλῶν ἀντάξιος ἄλλων** (214b6–7). The third occurrence of the expression is found in *Politicus* 297e11–12, where the Stranger uses two images to illustrate the role of kingly rulers: the image of the captain of the boat and that of "**the physician who is worth as much as many other men**," **τὸν ἑτέρων πολλῶν ἀντάξιον ἰατρόν** (297e12). While both the *Symposium* and *Politicus* πολλῶν ἀντάξιος ἑτέρων cite the Iliadic verse more precisley, by referring to the physician, in the prelude the reference is modified and adapted to indicate the good citizen, who would be "as worthy as many other men" when reporting other's wrongdoing.[245] In other words, in the prelude, the poetic reference to the *Iliad* is actively appropriated and put into service to the principle of the Athenian: the citizen worthy as many other men is the one who reports injustice to the authorities.[246]

As previously stated, the poetic-rhetorical device of priamel is employed by many paraenetic poets, and Hesiod uses a reverse priamel in the *Works and Days* to extol the worst man:

> οὗτος μὲν πανάριστος, **ὃς** αὐτῷ πάντα νοήσει, φρασσάμενος τά κ' ἔπειτα καὶ ἐς τέλος ᾖσιν ἀμείνω· ἐσθλὸς δ' αὖ καὶ κεῖνος, **ὃς** εὖ εἰπόντι πίθηται· **ὃς** δέ κε μήτ' αὐτὸς νοέῃ μήτ' ἄλλου ἀκούωνἐν θυμῷ βάλληται, ὁ δ' αὖτ' ἀχρήιος ἀνήρ (*Op.* 293–297).
>
> **the man who** thinks of everything by himself, considering what will be better, later and in the end—this man is the best of all. That man is fine too, **the one who** is persuaded by someone who speaks well. But **whoever** neither thinks by himself nor pays heed to what someone else says and lays it to his heart—that man is good for nothing.

In this passage, the two less worthy men (the man who is persuaded by someone, and the one who does not listen to any advice), listed through the anaphora of ὃς, occupy respectively the second and third level. It follows that the priamel has its climactic element at the beginning, while the following foils

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[245] Hainsworth, 1993, 280, notes that expressions such πολλῶν ἀντάξιος, which can be compared to ἀντὶ νυ πολλῶν (*Il*. 9.116), are easily composed and reflect elements of the oral style. In the present case, the fact that the expression is quoted twice in the Platonic corpus suggests that also in the *Laws* it is a question of poetic reference.

[246] According to Labarbe, 1949, 226, the Homeric expression "pastichée dans les Lois" did not have a proverbial value in Plato's time. On the contrary, it was probably read in his *Iliad* and known by heart.

accentuate it. The stress in the passage is not so much on the social status or moral view, but rather on the attitude that is most praiseworthy.[247] This same structure, that is, a reverse order of the priamel, where the climax serves to emphasise the man who deserves blame, can be found few lines later in the prelude:

> **καὶ τὸν μὲν** μεταδιδόντα ὡς ἀκρότατον χρὴ τιμᾶν, **τὸν δ'** αὖ μὴ δυνάμενον, ἐθέλοντα δέ, ἐᾶν δεύτερον, **τὸν δὲ** φθονοῦντα καὶ ἑκόντα μηδενὶ κοινωνὸν διὰ φιλίας γιγνόμενον ἀγαθῶν τινων αὐτὸν μὲν ψέγειν τὸ δὲ κτῆμα μηδὲν μᾶλλον διὰ τὸν κεκτημένον ἀτιμάζειν, ἀλλὰ κτᾶσθαι κατὰ δύναμιν (730e4–731a2).
>
> **And the person who** does share them (scil. temperance, σωφροσύνη, and wisdom, φρόνησις) should be valued as highly as possible. **The one who** would like to share, but lacks the ability, we should leave in second place. **As for the one who** is envious[248], who refuses to share in friendship any of his good qualities with anyone, then while he deserves blame[249], we should not any the less value the good he possesses, just because of the person possessing it. Rather, we should make every effort to acquire it.

The Athenian is stating that the citizen who shares virtue is best; second best is the one who is willing to share it, but is unable to, while last comes the envious citizen who refuses to share his virtue with anyone. The problem of jealousy, which is a "rhetorical topos of praise" concerns also the competition to be most virtous citizen.[250] In Pindar, the encomiastic poet par excellence, the φθόνος is a response to the great achievements of others athletes who are seen as separated by the community in their aspiration to go beyond their human limits.[251]

For the Athenian, it is important that the most laudable citizen is the one who shares his virtues with others, so that they entire city can benefit from it.

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[247] West, 1978, 230–231. According to Arrighetti, 1998, 428–429, there is little doubt that Hesiod, by defining as ideal man the one who thinks by himself and gives advice to others, is referring to himself.

[248] Griffith's translation of φθονοῦντα as "the one who is grudging" is here modified with "the envious"

[249] Ψέγειν is here translated by "to deserve blame" rather than "to deserve criticism," as in Griffith, 2016.

[250] On φθόνος in Pindar, see recently Carey, 2007, 203.

[251] See e.g. Pind. *Pyth.* 1, the poet explains that townsmen secretly grieve when hearing of others' success; in *Pyth*. 7, the noble deeds of Meglacles are received with φθόνος; in *Ol.* 6 it is a question of the increasing φθόνος towards those who "drive fast the twelve-laps" and are blessed by divine favour. On the narrative of φθόνος cf. Eidinow, 2016, 103–106.

As Kurke recently argues, Pindar's poetic strategy of easing the envy of the fellow citizens includes both the athlete and the city in the poem (as paradigm of *megaloprepeia*) and in the celebration of victory.[252] Thus, the achievement, the athletic victory for Pindar, the acquisition of virtue for Plato, becomes a common good, and also in the case of the envious citizen the virtues he possesses should be acquired for the good of all. Earlier, at 730e1–3 a praise is said to be necessary for those virtues that can be shared with others:

> τοῦτον ἔπαινον καὶ περὶ σωφροσύνης χρὴ λέγειν καὶ περὶ φρονήσεως, καὶ ὅσα ἄλλα ἀγαθά τις κέκτηται δυνατὰ μὴ μόνον αὐτὸν ἔχειν ἀλλὰ καὶ ἄλλοις μεταδιδόναι (730e1–3).
>
> praise should also be composed to temperance and wisdom, as also to any other goods which allow their owner not merely to display them in his own person, but also to give a share in them to others as well.[253]

By making explicit the laudable behaviour and the one worthy of reproach, the Athenian warns against envy and at the same time he exhorts the citizen to adapt the former behaviour.[254]

In short, it has been noted that the poetic device of priamel is not often found in the works of the orators, probably because "they are on the whole concerned with forensic oratory and priamel — basically a poetic form — has little place."[255] There exist more examples of priamels in the epideictic speeches of Isocrates, but in this case "the orator is consciously adapting poetic techniques to his oratory."[256] Thus the priamel, and the poetic influence of Pindar serves, on the one hand, to elevate the style of the speech by means of a poetical

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[252] Kurke, 2013, 170–173 (first published 1991). Kurke's idea is that Pindar aims at "combining" the victor and the city, cf. for instance *Nem*. 4.11–13 and *Pyth.* 12.4–6 where the city is asked to receive the crown of victory; *Ol*. 4.8–12, where the victor Psaumis is eager to bring glory to his city; and *Nem.* 5.4–5, 7–8, where Pytheas, by winning, has glorified his mothercity. For the motif of envy in Pindar, cf. Vallozza, 1989.

[253] Griffith's translation ("the same approval should also be given to self-control") is here modified.

[254] On jealousy as something dangerous for the city, see also Brisson, 2000, 224. England, 1921, 485, links the three types of men described at 730e4–731a2 with the possession of φρόνησις, since "it is hard to imagine a man who would grudge to others the possession of the latter characteristic (scil. σωφροσύνη), while having it himself."

[255] Race, 1982 17.

[256] Race 1982, 112. Although it is possible to find other few examples of priamel in Greek prose (e.g. Hdt. 1.1, 8.144, discussed by Schmid, 1964, 46–48 and Thuc. 1.86.3) the priamel remains a rhetorical device primarily used in poetry, Race, 1982, 112–113.

rhetorical device, and, on the other hand, to emphasise the encomiastic nature of the prelude.[257]

b. The best inheritance for the children

Proceeding in his exhortation to the citizens to approve the new legislation, the Athenian urges the inhabitants of Magnesia to embrace the virtue of αἰδώς.[258] At 729b1, the Athenian claims that, rather than property and large amounts of money, the best treasure parents can possibly leave to their children is the virtue of αἰδώς: παισὶν δὲ **αἰδῶ** χρὴ πολλήν, **οὐ χρυσὸν** καταλείπειν, *what we should leave our children a lot of is* ***reverence,***[259] ***not money*** (729b1).

As Schöpsdau has observed, this precept recalls a maxim attributed to Theognis (409–410),[260] according to which there is no greater treasure that Cyrnus can leave to his children than reverence, which is a hallmark of virtuous men:

> οὐδένα θησαυρὸν παισὶν καταθήσει ἀμείνω / αἰδοῦς, ἥτ' ἀγαθοῖσ' ἀνδράσι, Κύρν', ἕπεται (Thgn. 409–410).
>
> no treasure greater than reverence, Cyrnus, will you leave your sons, which clings to men of class.[261]

There are some evident similarities between the two sayings: (i) they deal with the inheritance which is to be left to one's own sons, (ii) they claim that no "gold /money*"* can be more valuable than "reverence." We cannot be sure whether Plato had Theognis in mind when describing the value of αἰδώς, but we do know that he is referring to precepts that were common at his time. In fact, the sentiment of αἰδώς, he claims, is not instilled in the young by the

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[257] The structure of the priamel is in fact very often employed in encomiastic poetry, cf. Bundy, d.e. 2006, where he analyses various different kinds of priamels in the encomiastic works of Pindar.

[258] Similar message is conveyed also at 698b6, 701b2–3.

[259] Griffith translates αἰδώς with "respect," yet, we believe that "reverence" better conveys the meaning of the word in this context.

[260] Schöpsdau, 2003, 260–261.

[261] Tranls. by West, 1993. The ἀγαθοί are outlined at 34 as the ones possessing wealth and influence (μεγάλην δύναμιν ἔχοντες). As Van Groningen, 1966 24, has pointed out: "for the aristocrat Theognis, the political influence and social prestige are – or should be – prerogative of the nobles, who possess all virtues." Hence the translation above quoted "men of class" by West.

teachings of the elders, when they recommend the young to pay reverence to everyone (729b3–5).[262]

In the clause within the couplet Theognis tells us that "reverence" is the hallmark of the virtuous people, i.e. αἰδώς is what distinguishes them as good men. Hence, according to Theognis, children have to be taught to show reverence (to the elders), so that they can become and be acknowledged as virtuous men. The Athenian expands this precept: a few lines later, he explains that the old man should pay reverence to the young, as much as the young is expected to pay reverence to the old:

> ὁ δὲ ἔμφρων νομοθέτης τοῖς πρεσβυτέροις ἂν μᾶλλον παρακελεύοιτο αἰσχύνεσθαι τοὺς νέους (729b4–5).
>
> better advice, from a lawgiver with his wits about him, would be that the old must show respect for the young.

The Athenian overturns here the traditional teaching that sees the young showing respect to their elders and argues for the right of the young to receive respect.[263] The general and innovative idea of the Athenian is that children would learn more by the examples of the elders rather than by precepts and rebukes addressed to them. The wise legislator would exhort the elders to pay respect to the young, and to act in ways that cannot be misleading for the young. Here the Athenian stresses the value of examples:

> καὶ πάντων μάλιστα εὐλαβεῖσθαι μή ποτέ τις αὐτὸν ἴδῃ τῶν νέων ἢ καὶ ἐπακούσῃ δρῶντα ἢ λέγοντά τι τῶν αἰσχρῶν, ὡς ὅπου ἀναισχυντοῦσι γέροντες, ἀνάγκη καὶ νέους ἐνταῦθα εἶναι ἀναιδεστάτους (729b7–c1).
>
> above all, they must be careful not to allow any of the young to see them, or, for that matter, hear them, doing or saying anything they should be ashamed of — since where the old have no sense of shame, the young, too, are inevitably lacking in respect.

Even if the Athenian is not specifically alluding to Theognis' precept, we can deduce from the passage that he is reformulating precepts and values that were

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[262] *Leg*. 729b3–5: τὸ δ' ἔστιν οὐκ ἐκ τοῦ νῦν παρακελεύματος τοῖς νέοις γιγνόμενον, ὃ παρακελεύονται λέγοντες ὡς δεῖ πάντα αἰσχύνεσθαι τὸν νέον, "but the reality is that this is not the effect of the lecturing the young get nowadays, lectures telling them the young should show respect for everybody."

[263] For the more traditional view that the old age is worthier of respect see *Leg*. 690a and esp. 879c.

common at his time and that were made famous by the poets. What is more, the Athenian's exhortation is conveyed in the form of a gnomic sentence, whose second part echoes the rhythm of a hexameter: … χρυσὸν καταλείπειν.

We face, once again, the Athenian's constant confrontation with the traditional system of values promoted by the poets. The Athenian starts his argument by taking over a general poetic precept, i.e. that reverence is more precious than gold, and then elaborates it to serve his own purposes.

c. The competition among citizens to achieve the best virtue

In the second half of the prelude, the Athenian makes a comparison between athletic victories and victories in law-abiding behaviour. The Athenian patently argues for the latter: law-abiding behaviour is better for the city than athletic victory. The Athenian is certainly not the first one to make this claim; similar ideas are first found in Xenophanes to claim that a city benefits more from wisdom than from athletic victories and then in Euripides, who, in a fragment preserved by Athenaeus, argues that i) athletes are the worst for a city, and ii) just and wise men deserve to be crowned with leaves more than athletic winners. In the table below, we first read the text of the *Laws* and then the fragments of Xenophanes and Euripides (fr. 282 Kann.):

> εἰς μὴν πόλιν καὶ πολίτας μακρῷ ἄριστος ὅστις πρὸ τοῦ Ὀλυμπίασιν καὶ ἁπάντων ἀγώνων πολεμικῶν τε καὶ εἰρηνικῶν νικᾶν δέξαιτ' ἂν δόξῃ ὑπηρεσίας τῶν οἴκοι νόμων, ὡς ὑπηρετηκὼς πάντων κάλλιστ' ἀνθρώπων αὐτοῖς ἐν τῷ βίῳ (729d5–e1).
>
> As far as the city and its citizens are concerned, the best person by far is the one who would turn down victory in the Olympic Games, or any contest in wartime and peacetime, in favour of a gold medal for service to the laws of his country — and the reputation of having served them, in his lifetime, better than anyone.

Table 2

Xenophanes 21 B2 DK= D61 Laks-Most, 10–14, 20–21	**Euripides 282 Kann. 1–4, 23–25**
ῥώμης γὰρ ἀμείνων / ἀνδρῶν ἠδ’ ἵππων ἡμετέρη σοφίη. / ἀλλ’ εἰκῇ μάλα τοῦτο νομίζεται, οὐδὲ δίκαιον / προκρίνειν ῥώμην τῆς ἀγαθῆς σοφίης. … σμικρὸν δ’ ἄν τι πόλει χάρμα γένοιτ’ ἐπὶ τῶι, / εἴ τις ἀεθλεύων νικῷ Πίσαο παρ’ ὄχθας. For better than strength / of men or horses is our wisdom. / But this custom is quite haphazard, and it is not just / to prefer strength to good wisdom. / … The city would derive little pleasure from him, / if someone wins the competitions besides the banks of the Pisa, / for this does not fatten the city’s store chambers.	κακῶν γὰρ ὄντων μυρίων καθ’ Ἑλλάδα / οὐδὲν κάκιόν ἐστιν ἀθλητῶν γένους. / οἳ πρῶτον οἰκεῖν οὔτε μανθάνουσιν εὖ / οὔτ’ ἂν δύναιντο· … ἄνδρας χρὴ σοφούς τε κἀγαθοὺς / φύλλοις στέφεσθαι, χὥστις ἡγεῖται πόλει / κάλλιστα σώφρων καὶ δίκαιος ὢν ἀνήρ. Of all Greece’s countless evils, none is worse than the tribe of athletes. They never learn to dwell virtuous lives, nor they are able to. … I think we should crown wise and virtuous men: the moderate and just man is best at leading the state.

According to the Athenian, the man who deserves the most honour is the man who aims to acquire victory and fame in the field of law-abiding behaviour. For Xenophanes, wisdom is better than success in athletics and in the fragment by Euripides, the men who really deserve to be crowned are the right and just men that lead the state in the most beautiful way. Earlier poets thus conveyed the same idea that the Athenian suggests in the *Laws*. What is more, the athletic imagery employed — through a vocabulary of contests and prizes — pervades the broader context of the prelude (esp. 730b) and epinician themes are used to present the Athenian’s thoughts on civic education.

As previously mentioned, the poetic device of priamel is frequently found in Pindar’s epinician poetry. Therefore, it does not come as a surprise to notice in this part of the prelude a vocabulary that recalls epinician odes. Just as the athletes defeat their rivals in wrestling or chariot races, the virtuous citizen defeats his rival in the *agon* of virtue, in which all citizens must compete. In the table below all the terms that recall an epinician context are underlined.

Tabel 2

Laws, 730d4–7**; 731a2–b2**	
ὁ δὲ καὶ συγκολάζων εἰς δύναμιν τοῖς ἄρχουσιν, ὁ μέγας ἀνὴρ ἐν πόλει καὶ τέλειος, **οὗτος ἀναγορευέσθω νικηφόρος ἀρετῇ** … **φιλονικείτω δὲ ἡμῖν πᾶς πρὸς ἀρετὴν ἀφθόνως.** ὁ μὲν γὰρ τοιοῦτος **τὰς πόλεις αὔξει, ἀμιλλώμενος** μὲν αὐτός, **τοὺς ἄλλους δὲ οὐ κολούων διαβολαῖς· ὁ δὲ φθονερός, τῇ τῶν ἄλλων διαβολῇ δεῖν οἰόμενος ὑπερέχειν,** αὐτός τε ἧττον συντείνει πρὸς ἀρετὴν τὴν ἀληθῆ, τούς τε **ἀνθαμιλλωμένους** εἰς ἀθυμίαν καθίστησι τῷ ἀδίκως ψέγεσθαι, καὶ διὰ ταῦτα **ἀγύμναστον τὴν πόλιν ὅλην εἰς ἅμιλλαν ἀρετῆς ποιῶν, σμικροτέραν αὐτὴν πρὸς εὐδοξίαν τὸ ἑαυτοῦ μέρος ἀπεργάζεται.**	But the person who, to the best of his ability, actually joins the authorities in punishing wrong-doers — the great man in a city, its perfect citizen — **he shall be proclaimed the winner.** … **Everyone should be fond of victory when it comes to virtue, but without envy**.[264] The kind of person **who will make cities great is the one who enters the competition himself without ever using slander to cut others down to size, whereas the one who grudges others their success, and thinks he can only come out on top by slandering them**, relaxes his own efforts in the direction of true virtue, and at the same time demoralises **his competitors** by finding fault with them unfairly. **Consequently, his only contribution, when it comes to the contest for virtue,[265] is to leave the city as a whole in poor shape and diminished in reputation**.

Competitiveness in sport is re-directed by the Athenian towards civic virtue.[266] In the first lines (730d4–7), the Athenian states that the best citizen "who is to be proclaimed perfect and the bearer of victory in virtue," is the one who assists the magistrates in punishing wrong-doers. The passage clearly invokes a broad agonistic context. The passage relies on the metaphor of athletic competition, by using terms such as ἀνθαμιλλάομαι, "be rivals" (731a8), ἀγύμναστον, "in poor shape, unexercised, untrained" (731b1); ἅμιλλα, "contest, contest for superiority, race," (731b2). Other expressions related to epinician motifs are,

[264] Griffith, 2016, translates the phrase more freely: "what we want is a competition in human goodness, universal, but conducted in a generous spirit."

[265] Griffith, 2016 translates πρὸς ἀρετὴν τὴν ἀληθῆ and εἰς ἅμιλλαν ἀρετῆς, respectively "in the direction of true goodness" and "when it comes to the prize for godness." We prefer a more literal translation.

[266] As Annas, 2017, 158–159, points out, the the principles of a good society are not imposed in a top-down way, but they are rather encouraged in the everyday practice.

for example, νικηφόρος,[267] "winner, bearer of victory," and τὰς πόλεις αὔξω, "to make cities great by one's on deeds" (731a3–5). As can be expected, such expressions are common in Pindar: νικαφόρῳ (Ἀριστοκλείδᾳ) *Nem*. 3.67; (στεφάνων) νικαφόρων *Isthm*. 1.22, νικαφόροις (ἀέθλοις) *Pyth*. 8.26, νικαφόρου (τετραορίας) *Ol*. 2.5, νικαφόρον (ἀγλαΐαν) *Ol*. 13.14, νικαφόροις (ἔργμασιν) *Nem.* 1.7 and νικαφόροις *Ol.* 1.115b. The term ἅμιλλα occurs in Pind. *Ol*. 5.6, *Nem*. 9.12 and *Isthm*. 5.6, 7.50. As for the expression, τὰς πόλεις αὔξω, one can compare Pind. *Ol*. 5.4 and *Pyth.* 8.38.[268]

Although the agonistic vocabulary and the motifs of epinician poetry had passed into prose already before Plato,[269] we would argue that here it is employed because it best fits the expression of civic competition, which structures the entire passage. As we have seen in the introduction, the main task of the legislator and of the new legislation itself is education. In Magnesia, education is implemented through choral art ("choral performance, taken as a whole, was the same as education, taken as a whole," ὅλη μέν που χορεία ὅλη παίδευσις ἦν ἡμῖν, 672e5–6) and, what is more, the law code itself, especially its preludes, are meant as tools for persuading the audience of the necessity to live up to a correct set of values.[270]

From this perspective, Morgan, in a recent study, has studied the implications of a universal process of education and its connections with poetic structures of praise and blame: the dominant model of life within the city of Magnesia appears to be that of competition, especially in sports events and this sort of competition has its own praise genre. Since each single human action has to be subjected to the praise or blame of the legislator, the analogy with athletic training is a very effective one. Law-abiding behaviour is more profitable for the city than athletic victory and the motif of the context for

[267] The term is listed as a poetic term in Fatouros, 1966, 260.

[268] For Pindar's texts cf. Gildersleeve, 1965, Kirkwood, 1982; Gerber, 1982;

[269] Thucydides appears to have been significantly influenced by epinician poetry (see Hornblower, 2004, 44–51; 273–353), and the Athenian genre of funeral orations combined the praise of the war dead with praise of civic institutions, see Loraux 1986.

[270] Morgan, 2013, 265–266. The structure of praise and blame occurs in more passages than can be discussed here, but see e.g. 8.841d6–e4 for disapproval of an extramarital relationship and, and 9.881b4–c for the praise of a resident alien who helps a parent who is being beaten, cf. Folch, 2015, 170–172. For praise and blame pervading all aspects of private life where law cannot be enforced, see Folch, 2015, 168–173. Public praise and blame are strongly encouraged in Magnesia, among other activities also for choral and athletic performances, cf. 7.801d–802d, 8.822e–823a, 8.829c–e, 8.835a, and Prauscello, 193–196.

virtue and its prizes serves as incentive for the morally correct life.[271] The discourse of praise and blame becomes thus the main tool for instructing and exhorting the citizens to adopt a virtuous behaviour.[272] The virtuous man is not only an excellent citizen himself but he is in charge of the good behaviour of the other citizens as well.[273] The prize of the contest is a well-regulated city.[274]

Finally, two more observations should be made in relation to the use of poetic references in the speech of the Athenian: χαλεπὸν γῆρας, at 730c7 and φίλος αὐτῷ πᾶς ἄνθρωπος φύσει τέ ἐστιν at 731e2. At 730c the passage depicts an old man who, having refused to live according to truth, spends the last part of his life abandoned by his friends and family:

> ἄφιλος γὰρ δὴ πᾶς ὅ γε ἄπιστος καὶ ἀμαθής, χρόνου δὲ προϊόντος γνωσθείς, εἰς τὸ **χαλεπὸν γῆρας** ἐρημίαν αὑτῷ πᾶσαν κατεσκευάσατο ἐπὶ τέλει τοῦ βίου, ὥστε ζώντων καὶ μὴ ἑταίρων καὶ παίδων σχεδὸν ὁμοίως ὀρφανὸν αὐτῷ γενέσθαι τὸν βίον (730c6–d2).
>
> for being unreliable or a fool, is a recipe for friendlessness: time passes, he become known for what he is and by the end of his life he has created, **for the harshness of his old age**, complete solitude for himself. Whether or not he has friends and children still living, it makes no difference — either way he lives in a state of bereavement.

As aptly noted by Morgan, the image might recall Pindar's *Ol.* 1, where the old man sits in the darkness in a nameless old age, having refused, out of cowardice, to undertake memorable deeds:

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[271] For further examples where the Athenian resorts to praise, and its indebtness to epinician tradition cf. Morgan, 2013, 270–283.

[272] Later, at 732e–733a, the Athenian praises the virtuous life not only because of the fame that derives from it (732e7–733a1), but also because it is the most pleasant (733a1–4), cf. Laks, 2005, 142–143.

[273] A significant difference between athletic and civic performance is that the Athenian expects citizens to evaluate others' citizens civic virtues, cf. Morgan, 2013, 273–274.

[274] Besides the use of a general agonistic vocabulary, Morgan notes that the mention of time and competitive situation as revealers of truth at 730c7–d2, hearkens back to Pind. *Ol*. 8.2, where the city of Olympia is defined as *queen of truth* (Οὐλυμπία δέσποιν' ἀλαθείας) and *Ol.* 10, where Time is described as the one who alone reveals genuine truth: ὅ τ'ἐξελέγχων μόνος / ἀλάθειαν ἐτήτυμον / Χρόνος, "one who alone puts genuine truth to the test, Time" *Ol.* 10.53–55. According to Morgan, 2013, 274, the entire passage at 730d2–731b3 is "saturated with themes of epinician poetry" and it is defined in terms of a "broad agonistic structure."

> ὁ μέγας δὲ κίνδυνος ἄναλκιν οὐ φῶτα λαμβάνει. / θανεῖν δ' οἶσιν ἀνάγκα, τά κέ τις **ἀνώνυμον / γῆρας** ἐν σκότῳ καθήμενος ἕψοι μάταν, / ἁπάντων καλῶν ἄμμορος (*Ol*. 1.81–4).
>
> great risk does not take hold of a cowardly man. But since men must die, why would anyone sit in darkness and coddle **a nameless old age** to no use, deprived of all noble deeds?

In the poem, nameless old age awaits the man who does not take great risk: it is an undesirable epilogue. As in Pindar, by picturing the undesiderable alternative to a life in the name of truth in the prelude, the Athenian praises the admirable behaviour.[275] However, in this passage, the Athenian is also transposing and adapting to his speech, a Homeric juncture to his speech: χαλεπὸν γῆρας, "harsh old age." Such a juncture is found thrice (only) in Homer: *Il*. 8.103, 23.623; *Od*. 11.196. In the *Iliad*, "harsh old age" relates to the physical weakness. In the first case (*Il*. 8.103), Nestor is too old to compete with fast younger warriors and is thus helped by Diomedes (χαλεπὸν δε σε γῆρας ὀπάζει, "harsh old age chases you" 8.103) and in the second case (*Il*. 23.623) Odysseus assigns the fifth prize in the games to Nestor (a bowl with handles on both sides as memory of Patroclus' funerals, 23.614–615) since he will never again participate again in the competitions of the young, in fact "old age hastens," ἤδη γὰρ χαλεπὸν κατὰ γῆρας ἐπείγει, (23.623). Lastly, in *Odyssey* book 11, in the underworld, Odyseeus meets his mother, who tells him that his father sleeps on fallen leaves as pallets and suffers in his heart for the son's destiny: "and harsh old age has come", χαλεπὸν δ'επὶ γῆρας ἱκάνει (11.196). In the last case, old age occurs in a context of emotional sufferance rather than physical weakness. In Homer "harsh old age" is always related to praiseworthy men.[276] In the Platonic prelude, although the solitude of old age might recall Pindar's ode (also in light of the various epinician terms that are present in the passage) the Athenian does not talk of a ἀνώνυμον γῆρας, "nameless old age" (as Pindar does) but rather of a χαλεπὸν γῆρας, an expression generally associated with Nestor (the oldest of the Achaeans) but which in the prelude characterises the old man, ἄπιστος and ἀμαθής. Homer's juncture is thus employed in a new context, to depict an old age that is to be avoided.

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[275] For Pindar poetic strategy of praise, see Gerber, 1982, 124–132.

[276] For the paradigmatic value of Nestor in the Homeric poems, see Bettin, 1979. For the figure of Nestor as paradeigma of wisdom and temperance in *Resp*. X cf. Regali, 2016b, 173–186, with bibliography.

The next poetic reference occurs at 731e. Here the Athenian explains that the worst evil (πάντων δὲ μέγιστον κακῶν) is innate in the soul of each individual. Everyone forgives themselves for it, and no one ever tries to escape it (731d6–e1). At this point he introduces such a "worst evil" through a well-known saying:

> τοῦτο δ' ἔστιν ὃ λέγουσιν ὡς φίλος αὐτῷ πᾶς ἄνθρωπος φύσει τέ ἐστιν καὶ ὀρθῶς ἔχει τὸ δεῖν εἶναι τοιοῦτον (731e2).
>
> I mean the popular saying that 'every human being is his own best friend' in the nature of things, and rightly so.

After the quote, it follows an elaboration of it follows, that is, the Athenian illustrates the reason why the love of self is detrimental to a universal love of truth:

> τυφλοῦται γὰρ περὶ τὸ φιλούμενον ὁ φιλῶν, ὥστε τὰ δίκαια καὶ τὰ ἀγαθὰ καὶ τὰ καλὰ κακῶς κρίνει, τὸ αὐτοῦ πρὸ τοῦ ἀληθοῦς ἀεὶ τιμᾶν δεῖν ἡγούμενος (731e5–732a1).
>
> the lover is blind where the thing he loves is concerned, and this makes him a poor judge of what is just, or what is good, or what is fine, because he always thinks he must put a higher value on himself than on the truth.

The Athenian thus starts by introducing a popular maxim: φίλος αὐτῷ πᾶς ἄνθρωπος φύσει τέ ἐστιν (731e2). The saying is known to us because it occurs at Euripides' *Medea* (86), Sophocles' *Oedipus at Colonus* (308–309) and Euripides' fr. 452 Kann. In *Medea,* it is the paedagogus who, in relation to the acts of Jason, asks the old-slave if she has not yet realized that "everyone loves himself more than his neighbour": ὡς πᾶς τις αὐτὸν τοῦ πέλας μᾶλλον φιλεῖ (85–86). The scholiast regards this verse as proverbial.[277] In the *Oedipus at Colonus*, the expression is used as good omen by Oedipus to Theseus, who is hurring to meet him: "by coming he'll bless the city, not just me. What noble man is not his own best friend?" Ἀλλ' εὐτυχὴς ἵκοιτο τῇ θ'αὑτοῦ πόλει / ἐμοί τε· τίς γὰρ ἐσθλὸς οὐχ αὑτῷ φίλος; (308–309).[278]Again, a gnomic value is

[277] Wecklein, 1880, 41, refers, for the proverbial value of the verse to Ter. *An*. 426: verum illud verbumst volgo quod dici solet, / omnis sibi malle melium esse quam alteri. Cf. also Mastronarde, 2002, 179.

[278] The final phrase is rather elliptical but Oedipus is saying that a valourous man, while following his own interests, serves the interest of his city as well, because a well-governed

attached to the expression. In the fragment attributed to Euripides the value of the gnomic sentence is probably clearest: ἐκεῖνο γὰρ πέπονθ' ὅπερ πάντες βροτοί ·/ φιλῶν μάλιστ' ἐμαυτὸν οὐκ αἰσχύνομαι, "I am subjected to that all mortals are subjected: I have no shame in being my own best friend" (fr. 452 Kann.). The sentence is elaborated in the prelude, thus instead of using it acritically, the Athenian quickly changes it with a more correct one, that is, one that best suits his own idea: τυφλοῦται γὰρ περὶ τὸ φιλούμενον ὁ φιλῶν, 731e5.

In other words, the popular saying is recalled in the prelude only to clarify the fallacious principle that lies behind it, and instead of it the Athenian exhorts citizens to embrace his own morally correct sentence.

P2: Prelude on the Marriage Law (4.721b6–d7 and 6.772e7–774a2)

The prelude at 721b6–d7 concerns marriage.[279] After a digression on the utility and purpose of preludes, the Athenian gives an example of how a prelude should be written. The law taken into consideration focuses on marriage, this being a prerequisite for the legislation on births. The Athenian begins with the "single law" (ἁπλοῦς νόμος) and claims that a man should marry between the age of thirty and thirty-five years old, or otherwise he will have to pay both a fine and in terms of dishonour, ζημιοῦθσθαι χρήμασίν τε καὶ ἀτιμιᾷ (721b1–3). Then the Athenian develops the prelude to the law: (i) the desire for immortality is innate in every man; (ii) each and every man seeks for eternal glory; (iii) humankind is bound up with Time and by leaving a posterity behind them, men confirm their participation in eternity. Our claim is that both the themes and the language of this prelude refer to the poetic world. For the sake of clarity, it will be useful to quote the passage at length:

> Ὁ μὲν ἁπλοῦς ἔστω τις τοιοῦτος περὶ γάμων, ὁ δὲ διπλοῦς ὅδε — Γαμεῖν δέ, ἐπειδὰν ἐτῶν ᾖ τις τριάκοντα, μέχρι τῶν πέντε καὶ τριάκοντα, διανοηθέντα ὡς ἔστιν ᾗ τὸ ἀνθρώπινον γένος φύσει τινὶ μετείληφεν ἀθανασίας, οὗ καὶ πέφυκεν ἐπιθυμίαν ἴσχειν πᾶς πᾶσαν· **τὸ γὰρ γενέσθαι κλεινὸν καὶ μὴ ἀνώνυμον κεῖσθαι τετελευτηκότα** τοῦ τοιούτου ἐστὶν ἐπιθυμία. γένος οὖν ἀνθρώπων ἐστίν τι **συμφυὲς τοῦ παντὸς χρόνου**, ὃ διὰ τέλους αὐτῷ συνέπεται καὶ

city can recognises what is most useful for everyone (earlier at 184–187), See Avezzù, 2008, 250.

[279] An earlier version of the present analysis has been published in Kerstin Eksell and Gunilla Lindberg-Wada (eds.) 2017, *Studies of Imagery in Early Mediterranean and East Asian Poetry*, Peter Lang, 77–96.

> συνέψεται, τούτῳ τῷ τρόπῳ ἀθάνατον ὄν, τῷ παῖδας παίδων καταλειπόμενον, ταὐτὸν καὶ ἓν ὂν ἀεί, γενέσει τῆς ἀθανασίας μετειληφέναι (721b6–c6).
>
> so much for the simple form of the law on marriage. Let the twofold form be this: he is to marry between the age of thirty and thirty-five, in the awareness that this is nature's way of giving mankind a taste of immortality — a thing for which everybody has a natural and all-consuming longing. After all, **becoming famous, avoiding a nameless grave after one's death**, is a longing for something of this kind. Hence mankind is in some sense **twinned with eternity**: the two are for ever in step, and they always will be. And what makes the human race immortal is the way it leaves behind children and their children, as successors, while itself always remaining one and the same. It is through the birth of children that mankind tastes immortality.

We will first look at the form of the prelude. The style is clearly high: in 5 lines we find three polyptoton: 1) πᾶς πᾶσαν (721c1), 2) συνέπεται συνέψεται (721c4), and 3) παῖδας παίδων (721c5). Alliterations and assonances are also present in the passage: 1) ταὐτὸν καὶ ἓν ὂν ἀεί (721c5–6) 2) τούτῳ τῷ τρόπῳ (721c3) 3) ἀθάνατον ὄν (721c4). What is more, the argument is based on the structure of a ring composition: the same expression μεταλάμβανω τῆς ἀθανασίας, "partake in immortality," both introduces and concludes the argumentation, respectively at 721b6 and 721c6; the desire **(**ἐπιθυμία), for immortality is initially mentioned one followed by its explanation and the same word then closes the explicative example. The repetition frames the argument. At 721c1 we find a chiastic parallelism: τὸ γὰρ γενέσθαι κλεινὸν καὶ μὴ ἀνώνυμον κεῖσθαι τετελευτηκότα τοῦ τοιούτου ἐστὶν ἐπιθυμία. The adjective κλεινός, *famous* is preceded by the infinitive γενέσθαι in the first colon, while ἀνώνυμον is followed by the infinitive κεῖσθαι in the second one. [280] It is not surprising that the rhetorical devices play a preeminent role in the preludes. Since preludes are meant to persuade, the language reaches a higher style and takes on a more complex structure.

It is significant that the arguments used to persuade citizens to marry suggest notions and ideas that were *loci communes* among poets, even though these notions, in the works of poets, had only little connection with marriage itself. In the prelude, one argument for marriage is the necessity of offspring (721c5–6). In Pindar (*Parth*. 1.14–20) we find the idea that men who leave descendants

[280] The style of this prelude appears to recall Thesleff's definition of the "onkos style," discussed above in the introduction, cf. Thesleff, 1967, 77. For the chiastic sequence in the discourse of the demiurge (*Ti*. 42b2–5) recalling the chiastic sequence in Hes. *Op.* 1–4, cf. Regali, 2009, 268.

on earth avoid grievous trouble.[281] According to Des Places the Pindaric verses generally serve as a prelude to a Platonic argument. [282] The interpretation of the Pindaric poem is complicated because of the lacuna both in the strophe and in the epode, however the meaning of the last verses is clear: ἀθάναται δὲ βροτοῖς// ἀμέραι, σῶμα δ' ἐστὶ θνατόν, "For mortals, days are endless but the body is mortal," (1–2). In Pindar's poem, generations follow one another over time, but happy is the man who leaves posterity behind him, for he avoids grievous misfortune, ζώει κάματον προφυγὼν ἀνιαρόν (5–6). Leaving posterity behind is thus seen here as an opportunity to be remembered after death and therefore as a possibility to partake in immortality. From a linguistic point of view there are no strong similarities between Pindar's fragment and Plato but the idea that descendants are seen as a guarantee of eternal life is certainly suggested in the *parthenium*.

Thus, the means for achieving immortality is the generation of offspring. In the *Symposium* (207d–208e) we read a similar idea regarding human desire of immortality: reproduction is the tool that men possess to achieve eternal life.[283] However, in the speech, immortality is not only related to the argument of reproduction, but also to men's ambition to become famous, that is, to be named in eternity:

> ἐπεί γε καὶ τῶν ἀνθρώπων εἰ ἐθέλεις εἰς τὴν φιλοτιμίαν βλέψαι, θαυμάζοις ἂν τῆς ἀλογίας περὶ ἃ ἐγὼ εἴρηκα εἰ μὴ ἐννοεῖς, ἐνθυμηθεὶς ὡς δεινῶς διάκεινται ἔρωτι τοῦ **ὀνομαστοὶ γενέσθαι** καὶ **κλέος ἐς τὸν ἀεὶ χρόνον ἀθάνατον καταθέσθαι** (*Symp.* 208c5–9).[284]

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[281] *Parth*. 1, Puech, 1952, 167: ἀθάναται δὲ βροτοῖς / ἀμέραι, σῶμα δ' ἐστὶ θνατόν. / ἀλλ' ᾧτινι μὴ λιπότεκνος / σφαλῇ πάμπαν οἶκος βιαίᾳ / δαμεὶς ἀνάγκᾳ, / ζώει κάματον προφυγὼν ἀνιαρόν· / τὸ γὰρ πρὶν γενέ-[σθαι …] 14–20.

[282] Des Places, 1949, 43–44.

[283] *Symp*. 207d1–3: ἡ θνητὴ φύσις ζητεῖ κατὰ τὸ δυνατὸν ἀεί τε εἶναι καὶ ἀθάνατος. δύναται δὲ ταύτῃ μόνον, τῇ γενέσει, ὅτι ἀεὶ καταλείπει ἕτερον νέον ἀντὶ τοῦ παλαιοῦ, "mortal nature seeks as far as it can, to exist forever and to be immortal. But the only way it can achieve this is by continual generation, the process by which it always leaves behind another new thing to replace the old. Translations of *Symposium* are by Howatson, 2008, unless otherwise mentioned. It is by this device (μηχανῇ, scil. the replacement of what is old with what is new) that mortal natures can participate in immortality (θνητὸν ἀθανασίας μετέχει, 208b3). See Howatson, 2008.

[284] We do not know whom this verse belongs to. Robin, 1929, 65, suggests that it might be Plato himself who is parodying Agathon. A different opinion is held by both Howatson, 2008, 46 n.184 and Dover 1980, 156, who regards it as poetic verse from an unknown source. Considered the seriousness of the argument both in the *Symposium* and in the *Laws*, we follow the latter hypothesis.

> you have only to look at humankind's love of honour and you will be surprised at your absurdity regarding the matters I have just mentioned, unless you think about it and reflect how strongly people are affected by the desire to **become famous** and **'to lay up immortal glory for all time.'**

In the *Symposium,* the phrase ὀνομαστοὶ γενέσθαι καὶ κλέος ἐς τὸν ἀεὶ χρόνον ἀθάνατον καταθέσθαι certainly recalls the idea conveyed in the *Laws* that all men desire to become famous and not lie nameless. To strengthen the argument, Diotima also mentions to Socrates the examples of famous poetic characters: Alcestis, who died for Admetus, and Achilles who died in order to avenge Patroclus. According to her speech, both heroes aimed to achieve "immortal memory of their virtue," ἀθάνατον μνήμην ἀρετῆς πέρι ἑαυτῶν (208d6), meaning that posthumous fame is the only scope for which they will die. Diotima goes further and argues that men strive to do as best as they can for the sake of eternal distinction and illustrious reputation, because they are in love with what is immortal:

> ἀλλ' οἶμαι **ὑπὲρ ἀρετῆς ἀθανάτου καὶ τοιαύτης δόξης εὐκλεοῦς** πάντες πάντα ποιοῦσιν, ὅσῳ ἂν ἀμείνους ὦσι, τοσούτῳ μᾶλλον· τοῦ γὰρ ἀθανάτου ἐρῶσιν (*Symp*. 208d7–e1).
>
> I think that it is **for the sake of immortal fame and this kind of glorious reputation** that everyone strives to the utmost, and the better they are the more they strive: for they desire what is immortal.

It is the public memory of their virtue that made heroes be immortal and not the offspring that they may have left behind. Later on, in the passage (209b7–e4), Diotima explains this idea more in detail claiming that if one looks back at Homer or Hesiod, one would rather prefer to compose a memorable poem than give birth to offspring.[285] Lycurgus and Solon are also named as examples

[285] *Symp*. 209d1–4: καὶ εἰς Ὅμηρον ἀποβλέψας καὶ Ἡσίοδον καὶ τοὺς ἄλλους ποιητὰς τοὺς ἀγαθοὺς ζηλῶν, οἷα ἔκγονα ἑαυτῶν καταλείπουσιν, ἃ ἐκείνοις ἀθάνατον κλέος καὶ μνήμην παρέχεται αὐτὰ τοιαῦτα ὄντα, "For anyone who looked at Homer and Hesiod and all the other great poets would envy them because of the kind of offspring they have left behind them, and would rather be the parent of children like these, who have conferred on their progenitors immortal glory and fame, than of ordinary human children." Homer and Hesiod represent here the perfect paradigm of authors able to educate a πόλις. Soon after them Solon and Lycurgus are mentioned for having "begotten all kind of vitues" (209e3). On poets and legislators being linked together because authors of written discourses cf. *Phdr*. 278c. On the passage in the *Symposium* see Dover, 1980, 151, Nucci, 2014, 164–165, and Rowe, 1998.

of authorities that have left behind beautiful laws (209d4–10).[286] Their immortal fame (κλέος καὶ μνήμη) derives from their works. In short, in the speech of Diotima, offspring are not regarded as the main argument to explain men's desire of immortality. Κλέος and δόξα, "fame" and "reputation," do not belong to the realm of the descendants, but rather are related to deeds or works of men that, for their quality, are worth being remembered for eternity.

The idea here argued is that the phrase in the *Laws* (721b6–c2: τὸ γὰρ γενέσθαι κλεινὸν καὶ μὴ ἀνώνυμον κεῖσθαι τετελευτηκότα) recalls the idea of the desire for immortality as conveyed in the passage of *Symposium*, yet, with one important difference: in the *Laws*, the motive laid down by the Athenian to partake in immortality does not relate to deeds that should be remembered, but rather men's need to generate offspring. The adjective *kleinos* is, in fact, a derivative from κλέος, "reputation," "glory," (but also, in plural, "actions d'éclat," the last meaning being especially common in Homer).[287]

The heroes of the *Iliad* and the *Odyssey* fight for glory; they all want to establish their own worth, their ἀρετή, above the others; their motivation relies in the achievement of the *kleos*.[288] There seems to be no hint in the concept of *kleos* of a relationship with the descendants in the epic world: men do not reach glory and fame because they leave offspring behind them. It is important to keep this idea in mind since in the passage of the *Laws* the desire to become famous, and therefore to partake in immortality, is primarily related with the generation of offspring. Even though we do not find the term κλέος in the *Laws*, its derivative κλεινός is a poetic word that is associated with the

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[286] *Symp.* 209d4–7: εἰ δὲ βούλει, ἔφη, οἵους Λυκοῦργος παῖδας κατελίπετο ἐν Λακεδαίμονι σωτῆρας τῆς Λακεδαίμονος καὶ ὡς ἔπος εἰπεῖν τῆς Ἑλλάδος. τίμιος δὲ παρ'ὑμῖν καὶ Σόλων διὰ τὴν τῶν νόμων γέννησιν, "'For another example', she said, 'look at the sort of children Lycurgus left behind in Sparta to be the salvation of Sparta and, one might say, of Greece itself. And Solon to is honoured by you Athenians as the procreator of your laws."

[287] The notion of *kleos* is strictly connected with the discourse of the poet. It is the poet who retransmits what he has heard: the verb κλύω, "to hear," and κλέος, "that which is heard" are in fact etymologically and semantically linked, Chantraine, 1970, 540. The derivation of "glory" from "that which is heard" is to be ascribed to the poet himself who defines as "glory" what he hears from the Muses and retells to the audience. As Nagy puts it: "poetry confers glory" Nagy, 1979, 16. For κλέος, see for instance Hom. *Od*. 1.344; 9, 20; *Il*. 7.91; 8.192; Pind. *Ol*. 9 101 etc. For δόξα carrying the meaning of good repute and honour, see Pind. *Ol*. 8 64; Hdt. 5.91. Finally, for the concept of fame and its relation to immortality see Goldhill, 1991, 69–169.

[288] Goldhill, 1991, 69–71. The meaning and use of *kleos* is obviously very broad and the purpose of this paper is not to analyse it in detail. It will suffice to say that the Homeric poems abound of passages in which *kleos* is seen both as competitive struggle and as reward after death. For further investigation in this field see Adkins, 1960, Nagy, 1979, Vernant 1992, Goldhill, 1991.

mythological domain of fame and reputation. Its reference to people is not common in Homer, but rather in lyric poetry, especially in Pindar and Bacchylides among the lyrical poets and Aeschylus, Sophocles and Euripides among the tragedians. Its use is rare in prose: Plato is the only fourth century prose-writer that uses it.[289] Κλεινός itself does not appear to denote specific qualities; it is usually employed in relation to places, persons, things and abstract nouns.[290] Plato uses it three times: once in the *Republic* (368a4), once in the *Sophist* (243a) and once in the *Laws* (721c).

In the *Republic* (368a4) the adjective *kleinos* is used with reference to the father of Glaucon. It is noteworthy that the term is mentioned in the context of an elegy composed by the lover of Glaucon:

> τὴν ἀρχὴν τῶν ἐλεγείων ἐποίησεν ὁ Γλαύκωνος ἐραστής, εὐδοκιμήσαντας περὶ τὴν Μεγαροῖ μάχην, εἰπών: παῖδες Ἀρίστωνος, **κλεινοῦ** θεῖον γένος **ἀνδρός** (*Resp*. 368a2–4).
>
> Glaucon's lover was not wrong to begin the elegy he wrote, when you distinguished yourselves at the battle of Megara, by addressing you as "Sons of Ariston, godlike family **of a famous man**.

The word does not say anything about the qualities that are to be ascribed to Ariston, but its occurrence in an elegy written by Glaucon's lover (in Socrates' words) confirms that is a poetic term.

The passage where the term occurs in the *Sophist* is mainly of philosophical content: the Stranger from Elea cites different theories from earlier philosophers regarding the nature of Being. At the end, he concludes that it is difficult and outrageous to criticise such ancient and illustrious men: χαλεπὸν καὶ πλημμελὲς οὕτω μεγάλα κλεινοῖς καὶ παλαιοῖς ἀνδράσιν ἐπιτιμᾶν (*Soph*. 243a3). Κλεινός is used here to define philosophers who distinguish themselves for qualities other than bravery in battle or physical strength. Instead the philosophers of Ionia and Sicily are earlier called Ἰάδες δὲ καὶ Σικελαὶ Μοῦσαι (242d7). Our idea is that the mention of the *Muses* a few lines

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[289] The term occurs in Hdt. 7.228, where he quotes an epigram composed by Simonides: μνῆμα τόδε κλεινοῖο Μεγιστία. Although Simonides was famous for his epitaphs, we cannot be sure whether the lines attributed to him are in fact his own. He was known for having composed epitaphs during the Persian Wars but later epitaphs are also ascribed to him with no regard to chronology. See Campbell, 1967, esp. 240–247.

[290] For κλεινός in reference to heroes, see: Aesch. *PV* 282; *Pers*. 473–475; Soph. *Aj*. 216, *Trach*. 19; *El*. 1777; Eur. *Andr*. 456; *El*. 206, 326; to places: Pind. *Ol*. 2.3, 6.6; Aesch. *Pers*. 474; Eur. *Phoen*. 1758; to things: Soph. *Phil*. 654; Eur. *IA* 1529; to abstract nouns: Pind. *Pyth*. 9.112; Eur. *Med*. 829.

earlier explains the use of the poetic word κλεινός: the philosophers are associated with the Muses because they wrote in verses, and therefore, because of their works, they can be called κλεινοί.

Going back to the prelude in the *Laws*, the expression μὴ ἀνώνυμον κεῖσθαι, literally "not to lie nameless," needs examination. Ἀνώνυμος is an interesting term in our analysis of poetic words. It can either be referred to someone without name (i.e. from birth, see e.g. *Od*. 8.552) or to someone who is nameless in the sense of inglorious.[291] With this latter meaning the adjective is found for instance in the first *Olympian* of Pindar. The young Pelops disapproves of the idea of cherishing an unglorious old age: τά κέ τις ἀνώνυμον// γῆρας ἐν σκότῳ καθήμενος ἕψοι μάταν // ἀπάντων καλῶν ἄμμορος (*Ol*. 1.82–84). Glory in old age and after death is seen as a proof of the courage and the achievements of a man in life and, therefore, it represents the highest happiness. As Bowra has put it, "undying renown is for Pindar a more substantial consolation than any after-life below the earth."[292]

A similar expression to the one we read in the passage from the *Laws* is also found in Simonides (epigr. 13.26.1): Μνήσομαι, **οὐ** γὰρ ἔοικεν **ἀνώνυμον** ἐνθάδ' Ἀρχεναύτεω **κεῖσθαι** θανοῦσαν ἀγλαὰν ἄκοιτιν, "I will remember her; for it is not opportune that she should lie here without a name, the noble wife of Archenautes." The verb κεῖμαι, "to lie buried," is frequently used in epitaphs.[293] Even though the word is common, the concept of lying nameless is emphasised by the poets. Poets are in charge of keeping alive the memory of the dead. Take the most famous of all epigrams, composed by Simonides and quoted by Herodotus (7.228): Ὦ ξεῖν', ἀγγέλλειν Λακεδαιμονίοις, ὅτι τῇδε // κείμεθα τοῖς κείνων ῥήμασι πειθόμενοι, "Stranger, go tell the Spartans that here we lie obedient to their words." The epigram is regarded as an instrument of exhortation; it often encourages the reader to participate in the lamentation that is due to the dead, but sometimes it also recalls a sentiment of pride in the moral qualities of the dead.[294] Among the lyric poets, Sappho (fr. 55 Page) uses a similar formula: κατθάνοισα δὲ **κείσῃ** οὐδέ ποτα **μναμοσύνα** σέθεν ἔσσετ'οὐδὲ, †ποκ'† ὕστερον, "And you will lie dead, and there will be no memory of you in the future." The notion of memory, μναμοσύνα, is once again bound together with κεῖμαι, i.e. with the notion of death. The same concept is also common among tragic poets. In the *Hippolytus* by Euripides,

[291] The term is often used with this latter meaning by the tragedians: Soph. *Trach*. 377; Eur. *Tro.* 1319; *IT* 502; *Hipp.* 1 and 1028.

[292] Bowra, 1964, 96.

[293] Goldhill, 1991, 121.

[294] Gentili, 1988, 54–55.

Hippolytus swears to Theseus that he has never touched Phaedra and he consents to die with no name nor fame, if he is lying: ἦ τἄρ' ὀλοίμην **ἀκλεὴς ἀνώνυμος… εἰ κακὸς πέφυκ' ἀνήρ, "**May I perish **with no name or reputation** … **if I am guilty**!" (*Hipp.* 1028–1031). In this case the meaning of the adjective is strengthened by the synonym ἀκλεής. In Aristophanes' *Lysistrata* we find a wordplay with the words ἀνώνυμος and ἀκλεής: the glorious (οὐ ἀκλεής) name of Cinesias is well known (οὐδ' ἀνώνυμον) among women: οὐ γὰρ ἀκλεὲς τοὔνομα / τὸ σὸν παρ' ἡμῖν ἐστιν οὐδ' ἀνώνυμον, "that name is not unglorious nor unknown among us" (*Lys*. 853). In all these occurrences, the expression is linked to a type of fame and reputation that does not include leaving descendants. Thus, by employing the term in a different context, that is, in the prelude that exhorts to marriage and procreation, the Athenian is re-appropriating a poetic term for his own ends and recalling to the mind of the audience a world of fame and honour after death rather than parental values.

The second part of the prelude is also noteworthy. It has been noted that the concept of the human species being "twinned together with eternity," συμφυὲς τοῦ παντὸς χρόνου (721c3), is a *topos* among tragic authors.[295] For instance, σύμφυτος qualifies αἰών in *Agamemnon* 106, while Aeschylus' *Eumenides* (286) and *Prometheus* (981) have the equivalent notion of χρόνος γηράσκων. In the afore-mentioned passage of the *Laws* the notion of time growing together with the human race is related to the desire of immortality that characterizes each and every man: Γένος οὖν ἀνθρώπων ἐστίν τι συμφυὲς τοῦ παντὸς χρόνου, ὃ διὰ τέλους αὐτῷ συνέπεται καὶ συνέψεται (721c1–4). Through the generation shift, by leaving children of children on earth, men "taste immortality," γενέσει τῆς ἀθανασίας μετειληφέναι (721c5–6). This last notion requires some comments. First of all, it is not a common expression among fifth and forth century writers; it is nonetheless used by Isocrates in the epideictic oration *Philippus* (134–136). The claim made by the orator is the following: all men have a mortal body and yet in virtue of praise and good reputation throughout time they take a share in in immortality, ἐνθυμοῦ δ' ὅτι τὸ μὲν σῶμα θνητὸν ἅπαντες ἔχομεν κατὰ δὲ τὴν εὐλογίαν καὶ τοὺς ἐπαίνους καὶ **τὴν φήμην καὶ τὴν μνήμην** τὴν τῷ χρόνῳ συμπαρακολουθοῦσαν **ἀθανασίας μεταλαμβάνομεν.** The most beautiful fame (μεγίστη καὶ καλλίστη

[295] Schöpsdau, 2003, 243, Des Places, 1964, 49. The adjective συμφυές means "congenital," "born with one," but it also indicates something that is "grown together" and "naturally united" (*LSJ*). It is usually construed together with the dative and rarely used with the genitive. We find only two instances in Plato: *Leg.* 721c3 and *Ti.* 64d7. In the passage from the *Timaeus* the term indicates the visual rays that are bound up with our body during daylight.

δόξα) is achieved through eulogies and eulogies are destined to men who undertake risks in battle and are willing to die for their country (*Phil*. 136). Epideictic oration should be considered a branch of composition that embraces the intermixture of poetic expressions and, therefore, it is not surprising to find similar arguments.[296]

To conclude, it seems that in the first prelude to the marriage law we find echoes of the poetic world. In the words of the Athenian, the desire for immortality is the motive for marriage. But immortality can be achieved both through glory (poets) and thanks to offspring (the Athenian). Our claim is that the idea of eternal glory (achieved through virtues worth of memory rather than offspring) is alluded to, very concisely, at 721c1–2, while the argument regarding the necessity of offspring is developed more extensively at 721c3–8. The Athenian conveys an argument that is new, i.e. offspring allow people to achieve immortality, but in order to persuade his audience he uses words and concepts that are mostly associated with poetry. In short, it appears that in the prelude to the marriage law, both the rhetorical devices (such as alliterations, assonances and repetitions) and the poetic influence (through expressions such as "becoming famous, avoiding a nameless grave after one's death," and "mankind twinned with eternity") give the prelude a striking composition and thus make it persuasive for the ignorant audience. In other words, the idea is that the Athenian is adapting poetic themes and devices that were familiar to the audience, to both convey and persuade the young of his own precepts.

The prelude on marriage at 721b6–d7 is only the first part of a bigger scheme, in terms of familial regulations. The second part of the prelude occurs at 772e7–774a2, and focusses, for the most, on the necessity of finding the right partner. At 772e7, the Athenian repeats the necessity of setting before each law an appropriate prelude, and proceeds on exposing the double law which he had mentioned at 721b–e.[297] The Athenian first encourages the young to get married with the approval (εὐδόξους γάμους) of those who are wise (ἔμφρων). Following the judgment of the wise men, the citizens are exhorted, on the one hand, not to avoid marriage with those who are of poor origins, and, on the other hand, not to pursue marriage with the rich ones (773a2–3: μὴ φεύγειν τὸν τῶν πενήτων μηδὲ τὸν τῶν πλουσίων διώκειν διαφερόντως γάμον). In fact, where the two alternatives equally balanced, he will be

[296] Denniston, 1952, 18.

[297] *Leg*. 772e3–4: δεῖ γάρ, ὥς φησιν Κλεινίας, ἔμπροσθεν τοῦ νόμου προοίμιον οἰκεῖον ἑκάστῳ προτιθέναι. "For it is necessary, as Cleinias asserts, to preface each law with its own prelude."

encouraged to choose the partner with a lower social condition (ὑποδεής). This type of union will benefit both the city and the married families. The Athenian affirms that, when it comes to virtue, the equal and the measured are thousand times better than the unrestrained: τὸ γὰρ ὁμαλὸν καὶ σύμμετρον ἀκράτου[298] μυρίον διαφέρει πρὸς ἀρετήν, "Since what is balanced and in proportion is far better, in terms of human virtue,[299] than that which is extreme (773a6–7). The idea proposed by the Athenian entails that the city in general will benefit from the union of a rich family together with a poor one. Strictly speaking, if rich families always marry into with rich families, then the balance of the state will be destroyed, and there will be excess of wealth on the one side of the scale and an excess of poverty on the other end of the scale.

The Athenian affirms a general rule about marriage: each person should choose a partner that benefits the city, and not a person most pleasing for oneself:

> καὶ κατὰ παντὸς εἷς ἔστω μῦθος γάμου· τὸν γὰρ τῇ πόλει **δεῖ** συμφέροντα **μνηστεύειν γάμον ἕκαστον**, οὐ τὸν ἥδιστον αὐτῷ (773b4–6).
>
> for marriage in general, let's stick to a single story, which is that **each individual should be looking for a marriage** which is good for the city, not one which will give him most pleasure.

The general rule of the Athenian is conveyed as a tale, μῦθος. In the passages, the expression μνηστεύειν γάμον requires some attention. As has been suggested by England, the expression μνηστεύειν γάμον "sounds like a poetical expression; possibly it is a reminiscence of Euripides' *Iphigenia at Aulis* 847, μνηστεύω γάμους / οὐκ ὄντας, ὡς εἴξασιν, "the marriage I am courting has no reality it seems."[300] The speaker, in the tragedy, is Clytemnestra, who has just realised that Achilles never courted, nor intended to marry her daughter (Iphigenia). The combination of μνηστεύω, "seek in marriage/espouse" together with γάμους "wedding" does not occur in any other author before Plato besides Euripides, and a century later in Callimachus, Apollonius and in later prose.[301] In both cases, the context concerns marital

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[298] The word is used in relation to liquids, especially for wine, see *Od*. 24.73; *Il*. 2.341; Hdt. 1.207.

[299] Griffith, 2016, translates ἀρετή with goodness but, considering the fundamental role of the term in the dialogue, we rather write the literal translation "virtue."

[300] Cf. England, 1921, 608.

[301] We follow for the text of *Iphigenia in Aulis* the Oxford edition by Murray, 1902 (repr. 1966). It should, however, be noted here that modern editors of the *IA*, such as Diggle, 1994 and

union. However, while in Euripides Clytemnestra is complaining about the deceitful union of her daughter, in the context of the prelude, the Athenian is warning against the wrong type of marriage and encouraging instead the most appropriate union. Also, the passage at 772e7–773c3 is characterised by a sententious style (see e.g. 773a6–7: τὸ γὰρ ὁμαλὸν καὶ σύμμετρον ἀκράτου μυρίον διαφέρει πρὸς ἀρετήν, "what is balanced and in proportion is far better, in terms of virtue, of what is untempered"), thus the poetic influence of tragedy might also suit the context.[302]

Now, the Athenian is well aware that a written law is not the most appropriate tool for preventing people from marrying the one that they find most similar to themselves (773b7–c1), because: "quite apart from the absurdity of it, it would annoy a lot of people into the bargain," πρὸς τῷ γελοῖα εἶναι θυμὸν ἂν ἐγείραι[303] πολλοῖς (773c8). Instead the Athenian appeals on the one hand to the use of "enchantments" (ἐπᾴδω, 773d6) — to persuade the young to disregard the similarity of soul when choosing a partner — and on the other hand to the use of remonstration to prevent people from marrying out of economical interest:

> τούτων δὴ χάριν ἐᾶν μὲν νόμῳ τὰ τοιαῦτα ἀναγκαῖον, ἐπᾴδοντα δὲ πείθειν πειρᾶσθαι τὴν τῶν παίδων ὁμαλότητα αὐτῶν αὑτοῖς τῆς τῶν γάμων ἰσότητος ἀπλήστου χρημάτων οὔσης περὶ πλείονος ἕκαστον ποιεῖσθαι, καὶ δι' ὀνείδους ἀποτρέπειν τὸν περὶ τὰ χρήματα ἐν τοῖς γάμοις ἐσπουδακότα, ἀλλὰ μὴ γραπτῷ νόμῳ βιαζόμενον (773d5–e4).
>
> and that is why it is essential to leave this kind of thing out of the legislation and resort to enchantment —in an attempt to persuade every one of them to set a higher value on producing children with well-balanced temperaments than on an equality in marriage insatiably money-fixated — or remonstrations, to dissuade anyone who is hell-bent on marrying for money; but not the compulsion of a written law.

Kovacs, 2002 do not adopt the reading μνηστεύω, which is transmitted in L (codex unicus), but have instead μαστεύω, which is a conjecture by Nauck.

[302] Starting from the 4th cent. BCE gnomic utterances found in Athenian drama and in oral tradition were gathered together by antiquarians and grammarians. These *Gnomologiai* constitute the basis for further collections such as that of Zenobius (2nd cent. CE). Also, the anthologizing of maxims supported the developing of pithy sayings in public speaking, cf. Arist. *Rh*. 2.21), see Martin, 2010, 305–306.

[303] The optative form in –αι, according to England, was not so unusual in Homer as in Attic prose, and here it may have been adopted by Plato to recall Homer's τρωσὶν θυμὸν ἐγεῖραι (*Il*. 5.510), cf. England, 1921, 608.

Enchantment and blame represent the strategies selected by the Athenian to make the inhabitants of the new colony embrace the laws on marriage. In order to express the benefits for the city of a mixed marital union, i.e. a union where the more phlegmatic person joins in marriage a hastier person, the Athenian employs the metaphor of a drinking bowl:

> οὐ γὰρ ῥᾴδιον ἐννοεῖν ὅτι πόλιν εἶναι δεῖ δίκην κρατῆρος κεκραμένην, οὗ μαινόμενος μὲν οἶνος ἐγκεχυμένος ζεῖ, κολαζόμενος δὲ ὑπὸ νήφοντος ἑτέρου θεοῦ καλὴν κοινωνίαν λαβὼν ἀγαθὸν πῶμα καὶ μέτριον ἀπεργάζεται. τοῦτ' οὖν γιγνόμενον ἐν τῇ τῶν παίδων μείξει διορᾶν ὡς ἔπος εἰπεῖν δυνατὸς οὐδείς (773c8–d4).
>
> they do not find it easy to grasp that a city is like a bowl of wine, it needs to be a blend: when you pour the wine in, it bubbles away like mad, but then, when it comes under the control of another god, the god of sobriety, it makes a fine partnership, producing an excellent and temperate drink. This is what is going on with the blending of qualities in children, but nobody, to all intents and purposes, is capable of seeing it.

The city is here compared to a wine bowl, where the wine, when it is tempered with another pure liquid (water) becomes a good and moderate beverage.[304] It is deducible from the context that the Athenian is calling "water" a "sober god." The idea conveyed by the metaphor, that is, the idea that virtue is a correct mixture of wine (as the irrational element) and water (as the rational element) is an idea that we find also in Plato's earlier dialogues, e.g. in *Republic* 443c9–44a2, where the metaphor of mixing wine and water is used to transmit the idea that a healthy soul is a mixture of reason, spirit, and appetite.[305] However, in book 6 the context is slightly different: wine represents the negative element, madness, which is "chastised" by a neutral element, the

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[304] Comparison with the drinking-bowl are also found at *Plt*. 305e–311c, *Phd*. 111d5; *Phlb*. 61b–c; *Ti*. 41d5. Plato's concept of mixture, which is extremely important in the late dialogues is discussed by Boyancé, 1951, 8–10; Morrow, 1953, 521–43; Stalley, 1994, 74–79.

[305] In *Phlb*. 61b Socrates explicates and value as best the idea of a "mixed-life"—μὴ ζητεῖν ἐν τῷ ἀμείκτῳ βίῳ τἀγαθὸν ἀλλ'ἐν τῷ μεικτῷ (61b5–6)— that consists in mixing up *hedone* and *phronesis*. Such a mixture is compared to the work of two wine-pourers (οἰνοχόοι) who have to temperate the honey of desires with the harsh water of wisdom: μέλιτος... αὐστηροῦ και ὑγιεινοῦ τινος ὕδατος (61c5–7), cf. Mouroutsou 2010, 195–306. At *Leg*. 639d–e the Athenian calls attention to the sympostic custom, in order to explain his understanding of the human soul as a mixture of rational dispositions and deep irrationality; for a new psychological theory appearing in the discussion on wine-drinking in book 1 and 2 of the *Laws*, which implies the production of rational emotions through the artificially increase of the irrational ones see, Belfiore 1986, 421–437.

sober god, i.e. water. As Belfiore notices, wine is the primary element in this brew and water does not change wine but it constantly combats it, that is, the water, the rational element is constantly in charge of fighting the wine, the mad element.

Now, according to Belfiore, the metaphor of the wine-bowl in book 6 helps explain the theory of education illustrated in book 2, where the 'mad' element, the irrational desire for disordered movement is contrasted by a wise teacher through the 'sober element' of order, harmony and obedience to the law, so that the final product is a tempered virtue, "a madness successfully combatted."[306] As has been remarked by Boyancé, the metaphor of the drinking-bowl might also be related to earlier myths. According to Boyancé for example, the melange of wine and water might refer to a myth related to Dionysus and his education by the nymphs. The wine tempered by the water represents Dionysius, who is tempered by the influence of the nymphs.[307]

What is interesting for our analysis is that the argumentation of the prelude lies mostly in the metaphor of the drinking-bowl: as it is necessary for the good wine to be mixed and "restrained" so it is good for the society when a union is mixed both in terms of wealth and in terms of character's dispositions.[308] Thus, after appealing to the necessity of en enchanting songs, the Athenian employs the explanatory power of one single metaphor: society should be equal to a well-tempered wine. Our hypothesis is that through the use of the figurative image of the mixed wine, with its implications with the practice of symposia, the encouragement becomes more intelligible and, therefore, more effective, since the audience was familiar with the practice.[309]

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[306] Belfiore, 1986, 428–430 (here 429).

[307] For the source of the myth and its different versions see Boyancé, 1951, 9. More in general, for the role of the wine in Magnesia, see esp. 8–12. For the ancient sources of the myth see Ath. 11.465, Eust. *Od.* 16.205.

[308] As Schöpsdau, 2003, 453–454, notes, the two "mistakes" to avoid in the choice of the partner (i.e. making the choice on the basis of the possession of wealth and the similarity of characters) are already mentioned in *Plt.* at 310b–d. The metaphor of the drinking-bowl substitutes, at *Plt.* 310–311c, the metaphor of the fabric on which the statesman weaves together opposite dispositions of character.

[309] Cf. at 641d1–2, Cleinias remarking that both "symposion*"* and "paideia" are strictly connected in the discourse of the Athenian: "you seem to us, my friend, to be describing this time spent together over the wine as something which, if it is carried on correctly, makes a major contribution to education" (compare also 642a, 643a, 645b–c, 652b–656a). For an analysis of the two models of symposia described by Plato in the *Protagoras* (347c–e) and in the first two books of the *Laws*, see Murray, 1990, esp. 257–260. Murray shows that the difference between the two models lies in the attitude towards wine: while in the Protagoras Plato believes that the *kaloi kagathoi* are able to control and dominate the power of wine, and eventually the symposium gives place to a philosophical symposium led by reason, in

Athenaeus, for instance, cites Anacreon as authority in the mixture of wine and water ("but in Anacreon the mixture is one part wine to two parts water" 10.427). In fr. 11a-b Page, Anacreon sings about the sympotic mixing practice:

> ἄγε δή, φέρ' ἡμίν, ὦ παῖ, / κελέβην, ὅκως ἄμυστιν / προπίω, τὰ μὲν δέκ' ἐγχέας / ὕδατος, τὰ πέντε δ' οἴνου / κυάθους ὡς ἀνυβρίστως / ἀνὰ δηῦτε βασσαρήσω.
>
> ἄγε δηῦτε, μηκέθ' οὕτω / πατάγῳ τε κἀλαλητῷ / Σκυθικὴν πόσιν παρ' οἴνῳ / μελετῶμεν, ἀλλὰ καλοῖσ' ὑποπίνοντες ἐν ὕμνοις.
>
> come, boy, bring me a bowl, so that I may drink without stopping for breath; pour in ten ladles of water and five of wine, that I may once again play the Bacchant with decorum;
>
> come again, let us no longer practise Scythian drinking with clatter and shouting over our wine, but drink moderately amid beautiful songs of praise.

In the fragment, Anacreon is opposing the unrestrained and uncontrolled Scythian way of drinking with a more tempered manner by using the appropriate tool (κελέβη, 1) and the appropriate proportions (μὲν δέκ' ἐγχέας / ὕδατος, τὰ πέντε δ' οἴνου 3) for the mixture. But most of all, Anacreon is praising a type of drinking that avoids agitated fury (ἀνυβρίστως, 5) and clatter and shouting (πατάγῳ τε κἀλαλητῷ, 8), that is, a type of drinking typical of the Scythians'. Instead, the poet encorages a controlled symposium that allows beautiful songs.[310] Now, that this polemics was well-known at the time of Plato is deducible from the discussion in *Laws* book 1, where the Athenian argues against the drinking of unmixed wine (typical of aggressive people) and especially against the mode of Scythians and Thracians:

> Σκύθαι δὲ καὶ Θρᾷκες ἀκράτῳ παντάπασι χρώμενοι, γυναῖκές τε καὶ αὐτοί, καὶ κατὰ τῶν ἱματίων καταχεόμενοι, καλὸν καὶ εὔδαιμον ἐπιτήδευμα ἐπιτηδεύειν νενομίκασι (637e1–e5).

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the first two books of the *Laws* there is no mention of sympotic conversation because there is no trust in man's rationality, and therefore the practice of the symposium needs to be regulated by an archon in charge of keeping the irrational element of pleasure under control.

[310] See Neri, 2011, 256. For similar compositions arguing for a moderate symposium cf. Anac. fr. 2 W^2 and Xenophanes 21B1 DK = D59 Laks-Most. Hdt. 6.84 also describes the disordered drinking mode of the Scythians.

whereas the Scythians and Thracians take their wine completely undiluted – both they and their womenfolk – pouring it all over their clothes, and regarding this kind of behaviour as admirable and enviable.

The Athenian here explains that, unlike the custom in Sparta where the legislator exhorts citizens to avoid pleasures and thus avoid excessive drinking (637a), other populations indulge in getting drunk (i.e. Scythians, Persians, Carthaginians, Celts, Iberians, and Thracians, 637d). Now, according to the Athenian, the problem is not the drinking itself, but rather to find someone who can correctly supervise the drinking (640e–641b). The polemics attributed to Anacreon is thus echoed in the metaphor of the Athenian, in that a balanced mixture of wine and water is to be preferred to the excess.[311]

Furthermore, the metaphor of the well-tempered wine is especially significant for the judgement on it expressed by Longinus, which throws some light on how the ancient authors themselves perceived Plato's writing style. The author of *The Sublime* perceived Plato's language (with reference to the above-mentioned metaphor) as a language somehow close to the dithyrambic style:

> **ἐπὶ γὰρ τούτοις καὶ τὸν Πλάτωνα οὐχ ἥκιστα διασύρουσι, πολλάκις ὥσπερ ὑπὸ βακχείας τινὸς τῶν λόγων εἰς ἀκράτους καὶ ἀπηνεῖς μεταφορὰς καὶ εἰς ἀλληγορικὸν στόμφον ἐκφερόμενον.** "οὐ γὰρ ῥᾴδιον ἐπινοεῖν" φησίν "ὅτι πόλιν εἶναι <δεῖ> δίκην κρατῆρος κεκερασμένην, οὗ μαινόμενος μὲν οἶνος ἐγκεχυμένος ζεῖ, κολαζόμενος δ' ὑπὸ νήφοντος ἑτέρου θεοῦ, καλὴν κοινωνίαν λαβών, ἀγαθὸν πόμα καὶ μέτριον ἀπεργάζεται." **νήφοντα γάρ, φασί, θεὸν τὸ ὕδωρ λέγειν, κόλασιν δὲ τὴν κρᾶσιν, ποιητοῦ τινος τῷ ὄντι οὐχὶ νήφοντός ἐστι** (*De Subl*. 32.7).
>
> **these (scil. tropes like metaphors) are not the least reason why they tear Plato apart because he is often carried away by some form of Bacchic possession in his works into immoderate and harsh metaphors and allegorical bombast.** 'For it is not easy to comprehend', he says 'that a city must be mixed like a wine-bowl, where the raving wine seethes as it is poured in, but it is punished by another sober god and, finding an excellent companionship, it produces a good and moderate drink.' **To call water 'a sober**

[311] For the verbal and artistic representations of symposium as "structuring device" within the Greek worldview, in that they contribute to the shaping of the identities of Greeks and Barbarians, see Hobden, 2013.

> **god' and mixing 'punishment' is, so the critics say, the mark of a poet who really is not sober**.[312]

'Longinus' here illustrates the critical tradition that saw Plato as a poet. Some of the topoi here criticized are known from Dionysius from Halicarnassus (cf. Dem. 5.6 and 7.3), but in the next passage (32.8) 'Longinus' refers also Caecilius of Calacte, who, because of similar "defects" (ἐλάττωμα 32.8.1) preferred the prose of Lysias to that of Plato. In the passage, 'Longinus' cites the wine-metaphor in the *Laws* (773c–d) to criticize Plato's overindulgence in the high and poetic style and refers to earlier critics who turns Plato's own image back to him to criticize his style (ποιητοῦ τινος τῷ ὄντι οὐχὶ νήφοντός ἐστι, 32.7.11–12).[313] It appears thus that the text of the prelude was perceived already in antiquity as solemn and poetic.

To sum up, the first part of the prelude on marriage (721b–d) was mostly devoted to the necessity of procreation, while this second part, as we said, on the choice of the right partner. In the first part the Athenian talked about the human desire of immortality and now, at the end of the above-analysed prelude, he briefly repeats the same argument:

> περὶ γάμων δὴ ταῦτ' ἔστω παραμύθια λεγόμενα, καὶ δὴ καὶ τὰ ἔμπροσθε τούτων ῥηθέντα, ὡς χρὴ τῆς ἀειγενοῦς φύσεως ἀντέχεσθαι τῷ παῖδας παίδων καταλείποντα ἀεὶ τῷ θεῷ ὑπηρέτας ἀνθ' αὑτοῦ παραδιδόναι. πάντα οὖν ταῦτα καὶ ἔτι πλείω τις ἂν εἴποι περὶ γάμων, ὡς χρὴ γαμεῖν, προοιμιαζόμενος ὀρθῶς (773e5–774a3).

> on the subject of marriage, let that be the encouragement we give them, together with what was said earlier about getting a stake in nature's constant regeneration by forever leaving our children's children behind us in our place, entrusting them to god as his servants. All that, and more, would be said on the subject of marriage and the duty of marriage, by anyone providing the right kind of prelude in this topic.

As the Athenian states at the end of the prelude, the encouragement to marriage is pursued through the mention of the desire of immortality, which is common to all men, and through the praise of the correct mixing of dispositions. Other types of union, it follows, will be object of blame (773e).

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[312] Transl. by Hunter, 2012, 170–171.

[313] Beside Dion. Hal. *Dem*. 5–7, and *Pomp*. 2, cf. also Demeterius Phalereus *De Eloc*. 80. For a commentary on the passage see, Russell, 1964, and more recently, Mazzucchi, 2010, 252–255.

Clearly, also the second prelude on marriage is also conveyed through numerous rhetorical figures: metaphors (773c8–d6), figura etymologica (773a1; 773d1), parallelism (773a2–3), chiasmus (773c5–6), etc. Considering that the art of rhetoric acquired such figures of speech from poetry, and considering that the Athenian explicitly states the need of persuading the audience by means of enchanting it, it is argued here that the poetic vocabulary is specifically chosen in order to establish a bridge with the poetic tradition of the time. It follows that such bridge is pivotal in the Athenian's aim to persuade the audience of the new principles that are laid down in Magnesia.

P4: Prelude on Hunting (7.822d3–824a11)

The prelude on hunting is preceded by an introductory section about the necessity, on the part of the legislator, of giving instructions regarding the practice of hunting (822d3–824a11). The prelude itself is a discussion on hunting methods. The task of the legislator is to convey, together with the laws, his own judgement about what is honest and dishonest in all kind of practices (823a4–6). What is more, the young citizen should respect the edicts that indicate the best behaviour by means of praise and blame rather than follow those edicts that coerce by means of threats and penalties (823d1–3).[314]From this perspective, the praise of the right type of hunting is intended to morally improve the young citizens (823d4–5).[315] In the prelude the different types of hunting are judged on moral grounds (some are praised, others are blamed) and the criterion of the differentiation lies in the "exertions" (πόνοι) and the "pursuits" (ἐπιτηδεύματα) of the young.[316] The concern of the Athenian is that some types of hunting, e.g. the one with traps and nets, do not allow the young to train and cultivate the virtue of courage (823e2; 824a3–5). Hence, the only

[314] By following such directives, an honest citizen can achieve the highest praise, which consists not only in having followed and obeyed the laws, but also in having praised and blamed the correct and incorrect attitudes (822e7–823a6).

[315] The differentiation of the types of hunting is similar to the differentiation that is made in the field of dance (at 814–817e), in the field of Eros (at 837a–d), in matters of unjust behaviour (at 863b–d) and in questions regarding the loss of weapons (at 943e–944c). The differentiation in this prelude is also similar to the dichotomous division in the matter of hunting that we find in the *Sophist*, cf. Schöpsdau, 2003, 626.

[316] *Leg.* 823c4–5: τὸν μέν, τὸν νομοθέτην, ἐπαινέσαι καὶ ψέξαι χρεὼν τὰ περὶ θήρας πρὸς τοὺς τῶν νέων πόνους τε καὶ ἐπιτηδεύματα, "it is for the lawgiver to praise and blame hunting activity insofar as it affects the exertions, and pursuits of the young." Griffith, 2016 translates ἐπαινέσαι καὶ ψέξαι with approve and disapprove," yet the value of ἐπαινέσαι in its literal meaning of *praise* is too essential in the discourse of the Athenian to be interpreted otherwise.

kind of hunting that is approved and praised by the legislator is the one that provides the hunter with a direct struggle with the animal. In this type of hunt, that is, "the pursuit of four-footed animals using horses and dogs and their own bodily effort," the young can exercise courage and thus become a better man (824a6–9).[317]

The Athenian conveys his praise of the best type of hunting (i.e. the prelude on hunting) in the form of a wish for the young and by using the terminology of ἔρως (823d7). The stylistic choice of the praise appears to be intended (i) to persuade the audience and (ii) to demonstrate how the poets are required to compose the correct type of praise, following the guidelines of the legislator and in accordance with what he establishes.

After the Athenian has explained the educational value of praise (822e–823a), he defines the prelude as "a moderate praise of hunting, and a blame of it," ἔμμετρος ἔπαινος θήρας καὶ ψόγος (823d3). Thus, the prelude is, on the one hand, a praise of what will render the souls of the young better and, on the other hand, a denigration of what will produce the opposite effect (823d3–5). It is presented in the form of a wish: προσαγορεύοντες δι'εὐχῆς τοὺς νέους, "let us put what follows in the form of a wish adressed to the young" (823d7). This wish is an unusual one. It does not have a specified addressee, it is not an invocation or a request to the gods, and, in general, there is no trace of religious elements, neither religious themes nor religious vocabulary.[318]

Since the element of praise is pivotal in this prelude, it might be in order here to look at the the beginning of the *Lysis* for some preliminary considerations about the value of praise. At 204d Socrates is interested in knowing the ways in which Hyppothales is expressing his love to the young Lysis. Hyppothales is first refractory to recite his encomiastic poems or bits of prose, (τὰ ποιήματα... καὶ συγγράμματα 204d),[319] to Socrates, who reassures

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[317] *Leg.* 824a9: αὐτόχειρες θηρεύοντες, ὅσοις ἀνδρείας τῆς θείας ἐπιμελές, "these are the ones (scil. the hunters) who hunt with their own hands, and who care about the courage which comes from the gods."

[318] εὐχή occurs 28 times in the *Laws*. In a study on prayers of Socrates, Darrell, 1971, 14–37, identifies 4 uses for εὐχή in the dialogues: (i) biographical prayers, (ii) literary prayers (iii) philosophical prayers and (iv) prayers that Plato puts in the mouth of other characters. The occurrence at *Laws* 823d would then belong to this fourth group, which is usually characterised by an invocation to some unspecified divinity and by a request of assistance in the discourse. Although many of the occurrences spoken by the Athenian in the *Laws* support this claim, the prayer on hunting appears to have different connotations.

[319] Hyppothales writes thus both in poetry and prose. The erotic poems of praise discussed in the *Lysis* are defined in Greek literature as παιδικά, see Gentili, 1988, 113 for examples of this type of literature.

him that he is only interested in *his thought* so that he can understand how he is approaching the beloved:

> Καὶ ἐγὼ εἶπον· Ὦ Ἱππόθαλες, οὔ τι τῶν μέτρων δέομαι ἀκοῦσαι οὐδὲ μέλος εἴ τι πεποίηκας εἰς τὸν νεανίσκον, ἀλλὰ **τῆς διανοίας**, ἵνα εἰδῶ τίνα τρόπον προσφέρῃ πρὸς τὰ παιδικά (205a9–b2).
>
> And I said 'Hippothales, I'm not for a moment asking to hear your *verses*, or any *song* you may have composed to the young lad what I'm asking to hear is what **your *thought* is,** so that I can establish the way you're applying yourself to your beloved.'[320]

The type of praise that Hyppothales is addressing to Lysis involves Lysis' ancestors, the wealth and horses that they own, and their victories at the Panhellenic contests (205c). These themes clearly recall the themes of epinicians, and Socrates claims that by so doing Hyppotales is, on the one hand, praising himself rather than the beloved (since it is a question of self-glorification in case he succeeds in conquering the boy's hearth) and, on the other hand he is making his beloved more proud and arrogant and thus more difficult to "catch," in fact he should instead minimise the qualities of the beloved, if he wishes to conquer his heart.[321] In the *Lysis*, both this passage and the following scene (211d–215e) discuss the literary genres favoured by Hippothales to win the heart of the beloved, that is, the Pindaric type of encomiastic poetry and the elegiac discourses on love.[322]

Now, Socrates' interest in the thought, the content, that is, an interest in how Hyppothales deals with the beloved shows that he is less interested in the form of his encomiastic words and more in the actual content of them. That is, he is

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[320] Transl. by Penner-Rowe, 2009.

[321] *Lys*. 205d5–206a10. For an interpretation that sees the encomiastic rhetorical discourse in the *Lysis* functioning as a foil to Socrates' dialectic method see Nightingale, 1993b, 112–120. According to Nightingale, Lysis, in fact is scaled down thanks to Socrates' elenctic discourse and Socrates shows to Hyppothales that this is the right way to address the young beloved: "That, Hippothales, is how one should converse with one's beloved, humbling him and cutting him down to size, not puffing him up, as you are doing, and praising him to pieces," Οὕτω χρή, ὦ Ἱππόθαλες, τοῖς παιδικοῖς διαλέγεσθαι, ταπεινοῦντα καὶ συστέλλοντα, ἀλλὰ μὴ ὥσπερ σὺ χαυνοῦντα καὶ διαθρύπτοντα (210e2–5). It follows that "Socrates' elenchtic method is diametrically opposed to the language of encomium. It does not aim at gratification or glory, nor does it promulgate falsehoods that instil in the auditor a proud and stubborn ignorance" (here at 115). On a similar line, cf. Renaud, 2002, 183–198.

[322] Trabattoni, 2003. The poetic connotations of this passage, and the following scene, have been analysed by Capra, 2003.

not convinced by an encomium in the Pindaric manner, but he rather indorses an encomium that is beautiful from an ethical point of view; in other words, the ethical and pedagogical quality of the composition is deemed more important than in its aesthetics value.[323]

Understandably in Plato's *Laws* the entire question of morality lies in the dichotomy of praise and blame.[324] This is because the encomiastic discourse, by definition, provides several value judgements of value and prescriptions, and, thus, it represents an insidious tool for the manipulation of the citizens, who are most in need of instruction.[325] The prelude at 823d7 hints at how a good praise, good in its ethical and moral sense, should be composed. It appears to be a song where the poetic reference is used for its best purpose: to teach the young to be a better man, by practising the right type of hunting.

Also, the passage in the *Lysis* uses the metaphor of hunting to indicate the pursuit of the *eromenos*, by the *erastes*: ποῖός τις οὖν ἄν σοι δοκεῖ θηρευτὴς εἶναι, εἰ ἀνασοβοῖ θηρεύων καὶ δυσαλωτοτέραν τὴν ἄγραν ποιοῖ "so what sort of hunter would it be, in your view, who started up his prey and made it more difficult to catch" (*Lys*. 206a9–10). It is surely not a coincidence that the praise of hunting employs the language of eros, considering the courtship was traditionally regarded as metaphorical hunt.[326] The Athenian expresses a general wish that the young may never be seized by a "wrong desire" for hunting:

> Ὦ φίλοι, εἴθ' ὑμᾶς **μήτε τις ἐπιθυμία μήτ' ἔρως** τῆς περὶ θάλατταν θήρας ποτὲ **λάβοι** μηδὲ ἀγκιστρείας μηδ' ὅλως τῆς τῶν ἐνύδρων ζῴων, **μήτε ἐγρηγορόσιν μήτε εὕδουσιν κύρτοις ἀργὸν θήραν** διαπονουμένοις. μηδ' αὖ **ἄγρας** ἀνθρώπων κατὰ θάλατταν λῃστείας τε **ἵμερος** ἐπελθὼν ὑμῖν θηρευτὰς ὠμοὺς καὶ ἀνόμους **ἀποτελοῖ**· κλωπείας δ' ἐν χώρᾳ καὶ πόλει μηδὲ εἰς τὸν ἔσχατον

[323] See Nightingale, 1993b, 115 and Erler, 2017, 178–179. Also, Isocrates from a similar perspective, in the *Evagoras*, laments that the encomiastic tradition, i.e. the correct encomia of people, is deteriorating and states his desire to reintroduce it, cf. Isoc. 9.8 and Alexiou, 2010, 80. For the *topoi* of praise in Isoc. 9, see Vallozza, 1998.

[324] In the *Laws*, praise and blame play a fundamental role in controlling the citizens of Magnesia, see, e.g., 663bc, 801d–802d, 822e–823a.

[325] For the ignorant people that are easily manipulated by means of an incorrect encomiastic discourse see Pl. *Symp*. 190a, for the ideological interests implied in the encomiastic discourse see *Symp*. 181c–185d and 218c–219d. For more insights on the function and on the content of the true and false encomium in the *Lysis,* cf. also Nightingale, 1995, 106–109.

[326] Cf. Theogn. 1278c–d, Ibycus 287, Ar. *Plut.* 155–56, Pl. *Chrm.* 155d–e, *Phdr*. 241d, *Lys.* 206a, *Soph.* 222d–e, Xen. *Mem*. 1.2.24, and for the relation between hunting and pederastic ἔρως, see Barringer, 2001, 85–89.

ἐπέλθοι νοῦν ἄψασθαι. Μηδ' αὖ πτηνῶν θήρας **αἰμύλος ἔρως** οὐ σφόδρα ἐλευθέριος ἐπέλθοι τινὶ νέων (823d7–824a1).

My friends, let us pray that you are never seized by any desire or love for hunting at sea, or angling or catching water creatures at all, or taking the lazy way out using lobster-pots, which do your work for you whether you are asleep or awake. May no yearning to hunt the human race at sea come upon you, no yearning for piracy, to turn you into savage and lawless hunters. As for robbery, in the countryside or the city, may the idea never cross your minds. Again, may never a wily desire — not noble — to catch birds occur to any of our young either.[327]

The prelude is structured around an anaphora: the expression "may a desire of [the wrong type of hunt] never seize you" occurs four times:

a. μήτε τις ἐπιθυμία μήτ' ἔρως τῆς ... θήρας .... λάβοι, O friends, may you never be seized by any desire or love for hunting ...(823d7–8);
b. μηδ' αὖ ἄγρας ... ἵμερος ἐπελθὼν ὑμῖν ..... θηρευτὰς ὠμοὺς καὶ ἀνόμους ἀποτελοῖ· *May no yearning to hunt ... come upon you, no yearning for piracy, to turn you into savage and lawless hunters* (823e2–4);
c. ἐπέλθοι νοῦν ἄψασθαι, *May the idea never cross your minds* (823e5);
d. μηδ' αὖ πτηνῶν θήρας αἰμύλος ἔρως ... τινὶ νέων ἐπέλθοι,[328] *The desire to catch birds… may that idea not occur to any of our young either* (823e6).

Besides the anaphora and the consequent parallelism-based structure of the prelude, we also find other figures of speech, such as paronomasia (ὠμοὺς καὶ ἀνόμους, 823e4) and antithesis (μήτε ἐγρηγορόσιν μήτε εὕδουσιν, 823e1–2). These rhetorical devices, needless to say, denote a higher style, such as is often used in poetry and literary prose.

[327] Griffith, 2016, translates the Μηδ' αὖ πτηνῶν θήρας **αἰμύλος ἔρως** οὐ σφόδρα ἐλευθέριος with ***the desire to catch birds*** — "calling for low and slavish cunning" —. The adjective αἰμύλος in reference to ἔρως is however fundamental for our analysis and thus we have modified the translation.

[328] All the main verbs of the prelude are in the optative. This runs contrary to the poetic tradition of the invocation to the Muse, wherein the employed mode is usually the imperative. On the use of the imperative in the poetic tradition, in contrast with the optative chosen by the poet Apollonius, see Corradi, 2007.

As for the model μή ἔρως ... λάβοι, "may not a desire for … seize you," echoes the same model of Aeschylus' *Agamemnon*, where Clytemnestra is worried that the conquerors of Troy might be conquered by their own desires: ἔρως δὲ μή τις πρότερον ἐμπίπτῃ στρατῷ / πορθεῖν ἃ μὴ χρή, κέρδεσιν νικωμένους, "may not a desire first fall upon the army / to plunder what they ought not" (*Ag*. 341–342).[329] Now, ἔρως, especially in Homer and in tragedies, does not necessarily refer to sexual desire.[330] In Homer, for instance, it includes desires to eat (*Il*. 1.469), weep (*Il*. 24.226–7), dance and fight (*Il.* 13.636–9).[331] In Attic tragic poetry of the classical period, ἔρως refers to a wide an varied range of phenomena.[332] Ludwig, in addition to the generic and specific (sexual) ἔρως, discusses a third category: when the intense desire of a sexual object is *transferred* to generic objects.[333] In the *Agamemnon*, for instance, ἔρως occurs twice with this connotation: firstly, in reference to patriotism for the fatherland, when the imagery employed evoke pederastic amatory love (**ἔρως** πατρῴας τῆσδε γῆς **σ' ἐγύμνασεν; τερπνῆς** ἄρ' ἦστε τῆσδ' ἐπήβολοι **νόσου**; **τῶν ἀντερώντων ἱμέρῳ πεπληγμένοι**, 540–544), and, secondly, in the passage above-cited when Clytemnestra expresses the wish that the Achaeans do not incur the rage of the gods, if they are taken by lust to violate what is sacred (341–348). Clytemnestra might be referring both to the plundering of temples, which will anger the gods, but also, since it is a woman speaking, to the violation and enslavement of women (τοιαῦτά τοι γυναικὸς ἐξ ἐμοῦ κλύεις, "you hear these things from me, a woman", 348).[334] Sexual desire appears here

[329] I am indebted to Mario Regali for pointing out this reference.

[330] On the usages of ἔρως in ancient Greece, cf. Ludwig, 2002, and for love and desire in the *Laws*, see Moore, 2007.

[331] Ludwig, 2002, 124–126.

[332] Cf. *OC* 511, where the chorus "desires" (*eramai)* to hear Oedypus' tale; Eur. *Hec*. 775 (desire of getting old); Soph. *Ant*. 220 (love of death), Soph. *Phil*. 660 (desire to examine Philoctetes' bow), there is no trace of sexual referents in these contexts, cf. Ludwig, 2002, 124.

[333] The difficulty is, of course, to establish for each case what degree of passionate intensity is involved, and thus when it is opportune to talk about *transferred* ἔρως (italics is mine); see Ludwig, 2002, 128–130. An example of this third category can be found at Pind. *Nem*. 11.43–48.

[334] cf. Eur. *Tro*. 69–70 for the raping of Cassandra in the temple of Athena, and the linking of a sexual and a religious violation. The political and sexual love is also connected in Soph. Ant. 187–190, 781–800; Eur. *IA* 808–9, cf. also 384–7, 411, 1264–75, 543–97. Euripides, more than Aeschylus and Sophocles, employs erotic language in reference with a wide range of objects: horses (*Rhes*. 859), unjust marriages (*Hel*. 668), killing one's brother (*Phoen*. 622), money (*Supp*. 178), the lotus (*Tro*. 439), learning (*Hipp*. 173), hunting (*Hipp*. 219), foals (*Hipp*. 235) and being split with a double-edged sword (*Hipp*. 1375). Cf. Ludwig, 133–135, and n. 45.

to be linked with a religious-political violation.[335] Also, in the passage the anger of the gods in the *Agamemnon*, as a response to the giving up to desire, hints to the possibility of the fall of the Achean army.

Now, according to Ludwig, "ἔρως" is a tragic feature, since tragic protagonists often experience the power of ἔρως before their fall: we find clear examples of the destructive force of ἔρως, for instance, in Euripides' *Hippolytus*, *Helen*, and *Medea*, and in Sophocles' *Antigone*.[336] However, in tragedy ἔρως is also widely referred to non-sexual objects: "the tragedians tend to 'eroticise' everything, practically as a requirement of their genre."[337] To "eroticise" something means, according to Ludwig, to claim that an object is desired with a specific intensity.[338] Now, Plato in his dialogues often refers ἔρως to a desire for non-sexual objects (in the *Laws* we find love for wealth at 831c4, 870a2–6; in the *Republic* lovers of rule, ἐραστὰς τοῦ ἄρχειν, and desire for poetry, ἔρωτα τῆς τοιαύτης ποιήσεως, 521b4, 607e7, and 608a5; in the *Theaetetus* Socrates has a terrible desire for the practice of discussion, ἔρως δεινὸς ἐνδέδυκε τῆς περὶ ταῦτα γυμνασίας, 169c1; and in the *Statesman* it is about ἔρως for peace, …εἰρήνην· καὶ διὰ τὸν ἔρωτα 307e5–6). In all these cases, as Elizabeth Belfiore aptly points out, the context reveals a high intensity of desire, which can be linked to sexual passion.[339]

In the *Laws,* the erotic terminology is used in relation to several realms, but only one occurrence appears to point to the philosophical love of wisdom that permeates dialogues such a *Phaedrus* and *Symposium*.[340] It occurs in book 4,

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[335] Ludwig, 2002, 133. For the connection between corporal, social, religious, and political violation, see Hartog 1988, 330-331. Hartog points out that ἔρως is a mark of the monarch and that the excessive desire for forbidden women is a royal/tyrannical trait/topos (with references to Her. 3.31, 2.108, 8.108, 6.62, 1.8, 5.92). On p. 331, Hartog writes that "a *despotes* is bound to violate the *nomoi* – the social, religious, and sexual rules."

[336] In Ludwig's words (136): "To call any desire 'eros' makes the question flash through the audience's mind: "Is this it? Is this the desire through which he embraces his own destruction?" Cf. Eur. *Supp*. 899, 1086–88, *Ion*, 67, 1227, *Tro*. 1051, and see Ludwig, 2002, 150, n.88.

[337] Ludwig, 2002, 136.

[338]Ludwig, 2002, 128. The difficulty is, of course, to establish for each case what degree of passionate intensity is involved, and thus when it is opportune to talk about *transferred* ἔρως (italics is mine), see Ludwig, 2002, 128–130. An example of this third category is for instance Pind. *Nem*. 11.43–48.

[339] Belfiore, 2012, analyses Socrates' erotic practice in what she calls "four erotic dialogues" (*Alcibiades I*, *Lysis*, *Symposium* and *Phaedrus*), and shows how the meaning of ἔρως varies from sexual love, to love of the soul of another, to love of wisdom itself.

[340] For the phenomenology of love in these dialogues cf. Scheffield, 2006, and Kraut, 2008, 286–310.

in a discussion on the role of statesman who is to be animated by a divine passion for what it is just: ἔρως θεῖος τῶν σωφρόνων τε καὶ δικαίων ἐπιτηδευμάτων, "the divine passion for wise and just practices' (711d6–7).[341] As has been pointed out, the statesmanship outlined here does not involve ordinary citizens: only the most virtuous and most just among them can aspire to it.[342] With this sole exception, Prauscello shows how the language of desire is employed in the *Laws*, in a coherent manner as point of departure to support and reinforce the praise of civic eccellence and thus of the "perfect citizen."[343] The rhetorics of ἔρως, that is, appears to be employed at a more "ordinary" level in the dialogue in order to instil in the citizen the passionate impulse to civic excellence; in this sense the legislator, by guiding citizens towards virtue, has also a saying on their most inner desires which thus become an integral part of the educational system of Magnesia (688b1–4).[344]

Keeping in mind the general attitude of the legislator in relation to the subjugation to virtue of the citizens desires, we would argue that the context of ἔρως in the prelude at 823e recalls verse 341 in the *Agamemnon* and thus evokes a tragic context. The reason is twofold: firstly, in both cases it is wished that someone is not taken by a strong desire for something that is deemed incorrect, i.e. the violation of what is sacred in the tragedy, and the wrong type of hunting in the prelude: thus, it is a question of the devastating power of love; secondly, since in tragedy ἔρως appears to be conceptualized as a force that could determine the fall of the hero, its appearance in the prelude, although the Athenian does not mention what would happen to a citizen seized by a desire

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[341] An analysis of this passage is not within the scope of this section, for a detailed treatment of the section 711d6–712a7 and for the passage being the closest approximation to the Platonic vision of both political power and philosophical knowledge embodied in the same person (the philosopher-king of the *Republic*), see Schöpsdau, 1996, 142–148.

[342] Cf. Prauscello, 2014, 76.

[343] When establishing the laws, the legislator is asked to look at virtue in its entirety, and this also imply to consider ἔρως καὶ ἐπιθυμία as qualities that follow φρόνησις, "wisdom," δόξα, "right opinion" and νοῦς, "intelligence:" δέοι δὲ δὴ πρὸς πᾶσαν μὲν βλέπειν, μάλιστα δὲ καὶ πρὸς πρώτην τὴν τῆς συμπάσης ἡγεμόνα ἀρετῆς, φρόνησις δ' εἴη τοῦτο καὶ νοῦς καὶ δόξα μετ' ἔρωτός τε καὶ ἐπιθυμίας τούτοις ἑπομένης (688b1–4). Cf. Prauscello, 2014, 77–101. Prauscello offers a detailed and contextual analyses of four programmatic passages which focus on the educative significance of desire (1.643c8–d3, e4–6, 3.688b1–4, 4.711d6 and 6.770c7–d6 read them). It should also be pointed out, as Prauscello does at 74–77, that one should not search for nor expect an absolute consistent use of erotic terminology throughout the dialogue, since the concept of *philia* and *eros* often overlap in their encompassing representation of human relationship, cf. e.g. *Laws* book 8, devoted to sexual legislation, where the language of *philia*, *eros*, and *epithymia* is more fluid, and the terms are used almost interchangeably.

[344] For the correct type of eros that should be aroused in Magnesia, see Prauscello, 2014, 87–92.

for the "wrong type of hunt", alludes to the dramatic consequences known from the tragic stage. The audience would quickly recognize the motif and fill out the missing piece. Failure and fall, after all, is what ἔρως has in store for the tragic protagonist who succumbs to its lure.

The choice of vocabulary also plays an important role. First, the Athenian declares that one should not desire to hunt on the sea and to fish "using lobster-pots," which secure the prey for men who are whether awake or asleep:

> Ὦ φίλοι, εἴθ' **ὑμᾶς μήτε τις ἐπιθυμία μήτ' ἔρως τῆς περὶ θάλατταν θήρας ποτὲ λάβοι** μηδὲ ἀγκιστρείας μηδ' ὅλως τῆς τῶν ἐνύδρων ζῴων, **μήτε ἐγρηγορόσιν μήτε εὕδουσιν κύρτοις ἀργὸν θήραν διαπονουμένοις** (823d7–e2).
>
> My friends, let us pray that **you are never seized by any desire or love** for hunting at sea, or angling or catching water-creatures at all, or taking the lazy way out **using lobster-pots, which do your work for you whether you are asleep or awake**.

The expression at 823e1–2 (μήτε ἐγρηγορόσιν μήτε εὕδουσιν κύρτοις ἀργὸν θήραν διαπονουμένοις, "or taking the lazy way out using lobster-pots, which do your work for you whether you are asleep or awake") is interesting for our study. The term κύρτος, "lobster-pot," in Griffith's translation, but more precisely "weels," is an instrumental dative and both ἐγρηγορόσιν and εὕδουσιν are taken as dativi commodi. Both England and Schöpsdau agree that behind the expression lies, most probably, the Greek proverb εὕδοντι κύρτος αἱρεῖ, "the wheel does the catching for the one who sleeps" (Diogenian. *Gramm*. 4.65).[345] Furthermore as Schöpsdau points out, the proverb mentioned by the Athenian seems to be a counterpart of a claim conveyed in Sophocles' *Ajax* (879 ff.).[346]

In Sophocles' *Ajax*, the choir that is desperately looking for Ajax (who, in the meantime, is about to commit suicide) calls for the fisherman for help, and labels them φιλοπόνοι, "laborious," and their chase ἀύπνος, "sleepless." The Athenian reinterprets the concept, and blames the idle fishing, where the weels do the work of the fishermen. In Sophocles the hunting is sleepless, and thus the hunters need to be awake to pursue it, on the contrary, in the prelude the

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[345] Cratinus, a comic poet of the Old Comedy, in his *Archilocuses* refers to the proverb and changes it in εὕδοντι πρωκτὸς αἱρεῖ, "his bottom does the catching while he sleeps" (fr. 4.1). For an interpretation of the fragment and its modification of the widely known proverb see Bianchi, 2016, 48.

[346] See Schöpsdau, 2003, 631.

hunting can be fullfilled by either awake or sleeping people. The contrast lies thus in the opposite definition of a ἀργός θήρα and a ἀύπνος ἄγρα "the idle hunting and a sleepless one." If this interpretation is correct, the Athenian on the one hand overturns the connotation of the "laborious hunt" present in the *Ajax,* and on the other hand adopts the proverb (εὕδοντι κύρτος αἱρεῖ, "the wheel does the catching for the one who sleeps") and adds the participle "being awake", ἐγρηγορόσιν, in opposition to εὕδουσιν. We would argue that the use of a proverb, and the poetic influence from the *Ajax*, both conveying a shared lore of knowledge, serve to make the prelude easier to relate to for the audience.[347]

Furthermore, two words are used to indicate hunting, θήρα and ἄγρα (823e2; 824a1). The latter, i.e. ἄγρα, is considered poetic by both Chantraine ("surtout poétique" 14) and Fatouros.[348] The term occurs twice in the prelude, first in relation to the catching of men in the sea, when the Athenian urges that such a desire should never catch someone, μηδ'αὖ **ἄγρας** ἀνθρώπων κατὰ θάλατταν ληστείας τε ἵμερος ἐπελθὼν, "May no yearning to hunt the human race at sea come upon you, no yearning for piracy" (823e2–3), and secondly, when he starts praising the right type of hunting, πεζῶν δὴ μόνον θήρευσίς τε καὶ **ἄγρα λοιπὴ** τοῖς παρ' ἡμῖν ἀθληταῖς, "That just leaves our athletes with the pursuit and hunting of land animals" (824a1–2). The first occurrence, since connected with ἵμερος, "desire," might recall the context of erotic discourse, while the second one is used in its literal sense.[349]

The prelude appears to play with the juxtaposition of two adversary divine entities: on the one side the goddess of love, Aphrodite is echoed by the erotic vocabulary and on the other side, the actual subject of the prelude, the (morally) correct hunting, brings to mind, Artemis, goddess of the hunt. The tragic motives underlying the prelude might also help to explain a reference to a poetic fragment at 823e5. Towards the end of the prelude, the Athenian warns

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[347] For a definition of proverb see Whiting, 1994, 80: "a proverb must be venerable; it must bear the sign of antiquity, and, since such signs may be counterfeited by a clever man, it should be attested at different places at different times" and also Mieder, 1993, 24: "A proverb is a short, generally known sentence of the folk which contains wisdom, truth, morals, and traditional views in a metaphorical, fixed and memorisable form and which is handed down from generation to generation."

[348] We do find some occurrences in Hdt. and in Xen. *Cyn.* a treaty devoted to hunting, but, all in all, the word is mostly found in poetic texts (Hom. *Od*. 12.330, and 22.306, Soph. *Aj.* 880, Eur. *Supp.* 885, Pind. *Nem*. 3.81 et al.).

[349] The term ἄγρα occurs also in the *Lysis* in a metaphor used by Socrates to indicate that Hyppothales' love words would only make the "prey harder to conquer," δυσαλωτοτέραν τὴν ἄγραν ποιοῖ (206a10).

against the *wily* desire for bird hunting: Μηδ' αὖ πτηνῶν θήρας **αἱμύλος ἔρως** οὐ σφόδρα ἐλευθέριος ἐπέλθοι τινὶ νέων, **may never a wily desire** — not fitting for a freeman[350] — **to catch birds** seize any of our young either, (823e5-6).

The adjective αἱμύλος (823e6), occurs exclusively in poetic texts and only twice in Plato's *corpus*: in the above-mentioned passage of the *Laws* and in the *Phaedrus*, at 237b, where it is referred to a "lover," ἐραστής. The context of the occurrence in the *Phaedrus* is undoubtedly poetic: it is the beginning of the speech of Socrates about the nature of love, which he delivers after having covered his head and invoked the Muses.[351] In poetry, the adjective αἱμύλος is mostly associated with words and speeches (see for instance Calypso's "wheedling words" to convince Odysseus to forget Ithaca, at *Od*. 1.56); the expression αἱμύλος ἔρως that we find in the prelude occurs in a fragment by Sophocles, fr. 816 Radt, and since the word is usually employed in relation to speech, the juncture appears to be a novelty.[352] The context of the fragment is unfortunately unknown, and it is therefore hard to make significant comparison. Still, the poetic and erotic expression drawn from tragedy, fits in with the overall erotic formulation of the prelude: bird-hunting, according to the Athenian, neither suits a free man, οὐ σφόδρα ἐλευθέριος, nor should attract any of the young boys, τινὶ νέων: it is, in fact, an attractive but deceitful desire.[353]

P19a: Prelude on Military Service. The Best Warrior (11.942a5–943a3)

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[350] Griffith, 2016, translates οὐ σφόδρα ἐλευθέριος ("calling for low and slavish cunning") is here modified.

[351] For an analysis of Socrates' first speech in the *Phaedrus* and his analogies with the figure of Stesichoros see Capra, 2014, esp. 51-55.

[352] Pearson, 1963 (first edition 1917), 46 cites the occurrence in Plato: "Πλάτων (*Leg*. 823e) 'αἱμύλος ἔρος' φησὶ καὶ Σοφοκλῆς." Pearson, also notes that: "αἱμύλος in its application to ἔρος is clearly transferred from its proper connexion with a personal agent. It is most likely that Sophocles conceived the cunning of the lover as manifested in seductive speech."

[353] The erotic vocabulary is used in the prelude in a negative perspective: the citizen should not yield to this type of ἔρως, and thus the echoing of the role of ἔρως in tragedies might function as a warning to the audience. Contrarywise, in the *Republic* at book 5 (575b8–9) and VI (485a–486a) the erotic vocabulary is employed to describe the qualities of the philosopher-king, i.e. a completly positive treatment of the force of ἔρως: the philosopher is ἐπιθυμητὴς σοφίας πάσης, and the philosophical activity is "love for knowledge" (485b1), ἀγάπη, "affection" (c8) ἐπιθυμία "desire" (d6) ἐπορέγω, "long for" (486a6) στέργειν "to be fond of" (486c4), cf. Aronadio, 2002, 224.

This prelude is a praise (ἔπαινος, 943a1) of the life of the warrior. The Athenian emphasises one main aspect of the life of the warrior: every personal initiative should be suppressed. In other words, the constant obedience to a commander should prevail, and action should be taken not independently but in accordance with the community (942a6–d2). It follows that, according to the Athenian, children should be trained in the ability both to impart orders and to obey orders, and anarchy should be banned both from the life of men and from the life of tamed animals (c7–d2). The principle of ἄρχειν καὶ ἄρχεσθαι, "to impart and to obey orders," refers to the explanation of παιδεία that the Athenian provides at 643e. There it is claimed that education consists in having the desire to become a good citizen, that is, to be able to command and obey, in conformity to justice. It follows that such a principle is valid not only for the military service but also for life in general and, therefore, insolence, impudence and the disrespect of the military discipline, is an evil both for soldiers and for all mankind.[354]

What is more, all of the choruses should encourage prowess in war, ease and lightness in moving, toleration of hunger, thirst, hot as much as cold temperatures, and the eventuality to sleep on a hard bed (942d2–943a1).[355] And most importantly, in order not to ruin the natural force of the extremities of the body, one should not cover the feet and the head, which are the most important parts of the body, the former being the best servants, and the latter being the best guide, since all guiding sensations find their place there (942d7–e8).[356] Such a sketch of the stresses and strains that characterise the life of a soldier reminds one of the description of the Spartan κρυπτεία, "secret service, " as it is sketched at 633b10–c4.[357]

As Schöpsdau notes, the refusal of a society with no chiefs, that is a condition of anarchy, is an essential feature of the model of democracy (*Resp*.

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[354] See *Leg*. 796b–c, 814e–815a, 829b–c. Cf. *Resp*. 560e–575a. Sparta's warfare orientation has already been criticised (628c–d; 629e–630a; 634e; 666e) and in Magnesia the highest honours are not attributed to military performances, but rather to the obedience of the citizens towards the good legislator (922a). On the differences and similarities of the *Laws* with Spartan directives in these matters, see Powell, 1994, esp. 273–300.

[355] See *Leg*. 633b–c, 829b.

[356] For the covering of head and feet, compare Hdt. 3.12 and Xen. *Lac*. 2.3, where, according to Xenophon, the legislator Lycurgus orders the young men to walk barefoot because they would move their feet better with no shoes.

[357] The translation "secret service" for κρυπτεία is however not the most appropriate. The term κρυπτεία indicates a sort of military training for young spartans that was mostly characterised by sneak attacks, and whose victims were primarily the Helots. Compare also Xen. *Lac*. 2.10–11, *Ages*. 2.16.

560e). Also, in tragedy, we find the same motif: the king Creon in Sophocles' *Antigone* bases his accusation of death against Antigone on the principle that "there is no worse evil than anarchy, since it destroys cities and the living of the house," Ἀναρχίας δὲ μεῖζον οὐκ ἔστιν κακόν· / αὕτη πόλεις ὄλλυσιν, ἥδ' ἀναστάτους / οἴκους τίθησιν (*Ant*. 672–675).[358] The Athenian praises military discipline because it forms citizens to prowess in war, and thus all activities in time of peace should be finalised to excellence in war. Although the Athenian states that warfare is not the final goal of a society (626–28), still, the training in obedience (i.e. in hierarchy) and common behaviour is to be imparted from childhood. Neither in earnest nor in play should anyone act without a commander, but everything is to be done together (942a8–b1).

The poetic influence in this prelude is conveyed through the stately and solemn style of the prelude, which is generally repetitive and marked by polyptoton and alliterations (942d1–2 τὴν δ' ἀναρχίαν ἐξαιρετέον ἐκ παντὸς τοῦ βίου ἁπάντων τῶν ἀνθρώπων τε καὶ τῶν ὑπ' ἀνθρώπους θηρίων), anaphora and homoioteleuton (942 a6–7 μέγιστον δὲ τὸ μηδέποτε ἄναρχον μηδένα εἶναι, μήτ' ἄρρενα μήτε θήλειαν, μηδέ τινος … μήτε σπουδάζοντος μήτ' ἐν παιδιαῖς; b4–5 οἷον ἑστάναι θ' ὅταν ἐπιτάττῃ τις καὶ πορεύεσθαι καὶ γυμνάζεσθαι καὶ λοῦσθαι καὶ σιτεῖσθαι καὶ ἐγείρεσθαι) and parallelisms (942c7–8 ἄρχειν τε ἄλλων ἄρχεσθαί θ' ὑφ' ἑτέρων), so that the precept might be more easily memorised by the youth, before the law is laid down.

Concluding Remarks

The preludes gathered in this group reflect the intent of the Athenian to intervene in all aspects of a citizen's life by measures of praise and blame.[359] Praise and blame, that is, are meant to influence the sphere of public behaviour where the law code itself cannot enter:

> μὴ νόμος, ἀλλ' ἔπαινος παιδεύων καὶ ψόγος ἑκάστους εὐηνίους μᾶλλον καὶ εὐμενεῖς τοῖς τεθήσεσθαι μέλλουσιν νόμοις ἀπεργάζεται (730b5–7).
>
> it is not law, but rather the educational effect of praise and blame, which makes individuals more manageable and amenable to the laws which are to be enacted.

[358] Schöpsdau, 2011, 530–531.

[359] At 631b–632b it is stated that the lawgiver is entitled to distribute honour and dishonour, praise and blame.

The powerful educational value of praise is clearly illustrated in the *Laws* (cf. 822e–823a).[360] Indeed, examples of praise and blame pervade the entire dialogue.[361] By the same token, Socrates, in the *Republic*, claims that the language of praise and blame is the most efficient method of educating and moulding the character of people, young or old, male or female, because it affects their hearts (*Resp*. 492a-c).

The question that naturally arises in these concluding pages is how the poetic, encomiastic discourse fits in with Magnesia's legislative programme. The preludes analysed in this group show Plato's portrayal of the Athenian's competent re-use of traditional poetic motifs and stylistic features to illustrate new types of behaviours that are to be praised in Magnesia. For example, the Athenian, in the general prelude to the new legislation, appropriates and adapts the themes of the Panhellenic and Panathenaic athletic competitions to Magnesia's best performing citizens, and in the prelude on hunting the language of desire is used in order to praise the best type of hunt.

In book 7, when establishing the laws of music and poetry (τύποι καὶ νόμοι περὶ μοῦσαν, 801c6), the Athenian firstly affirms that the poet should not write anything that contradicts what the city has deemed just; thus, all poetic compositions should be seen and approved by the guardians of the laws before they are made public (801c8–d4).[362] Secondly, he affirms that hymns and encomia to gods as well as to men and women are to be allowed in the ideal city:

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[360] 823a2–6: τόν τε νομοθέτην ὄντως δεῖ μὴ μόνον γράφειν τοὺς νόμους, πρὸς δὲ τοῖς νόμοις, ὅσα καλὰ αὐτῷ δοκεῖ καὶ μὴ καλὰ εἶναι, νόμοις ἐμπεπλεγμένα γράφειν, τὸν δὲ ἄκρον πολίτην μηδὲν ἧττον ταῦτα ἐμπεδοῦν ἢ τὰ ταῖς ζημίαις ὑπὸ νόμων κατειλημμένα, "in addition to the laws he (scil. the lawgiver) has to write down his views, — say what he thinks is good, and what not good — blended in with the laws. The perfect citizen should treat these views as immovable, no less than the ones which have the backing of the laws and its penalties."

[361] As Morgan, 2013, 277, aptly notes, "the discourse of praise and blame extends to the strategy of the lawgiver. The lawgiver is a poet of praise and blame, and his code contains these as well as the laws."

[362] *Leg.* 801c8–d4: Τὸν ποιητὴν παρὰ τὰ τῆς πόλεως νόμιμα καὶ δίκαια ἢ καλὰ ἢ ἀγαθὰ μηδὲν ποιεῖν ἄλλο, τὰ δὲ ποιηθέντα μὴ ἐξεῖναι τῶν ἰδιωτῶν μηδενὶ πρότερον δεικνύναι, πρὶν ἂν αὐτοῖς τοῖς περὶ ταῦτα ἀποδεδειγμένοις κριταῖς καὶ τοῖς νομοφύλαξιν δειχθῇ καὶ ἀρέσῃ, "that the poet or composer is to write nothing which runs counter to what the city regards as customary and just, or fine or good and that he is to be forbidden to let any private citizen hear his compositions until they have first been shown to the official judges of these matters, and to the guardians of the law, and been approved by them."

ΑΘ. ὕμνοι θεῶν καὶ ἐγκώμια κεκοινωνημένα εὐχαῖς ἄδοιτ' ἂν ὀρθότατα, καὶ μετὰ θεοὺς ὡσαύτως περὶ δαίμονάς τε καὶ ἥρωας μετ' ἐγκωμίων εὐχαὶ γίγνοιντ' ἂν τούτοις πᾶσιν πρέπουσαι.

ΚΛ. πῶς γὰρ οὔ;

ΑΘ. μετά γε μὴν ταῦτ' ἤδη νόμος ἄνευ φθόνων εὐθὺς γίγνοιτ' ἂν ὅδε· τῶν πολιτῶν ὁπόσοι τέλος ἔχοιεν τοῦ βίου, κατὰ σώματα ἢ κατὰ ψυχὰς ἔργα ἐξειργασμένοι καλὰ καὶ ἐπίπονα καὶ τοῖς νόμοις εὐπειθεῖς γεγονότες, **ἐγκωμίων αὐτοὺς τυγχάνειν πρέπον ἂν εἴη** (801e1–10).

ATH. Hymns should most properly be sung to the gods, and songs of praise combined with prayers; and after the gods, to the guardian spirits and heroes likewise there should be prayers and songs of praise —for all these as appropriate.

CL. Of course.

ATH. After which, there can be no resentment of the measure which immediately follows: those of the citizens who reach the end of their lives having achieved fine things with great labour, either physical or mental, and who have been obedient to the laws, **they would be appropriate people to receive songs of praise.** [363]

This statement recalls *Republic* book 10 (607a), where Socrates distinguishes between Homer and the tragedians on the one side, and hymns and encomia on the other; the former are to be banned, the latter to be accepted in the ideal city:

καὶ συγχωρεῖν Ὅμηρον ποιητικώτατον εἶναι καὶ πρῶτον τῶν τραγῳδοποιῶν, **εἰδέναι δὲ ὅτι ὅσον μόνον ὕμνους θεοῖς καὶ ἐγκώμια τοῖς ἀγαθοῖς ποιήσεως παραδεκτέον εἰς πόλιν** (*Resp.* 607a1–4).

and you should agree that Homer is the most poetic of the tragedians and the first among them. Nonetheless**, be aware that hymns to the gods and encomia of good people are the only poetry we can admit into our city**.

The passage in the *Republic* and the one in the *Laws* appear to be complementary. In the *Republic*, Socrates identifies the ἀγαθοί as subjects of encomia. In the *Laws*, well-behaved citizens are deemed worthy of songs of praise. Furthermore, the Athenian notes shortly afterwards that those men and

[363] At 700b1–2, hymn is more precisely defined as "prayer to the gods." For a recent and detailed discussion of the passage, see Folch, 2015, 166–167.

women who have lived their entire life in virtue and have followed a law-abiding behaviour are to be regarded as appropriate subjects of encomia (801e). Indeed, they are, like those deemed worthy of encomia in the *Republic*, explicitly defined as ἀγαθοί (802a1–5).[364]

Now, the idea proposed here is that, when accepting songs of praise to good men as an example of a poetry beneficial and acceptable in Magnesia, the Athenian is implicitly allowing his own preludes, which he defines as praise of the best citizens' behavior. When praising the correct type of hunting or a citizen's competitive struggle to win the prize of virtue, the Athenian appears to be illustrating, in practice, how to compose a correct praise of the ἀγαθοί.

In this sense, it should be pointed out that the terms ὕμνος and ἐγκώμιον (the types of poetry accepted by Plato) are subject to a process of specification in the archaic and classical periods, assuming more technical meanings: ὕμνος, which originally included all forms of melic composition, assumes the specific meaning of "song in honour of the gods";[365] ἐγκώμιον, originally indicating poems in verses to honour the ἀρεταί of famous persons (cf. e.g. Ibycus' poem to the young Polycrates, future tyrant of Samos, in fr. 282 West and Pindar's victory odes), includes now also prose speeches that engage with the glorification of a variety of themes (cf. e.g. the proem of Isocrates' *Encomium to Helen* and his attack on those who praise the life of exiles or write encomiastic speeches to a bumblebee or to salt, 10.8–12), employing the language of lyrical victory songs.[366] The point is that in the fifth and fourth century both ὕμνος and ἐγκώμιον may still refer to a wide number of occasions and performances; especially in the archaic period it has been proven difficult to pinpoint clear boundaries or a consistent formal principle that differentiate between them.[367]

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[364] Cf. 802a4–5: ταῦτα δὲ πάντα ἡμῖν ἔστω κοινὰ ἀνδράσιν τε καὶ γυναιξὶν **ἀγαθοῖς καὶ ἀγαθαῖς** διαφανῶς γενομένοις, "and let's have this (scil. singing of hymns and encomia) apply equally to men and women, if they have been conspicuously **good men or good women**."

[365] On "hymn" as a term encompassing all melic production, see Gentili, 1988, 36 n. 39, and Giuliano, 2005, 118–119. Even though hymns are usually devoted to gods and encomia to men (cf. *Etym. Gud*. 540. 42–3 Sturz, where it is explained that ὕμνος ἐγκωμίου διαφέρει καθὸ ὁ μὲν ὕμνος ἐπὶ θεοῦ λέγεται, τὸ δὲ ἐγκώμιον ἐπὶ ἀνθρώπου; for the pair ὕμνοι θεῶν and ἀγαθῶν ἀνδρῶν ἔπαινοι, cf. also Koller 1954, 177–83), in the *Laws* this use appears to be inconsistent: hymn is used interchangeably for gods (700b, 7.799b, 801e) and men (802a, 829e, 947b), and encomium comprehends an equally broad semantic range, including the elegiac poetry of Tyrtaeus (629c), epinicians (822b), songs in honor of gods, daemons, and heroes (801d–e), and songs in honor of men and women (7.801e, 7.802a).

[366] Cf. Vallozza, 1994, 1152–1160.

[367] Folch, 2015, 168.

By accepting ἐγκώμια of good men in Magnesia and, moreover, by employing poetic references and devices in his formulation of the song of praise (ἔπαινος), the Athenian appears to propose a new kind of poetry, one that is morally useful and pedagogically efficient.[368] In the fourth century the language of praise and blame is still understood as an informal discourse of evaluation indispensable for the education of the political community. In the *Laws*, as mentioned above, the main playing field of praise and blame is a domain in which it is impossible to legislate, yet one that shapes the moral character of the individual, e.g. the domain of hunting, which is meant to promote bravery in the citizens and is therefore subject to poetic praise.

From this perspective, the fluid boundaries of encomium allow the Athenian to incorporate encomiastic elements into the legislative discourse of his preludes. The preludes, shaped as praise, provide the legislator with a discursive practice traditionally used to influence personal ethics, and thus allow him to shape new habits of mind. In sum, the poetic discourse of praise and blame represents a new type of poetry that is ethically approved and whose main function is to persuade the citizens of the validity of the new legislation.

3.2 Jussive Paraenesis

P3: Prelude on the Acceptance of the Land-Lot (5.741a6–e6)

The Athenian, at this point in the fifth book, sums up the two assertions that he has just made, that is: (i) the new colonists will divide land and properties among themselves and they will take care of them, as if it were a commonweal of the entire city (740; similarly at 877d, 923a–b), and (ii) the city will allow only 5040 land–lots, each of which will be left to only one heir; in case there are too many sons and daughters, the sons will be adopted by families that lack heirs, and the daughters will be married (740b6–c6). After these legal

[368] The new model for an encomiastic poetry that is morally approved, can also be detected in *Menex*. 236d4, where Socrates sets out to ἐπαινεῖν and ἐγκωμιάζειν the Athenians of the past, who demonstrated to be ἀγαθοί and can thus serve as virtuous model for the living (236d–237a). The *Timaeus*-*Critias* can be regarded as a more illustrative example of this new type of poetry: the tale of both Timaeus and Critias are meant to offer an encomium of the ideal state and citizens (*Ti*. 19b–21a). On the *Timaeus*-*Critias* as a model for the new poetry that, in virtue of its characteristics, would be admitted in the ideal city of the *Republic*, see Regali, 2012. For the encomium that should be evaluated based on the ethical value of its content, cf. *Symp*. 198d–e.

prescriptions, the speech continues with an exhortation to the citizens to maintain and respect the number of lots that have been assigned to them. In this prelude, which is rather short (only 4 paragraphs in Burnet's text), the Athenian stresses the sacred nature, inviolability and indivisibility of the lots.

The discussion prior to the prelude concerns the establishment and upkeep of the land-lots. In case of diseases, the colony, even though unwilling, will have to accept citizens with a "bastard education" (νόθῃ παιδείᾳ πεπαιδευμένους), that is, men who have not been educated in Magnesia. The Athenian ends this discussion by alluding to Simonides (fr. 37 Page), and states that: ἀνάγκην δὲ οὐδὲ θεὸς εἶναι λέγεται δυνατὸς βιάζεσθαι, "even god, so they say, cannot fight against necessity" (741a4). The allusion to Simonides introduces the prelude. It serves as a bridge between the more technical explanation of the law and the prelude itself. Simonides' words are quoted verbatim and investigated by Socrates in the *Protagoras*, at 345d5.[369] As quoted in the *Protagoras*, the verse runs as follows: ἀνάγκᾳ δ'οὐδὲ θεοὶ μάχονται, "against necessity not even the gods fight." Although there are some differences between Simonides' expression and the expression as formulated at 741a4, the allusion to the fragment is clear. Even if we assume that, by the time of Plato, the expression had become a traditional saying, or a proverb, its mention at this point in the text, just ahead of the prelude, introduces a change of tone, which is carried into the following passage.

After the saying, the prelude begins. The Athenian starts by personifying the speech: Ταῦτ' οὖν δὴ τὸν νῦν λεγόμενον λόγον ἡμῖν φῶμεν[370] **παραινεῖν λέγοντα**, "Let us say, then, that this discussion we are having **is giving us this advice"** (741a6–7). The speech addresses the imaginary assembly of the new colonists.[371] The solemn opening formula — Ὦ πάντων ἀνδρῶν ἄριστοι (741a7) — is similar to the one used by the Athenian in the general prelude at the beginning of the book. There is thus good reason to believe that this prelude (741a6–e6) proceeds along the same lines, that is, it is characterised by a high

[369] The saying is also mentioned again in the *Laws* at 818d8-e1, where the Athenian discusses the subject of learning, which have been settled by necessity and against which "not even a god can fight": οὕτω γὰρ ἀνάγκη φύσει κατείληφεν, ᾗ φαμεν οὐδένα θεῶν οὔτε μάχεσθαι τὰ νῦν οὔτε μαχεῖσθαί ποτε, "For thus has it been established according to natural necessity, which we assert none of the gods fights against now, nor will ever fight against" (*Leg.* 818d8–e2). The phrasing in this previous passage of the *Laws* is closer to the verbatim quotation of the fragment that we find in *Prt.* 345d5.

[370] Both England, 1921, 521, and Schöpsdau, 2003, 320, agree to interpret the subjunctive φῶμεν as "let us imagine" or "let us assume (*annehmen*)." Cf. *Resp.* 508b12.

[371] The personification of the logos as itself a speaker can also be found at 630b, 644e, 672c, 792c. See also Ritter, 1896, 30.

style as the general one. The citizens are asked to conform to the regulations regarding a) the number of land-lots in the new colony, and b) the property that each one of them has to keep as a lot. The exhortation is conveyed through the use of three commanding verbs: μὴ ἀνίετε (741a8) φύλαξατε (741b2) and μὴ ἀτιμάσητε (742b3):

> Ὦ πάντων ἀνδρῶν ἄριστοι, τὴν ὁμοιότητα καὶ ἰσότητα καὶ τὸ ταὐτὸν καὶ ὁμολογούμενον τιμῶντες κατὰ φύσιν **μὴ ἀνίετε** κατά τε ἀριθμὸν καὶ πᾶσαν δύναμιν τὴν τῶν καλῶν κἀγαθῶν πραγμάτων· καὶ δὴ καὶ νῦν τὸν ἀριθμὸν μὲν πρῶτον διὰ βίου παντὸς **φυλάξατε** τὸν εἰρημένον, εἶτα τὸ τῆς οὐσίας ὕψος τε καὶ μέγεθος, ὃ τὸ πρῶτον ἐνείμασθε μέτριον ὄν, **μὴ ἀτιμάσητε** τῷ τε ὠνεῖσθαι καὶ τῷ πωλεῖν πρὸς ἀλλήλους (741a7–b5).
>
> with the greatest possible respect, gentlemen, **ensure you concentrate** on the honour which is naturally due to what is similar, to what is equal, to what is identical, and to what is in agreement, whether it is a question of number, or of any potential for fine and good actions. And the immediate thing is —first, the figure we have mentioned; **maintain** that your whole lives through. And second, **show respect** for the upper limit set to your property (which was of reasonable size when it was originally allocated to you) by not buying and selling among yourselves.

Considering that the aim of the speech is παραινεῖν, "to exhort," the choice to express a command, is perhaps, not surprising. Nightingale observes that the preludes to the laws, although in the form of a two-way communication, are as unidirectional, fixed and authoritative as the legal texts they introduce.[372] The perlocutionary act of the laws, according to Nightingale, is easy to identify: it is obedience to a specific command. In this prelude, the choice of imperative and jussive subjunctive (unusual in the other preludes) reveals the intention of the Athenian to be concise and authoritative.[373] Still, prescriptive exhortation is not the only feature of this prelude.

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[372] Nightingale, 1999, 289–293, claims that neither the preludes nor the laws can be questioned nor contradicted: one can only obey and disobey, cf. *Leg.* 859a1–6, 660a3–8, and Annas, 2017, 94–95 who sees the difference between pure force (i.e. law) and force blended with persuasion (i.e. prelude) as the difference between a tyrant who gives the order and walks away leaving you to obey it, and loving parents: parents will repeat what you have to do and, willing or not, you will have to do it.

[373] This prelude is for the most part characterised by a certain obscurity of the language. The first part of the sentence is easy: the citizens are asked to follow the arrangements regarding "similarity" (ἡ ὁμοιότης), "equality" (ἡ ἰσότης), "sameness" (τὸ ταὐτόν) and the number of the land-lots that are allowed in Magnesia. Harder to decipher is the expression καὶ πᾶσαν δύναμιν τὴν τῶν καλῶν κἀγαθῶν πραγμάτων "any potential for fine and good actions" (741b1). England follows Ritter's interpretation and reads τῶν καλῶν κἀγαθῶν πραγμάτων

As the speech proceeds, the Athenian exhorts the new colonists not to dishonour the lot that they have received by means of selling and buying it from each other. In fact, by doing so they will disobey both Κλῆρος, *Lot*, who is a god, and the legislator: οὔτε γὰρ ὁ νείμας κλῆρος ὢν θεὸς ὑμῖν σύμμαχος οὔτε ὁ νομοθέτης "since if you do buy and sell you will have neither the Lot itself (which is a divinity) nor the lawgiver on your side" (741b6–7).[374] As Schöpsdau notes, through the identification of the lot with a god, the Athenian gives divine legitimation to the assignation of land.[375] The use of religious language becomes even more explicit in the following lines. The Athenian warns those who receive the lot, by claiming: (i) that the earth is sacred to all the gods (741c1), and (ii) that priests and priestesses would confirm the land's sacredness at the first, second and third sacrifices (741c2–3). It remains, unfortunately, unclear what kind of sacrifices the Athenian is referring to at this point.[376] However, since the transgression regards the religious dimension, as well as the legal one, the wrongdoer will suffer a penalty appropriate to the crimes. The legal authorities (or priests, since the subject of the verb is not made explicit) will place in temples "cypress tablets" engraved with the name of the offender, as a memory for times to come.[377]

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as an objective genitive to δύναμιν, meaning influence "productive of fair and noble things" (Ritter, 1896, 147: "auch der ἀριθμός scheint mir als eine δύναμιν τὴν τῶν καλῶν κἀγαθῶν πραγμάτων angesehen zu sein; dann aber wäre der genitivus nicht als subjectivus zu nehmen *alles was Gutes und Löbliches bewirken kann*."). The same interpretation is given by Des Places, 1951, 98 who writes "soit dans le nombre, soit en toute propriété apte à produire le beau et le bien." If we follow Ritter and take δύναμις as an attribute to ἀριθμός, the Athenian is saying that the maintaining of the assigned number of lots will guarantee (produce) the good and noble things. The sentence is slightly obscure, but suits the rest of the prelude, whose style is, for the most part, not direct but rather formal. For a comment on the obscurity passage see also England, 1921, 521 and Des Places, 1951, 98.

[374] Griffith, 2016, 188, interprets κλῆρος as "the process of allocation," but, being κλῆρος a divinity, we prefer to indicate it as *the Lot.*

[375] Schöpsdau, 2003, 320. All editors print κλῆρος, which is the reading of the first hand in both A and O. In both MSS there is a correction, possibly by the first hand, to κλῆρον, with ν written over ς. This suggests that the writer was probably at first in doubt whether it was a nominative or an accusative. According to England, though, it is unlikely that, if the original was κλῆρον someone would change it to the nominative. What is more, at 690c5 Plato defines the ruler chosen by lot as θεοφιλῆ. This is in accordance with the description of the lot as a minister of Heaven, and thus a θεός, England, 1921, 521. Also, at 741d4 the lot might be interpreted as god, see Schöpsdau, 2003, 320.

[376] For the structure of this complex passage we follow the interpretation of England, 1921, 522.

[377] According to parallel passages at 754d, 850a, it is more likely that the subject of θήσουσι are the legal authorities rather than the priest, see Schöpsdau, 2003, 320.

γράψαντες δὲ ἐν τοῖς ἱεροῖς θήσουσι **κυπαριττίνας μνήμας** εἰς τὸν ἔπειτα χρόνον καταγεγραμμένας (741c6–7).

the **records** of the holdings — **written on cypress wood** — they shall deposit in the temples, for future reference.[378]

Through the expression κυπαριττίνας μνήμας Plato refers to writing tablets made of cypress wood, which were, probably, used as archival records.[379] The expression deserves some attention. Although μνήμη may be interpreted in the quasi-technical sense of "written record", "inscription", the combination here with the adjective κυπαρίττινος seems significant. The two terms κυπαριττίνας μνήμας are found together only in this passage of the *Laws*. On the one hand, the adjective, although not very frequent, usually denotes concrete things, such as a "post of cypress-wood" in Homer (*Od*. 17.340), a "cypress shine" in Pindar (*Pyth*. 5.39), and a "coffin of cypress wood" in Thucydides (*Hist*. 2.34). On the other hand, μνήμη usually conveys the abstract meaning of "memory," "remembrance," even though it also occurs, in Aristoteles and Callimachus, in the sense of "written record," "memorial."[380]

Thus, the problem lies in how to interpret the word μνήμη: either in the concrete sense of "inscription" and, thus, "cypress-wood inscriptions", or in the more figurative sense of "commemoration," and thus "cypress-inscribed memories." In the text, the juncture κυπαριττίνας μνήμας is placed in the middle, framed by two participles, γράψαντες, "having written," and καταγεγραμμένας, "inscribed." By matching the figurative term μνήμη with two concrete participles, the abstract memory becomes a concrete "memorial." Such a concrete use of μνήμη was not common and is never found in Plato's *corpus*, so we might assume that in this prelude the Athenian attributes a new connotation to the word.[381] It might also be that Plato has in mind the wooden

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[378] The translation by Griffith, 2016 does not properly highlight the linguistic problem with κυπαριττίνας μνήμας, "cypress-wood records/memories," which is here discussed; however, it conveys well the sense of the phrase.

[379] As has been noted, we lack parallels regarding a systematic and mandatory registration of land properties; only in Hellenistic Egypt, is there evidence of cadastres. See Schöpsdau, 2003, 321, Morrow, 1960, 106, Faraguna, 1997.

[380] LSJ: μνήμη 3. "memorial," "record," κυπαρίττιναι μνῆμαι εἰς τὸν ἔπειτα χρόνον καταγεγραμμέναι Pl. *Leg*. 741c; μνῆμαι ἐν μέτροις καὶ ἄνευ μέτρων *inscriptions*, Arist.*Rh*.1361a34; μ. μυθολόγος "mythological record, history," Callim. *Aet*. 3.1.55.

[381] The word might carry this meaning in Aristotle's *Rhetoric* when Aristoteles discusses different kinds of public display of τιμή and names μνῆμαι ἐν μέτροις καὶ ἄνευ μέτρων, "commemorations in verse and prose," as one of them. See Arist. *Rh*. 1361a9, Kennedy, 2007.

tablets on which Solon, and perhaps also Dracon had inscribed their laws, as Plutarch writes:

> ἰσχὺν δὲ τοῖς νόμοις πᾶσιν εἰς ἑκατὸν ἐνιαυτοὺς ἔδωκε· καὶ κατεγράφησαν εἰς **ξυλίνους ἄξονας** ἐν πλαισίοις περιέχουσι στρεφομένους. ὧν ἔτι καθ᾽ ἡμᾶς ἐν Πρυτανείῳ λείψανα μικρὰ διεσώζετο· καὶ προσηγορεύθησαν, ὡς Ἀριστοτέλης φησί, κύρβεις. καὶ Κρατῖνος ὁ κωμικὸς εἴρηκέ που·
>
> Πρὸς τοῦ Σόλωνος καὶ Δράκοντος οἷσι νῦνφρύγουσιν ἤδη τὰς κάχρυς τοῖς κύρβεσιν.
>
> ἔνιοι δέ φασιν ἰδίως ἐν οἷς ἱερὰ καὶ θυσίαι περιέχονται, κύρβεις, ἄξονας δὲ τοὺς ἄλλους ὠνομάσθαι (Plut. *Vit. Sol.* 25).
>
> all his laws were to have force for a hundred years and they were written on "axones," **or wooden tablets**, which revolved with the oblong frames containing them. Slight remnants of these were still preserved in the Prytaneium when I was at Athens, and they were called, according to Aristotle, "kurbeis." Cratinus, also, the comic poet, somewhere says:—
>
> "By Solon, and by Draco too I make mine oath, / Whose kurbeis now are used to parch our barleycorns."
>
> But some say that only those tablets which relate to sacred rites and sacrifices are properly called "kurbeis," and the rest are called "axones."

It is possible that Plato alludes to this type of wooden tablets to preserve the names of the transgressors. As for the phrasing, the expression has been criticised by Longinus as an example of a figurative and extravagant effect; as Des Places notes: "'les tablettes de cypress qui sont un memorial' ont choqué l'auteur du *Sublime* (4,6); mais tout le style du passage est poétique."[382] In other words, according to Des Places the criticism expressed by Longinus (i.e. his criticism of the expression as extravagant) might be risolved by the fact that the entire passage is poetic. Yet, the reasons why the style of the passage is to be considered poetic are not specified.[383]

As regards Longinus, he criticises Plato for the use of κυπαριττίνας μνήμας instead of δέλτους to indicate "writing tablets," and defines the expression as

[382] Des Places, 1951, 98.

[383] Certainly, the entire passage at 741a6–d4, with the final clause, is rather cryptic, and to certain extent tautological. As England, 1921, 523, puts it: "Truly, ὁ θείος Πλάτων, as Longinus calls him, has given us an obscure piece of writing to decipher here."

ψυχρόν "frigid."[384] In this initial section of the treatise, 'Longinus' criticises vices of style, such as affectation, bombast, false sentiment, and frigidity (sect. 2–3). Plato's expression at *Laws* 741c6–7 is included as an example of this last "defect" of style, i.e. "frigidity."[385] What 'Longinus' implies with the adjective "frigid" seems to be a tendency for certain authors to end up in stiltedness and mannerism, though aiming at brilliancy, smoothness, and, most of all, attractiveness:

> τί ποτ'οὖν τὸ μειρακιῶδές ἐστιν; ἢ δῆλον ὡς σχολαστικὴ νόησις, ὑπὸ περιεργασίας λήγουσα εἰς ψυχρότητα; ὀλισθαίνουσι δ'εἰς τοῦτο τὸ γένος ὀρεγόμενοι μὲν τοῦ περιττοῦ καὶ πεποιημένου καὶ μάλιστα τοῦ ἡδέος, ἐξοκέλλοντες δὲ εἰς τὸ ῥωπικόν καὶ κακόζηλον (*De Subl.* 3.4).
>
> what is then puerility? Isn't it a pedantic understanding, which ends up in frigidity because of over-elaboration? Those who make slips of this sort (i.e. of puerility), reaching after the extraordinary, the artificial and especially after what is pleasant, drift into trumpery and affectation.[386]

According to Longinus, Plato is guilty of this vice in his use of κυπαριττίνας μνήμας to indicate δέλτους. It should be noted that ancient critics and rhetoricians were adept at spotting (and quick to criticise) figurative expressions that sound unobjectionable to our ear. The limits of τὸ πρέπον in prose were narrow.[387] Now, even though Longinus wrote four centuries after Plato, his remarks are still valuable; firstly, because they are probably inspired by similar criticism made by earlier authors and, secondly, as Longinus' sensibility to Plato's style was closer to Plato's audience than our own. Hence Longinus' judgement shows that the expression, at least by his time, but probably also earlier, was perceived as figurative and poetic rather than concrete and prosaic.

Finally, the exhortation ends with an allusion to an ancient proverb:

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[384] 'Longinus' *Subl*. 4.6. The earliest definition of the word ψυχρόν occurs in Arist. *Rh*.1406b5–8 where τὰ ψυχρά, "frigidities" in style and language are due to four causes: 1) compounds words, 2) the use of obscure, obsolete words, 3) epithets (long, mal-apropos, or too numerous), and 4) metaphors, which are inappropriate when they are ludicrous, or too high-sounding and pompous or obscure, because far-fetched. For the history and a detailed analysis of the term see Van Hook, 1917, 68-76.

[385] For a more detailed reading of [Longinus] *Subl.*, see Russell, 1964.

[386] Translation is mine.

[387] Van Hook, 1917, 71.

> ὅσον γὰρ δὴ τὸ νῦν ἐπιταττόμενον ἀγαθὸν ὂν τυγχάνει πάσαις ταῖς πειθομέναις πόλεσι, τὴν ἑπομένην κατασκευὴν προσλαβόν, **κατὰ τὴν παλαιὰν παροιμίαν οὐδεὶς εἴσεταί ποτε κακὸς ὤν**, ἀλλ᾽ ἔμπειρός τε καὶ ἐπιεικὴς ἕθεσι γενόμενος (741d4–741e1).
>
> how great a benefit this arrangement — together with the economic system which goes with it —really is to all cities which follow it, is something which only someone with experience, combined with good habits, can understand.[388] **It will always be a closed book, as the saying goes, for the wicked**.

The Athenian seems to be saying that the positive effects of the legislation will remain unknown to the one who is evil and will only be known by those who have become experienced through good habits. According to England, the meaning of the passage is to be understood as οὐδεὶς εἴσεταὶ ἄπειρος ὤν, "no one will know, being inexperienced." Ritter regards this saying akin to the message conveyed at 733a, where the noblest life is equivalent to the most moderate life.[389] We would argue that the ending, by means of a proverb, serves to make the prelude appear more authoritative and comprehensible, in virtue of the shared lore of knowledge that is generally bound up with proverbs.

In short, this prelude is marked by a generally prescriptive tone that is combined with the idea of divine punishment in case of breaking the laws (cf. (i) the deification of the land-lot, (ii) a description of the earth as sacred and (iii) priests and priestesses as confirmers of its sacredness through sacrifices). At the same time, besides the occurrence of generally known proverbial expressions the style of the passage is solemn and grandiloquent, making use of literary devices such as epistrophic alliteration (741b1 τῶν καλῶν κἀγαθῶν πραγμάτων), titular amplification (741a7 ὦ πάντων ἀνδρῶν ἄριστοι), chiastic structure (741d7, κακὸς ὤν, ἀλλ᾽ ἔμπειρός …γενόμενος), assonance (741c2–3), polyptoton (741e3–4, ἱερᾶς…ἱερέων…ἱερειῶν) and the obscure expression κυπαριττίνας μνήμας (741c6), in other words a solemn style perceived as "frigid" by Longinus.

P8: Mistreatment of the Elders (9.879b6–880a8)

The prelude at 879b6–880a8 focusses on violence against the elders. In this analysis, the focus will be on the vocabulary employed by the Athenian. We

[388] Griffith, 2016, 189, translates more freely: "which only experience, combined with moral restraint can teach."

[389] Ritter, 1896, 148. England, 1921, 523.

will begin the analysis of the prelude by looking at its ending, at the words used by the Athenian to describe his preceding remarks.

The prelude consists of a series of prescriptive exhortations (i.e. threats of punishments), defined as "words of advice," παραμύθιον by the Athenian (880a7). The Athenian states that for those not convinced by the encouragements, there would be a need for the law:

> καὶ ἐὰν μέν τις **τοιούτοις παραμυθίοις** εὐπειθὴς γίγνηται, **εὐήνιος ἂν εἴη**· ὁ δὲ δυσπειθὴς καὶ μηδὲν **προοιμίου** φροντίζων δέχοιτ' ἂν τὸν τοιόνδε ἑτοίμως νόμον (880a6–b1).
>
> anyone with an ear for such words of advice will be easy to handle. The one with no ear, who disregards the prelude, may be more prepared to listen to the law, which is as follow.

Even though these exhortations appear to conform to the style of legal warnings, the Athenian denotes the previous claims as "word of advice," παραμύθιον.[390] Now, since (i) παραμυθία is one of the main functions of a prelude (cfr. 720a1), (ii) it is stated that he who follows the prelude is likely to be "easy to handle," "well-disposed" εὐήνιος, and (iii) the content of the prelude is described as a "word of advice," we might safely assume that Plato intends the previous statements, beginning at 879b7, to serve as preludes to the law.

In the first part of the prelude, the Athenian states that a young man's assault on an older man is shameful and hateful to the gods. He claims that it is, in fact, necessary for every man, child, and woman to respect an old man more than a young one. What is more, the Athenian claims that, when a young man is beaten by an older one, he should endure this sufferance in order to assure for himself this same honour in his own old age, ἔοικεν δὲ νέῳ παντὶ ὑπὸ γέροντος πληγέντι ῥᾳθύμως ὀργὴν ὑποφέρειν, αὐτῷ τιθεμένῳ τιμὴν ταύτην εἰς γῆρας.[391] Then the Athenian proceeds to give specific warnings on when to abstain from violence:

- Towards someone 20 years older than himself (the victim is then to be regarded as a father or a mother and one "should keep the entire generation of those who potentially could have fathered him or given

[390] Such a word is usually employed in the context of preludes, see 773e5, 854a6, 880a6–8, 899d6, 923c2–3, 928a1.

[391] *Leg.* 879c3–6: "whereas for any young man who is struck by an old man, the appropriate reaction is to remain calm and contain his anger, as an investment in the same respect towards himself in his old age."

birth to him at arm's lenght out of respect for the gods who preside over childbirth, θεοὶ γενέθλιοι" (879d1–2).[392]

- Towards a stranger (879d2–e1). One should rather hand over the stranger to the magistrates, ἀστυνόμοι, so that they will judge him, "paying due regard to the god of strangers," τὸν ξενικὸν αὖ θεὸν εὐλαβούμενοι (879e1).[393]

Where two men of the same age are fighting each other, they are allowed to do so, but only according to their own nature, that is, without using any weapon and only with their bare hands. On the other hand, if it is a man over forty who is fighting, he would be considered ἄγροικος, "boorish," ἀνελεύθερος, "servile," and ἀνδραποδώδης, "slavish," and a judicial penalty would be rightly applied to him (880a3–6).

The gods are mentioned three times. Firstly, the Athenian claims that every person who wants to become happy must always respect old age (879b7–c2), secondly he states it is shameful, αἰσχρόν, and "hateful to the gods," θεομισές, to see an old man assaulted by a young one (879c2–5).[394] Thirdly, he names two categories of gods that shield two groups of people from injuries: (i) θεοὶ γενέθλιοι (879d2) for those considered as parents and (ii) ὁ ξενικὸς θεός (879e2) for strangers. The reference to the gods seems here to function as a persuasive admonition to prevent people from committing such crimes. It should also be noted that where a stranger is found guilty, he will receive as many blows as he has given, in order to put a stop to the "foreigner's foreign insolence" θρασυξενίας (879e5). The term θρασυξενία is a hapax and only England, among the commentators pinpoints the use of the word. He notes that: "θρασυξενία is a strange compound; in this connection, it implies that θρασύτης in a ξένος is particularly out of place, and must therefore, be knocked

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[392] The expression γενέθλιοι θεοί refers here, as well as at 729c7, to the gods that grant a large number of children. In poetry, the adjective γενέθλιος indicates tutelary gods of the family, see Pind. *Ol*. 8.16; *Pyth*. 4.167, Aesch. *Septem* 439, fr. 47a.

[393] This is a reference to Ζεύς Ξενιός, who is discussed at 729e–730a.

[394] It should be noted that the term θεομισές at the beginning of the speech is significant. In classical Greek, the adjective θεομισής occurs only once before Plato, in Ar. *Av*. 1548. The scene stages the Titan Prometheus being nervous and afraid that watchful Zeus might discover his plans (1494–1552). At 1548, the interlocutor states that Prometheus hates the gods: θεομισὴς ἔφυς. In Aristophanes' passage the word has an active sense, "hating the gods," while in Plato it always carries the meaning "hated by the god," in opposition to "θεοφιλής, loved by the gods." The interpretation as active θεομισής in Aristophanes is due to the glossa in Σ: μισῶν θεούς, ὡς ὁ Τίμων ἀνθρώπους. As Timon hated his fellow-men so Prometheus hated the other gods, see Dunbar, 1995. The term θεομισής occurs frequently in the *Euthphr*. (unsurprisingly, perhaps, since the object of Socrates' discussion is piety), once in *Resp*. (612e6), and three times in *Leg*. (838b10, 879c3, 917a).

out of him."[395] We might assume that the novelty and specificity of the word requires more attention from the audience and it thus becomes more memorable.

Furthermore, in the prelude, some expressions can be traceable back to the Homeric poems. Among these expressions we can count, as noted by Schöpsdau, the expression ἔργῳ τε καὶ ἔπει, "in his actions and his words" (879c6–7), which echoes the epic locution ἔργον τε ἔπος τε (*Il*. 15.234, *Od*. 2.272). This expression, with its epic connotation, might serve to give the speech a more elevated tone. The same function is performed by the numerous literary devices occurring in the prelude: balanced antithetical sentence (879b6–7, βίαια μὲν…, βίαιον δὲ…), paronomasia (879b9, πρεσβύτερον … πρεσβευόμενον), gnomic sentences (879c2–3, αἰκίαν οὖν περὶ πρεσβύτερον ἐν πόλει γενομένην ὑπὸ νεωτέρου ἰδεῖν αἰσχρὸν καὶ θεομισές; c6, πᾶς ἡμῖν αἰδείσθω τὸν ἑαυτοῦ πρεσβύτερον ἔργῳ τε καὶ ἔπει), and polyptoton 879e7–880a2, ἦλιξ δὲ ἥλικα … ἡλικίᾳ … γέρων τε γέροντα καὶ ἐὰν νέος νέον). Still, the prescriptive tone is predominant in the prelude, with an ample use of the imperative (879c6, αἰδείσθω, c8, διευλαβείσθω 879d4, τολμάτω d8, ἀπαγέτω etc.).

In short, the idea that the young man must always pay respect to his elders appears to be taken for granted by the Athenian, who does not discuss the matter at length, but rather strictly warns the young to behave properly towards their elders. The brief prelude on mistreatment of the elders is thus structured as a formulation of legal warnings, and less room is left to poetic or religious elements.

P9: Prelude on Violence against Family Members (9.880d8–881b3)

The next prelude deals with violence committed against family members. The Athenian starts by reminding the reader of the function of laws. He states that laws are meant for two categories of people: on the one hand, for good people, χρηστοὶ ἄνθρωποι, to whom the law teaches how to behave in amity towards each other, φιλοφρόνως οἰκοῖεν (880e1),[396] and, on the other hand, for those who, because of their "unyielding nature" ἀτεράμων φύσις, cannot be educated

[395] England, 1921, 439. On the meaning of the word see Poll. *Onom.* 3.58, who in a section regarding military affairs, writes on the meaning of the word in Plato: θρασυξενία δὲ, εἰ θρασύνοιτο ὁ ξένος. Ξεναπάτην δὲ Εὐριπίδης εἴρηκε καὶ ξενοφόνον, ξενοκτόνον δὲ Ἡρόδοτος. For the importance of Julius Pollux in the lexicografic tradition, see Bearzot-Landucci-Zecchini, 2007.

[396] For the importance of friendship, see *Leg.* 628c, 693b, 693c, 701d9, 738d7, 743c6, 757a.

into avoiding wickedness (880e2–3).[397] The Athenian wishes that there was no need for laws, but he is conscious that, for most people, the fear of punishment of the law represents the strongest deterrent from doing harm. In fact, the laws function as a deterrent for (i) those who are not afraid of the wrath of the gods (880e8); (ii) those who are not afraid of the retributions beneath earth (881a1); (iii) and, finally, those who despise the ancients and what everyone says (881a2–3). The Athenian concludes the prelude by claiming that the punishments threatened by the laws ought not to be considered inferior to those ones that are inflicted in Hades (881b1–3). Thus, rather than being a gentle exhortation against violence towards family members, this prelude appears to be an exhortation to follow the prescriptions of the laws, unless one is going to be subject to heavy penalties not only in the afterlife but also on Earth (881a3–2).

It is noteworthy that the Athenian, in the prelude, reminds the reader of the didactic function of the law: The law teaches good men how to live in harmony with each other, **διδαχῆς χάριν** τοῦ τίνα τρόπον ὁμιλοῦντες ἀλλήλοις ἂν φιλοφρόνως οἰκοῖεν (880d9–e1).[398] Still, as above stated, the law is specifically meant for those whose stubborn nature prevents from living a life of goodness:

> οἱ δὲ τῶν τὴν παιδείαν διαφυγόντων, **ἀτεράμονι** χρωμένων τινὶ φύσει καὶ μηδὲν **τεγχθέντων** ὥστε μὴ ἐπὶ πᾶσαν ἰέναι **κάκην** (880e1–3).
>
> in other cases, they (scil. the laws) are for those who have dodged an education and who, **unyielding** by nature, have had no **softening process** to stop them turning to **evil** of every kind.

Three terms are worthy of attention in this phrase: the adjective ἀτεράμων, "hard", "unflexible", the verb τέγγω, "to wet, to moisten", and the noun κάκη, "wickedness." The adjective ἀτεράμων is attested five times up to the fourth century B.C.: twice in Aristophanes (*Ach.* 181, *Vesp.* 730), once in a fragment of the comic poet Eubulus (fr.1.1), and twice in Plato (here at *Laws* 880d and at 853d2–3, in the prelude on temple-robbery).[399] In all of these five

[397] We find a similar phrase at 853d1–3, in the prelude on temple robbery, there the "unyielding nature" is called κερασβόλος. A discussion on the etymology of the word is given in the analysis of the prelude on temple-robbery.

[398] This passage can be compared with 858d8, which is also an instructive discourse. Teaching is the duty of the lawgiver, and the specific place to utter this teaching is not only the prelude (720d6, 783d4, 885d2, 888a2, d4), but also the law itself (862d2, 880d9).

[399] Both ἀτεράμων in the sense "hard to cook and τεράμων, "becoming soft by boiling" are common in Theopr. *Hist. pl.* and *Caus. Pl.*

occurrences the word is used in the moral sense of "hard," "tough," "stubborn": in the *Acharnians* it describes the old men of Acharnae as stubborn and solid as oak (πρίνιοι, 180), while in the *Wasps* (where the word is parallel to ἀτενής, "stubborn") is referred by the chorus to Philocleon who ought not to be so "hard" to convince. These two occurrences appear to be the earliest attestations of the Attic form of the word, which is elsewhere ἀτέραμνος, "unsoftened."[400] Chantraine also suggests that it could be a question of an Attic archaism.[401]

In the words of the Athenian, the "tough/stubborn" side of the character is the reason why certain people cannot be "softened/moistened," τεγχθέντες (probably by a good education), and hence avoid wickedness. The verb τέγγω, "to moisten," is used often by both lyric and tragic poets, both in its literal and figurative meaning. It is very rarely used in prose but Plato employs it three times: *Resp*. 361c6, *Laws* 866d2, and in the present prelude.[402] In the *Republic,* the word is clearly used figuratively: Socrates, in a discussion regarding the difference between being just and appearing to be just, states that a man, as he is not being "softened" by the bad reputation of being unjust, can demonstrate his commitment to justice. [403] In the first occurrence in the *Laws* (866d2), the Athenian illustrates the legal measures to be taken after an involuntariy killing, and stresses that one, even after a shipwreck, one should be ready to leave the country as soon as the moment allows it, camping at the sea, submerging his feet in the water: ἐν θαλάττῃ τέγγων τοὺς πόδας (866d2). Thus, only in the passage in the *Republic* and in the prelude the word is employed in its metaphorical and moral sense.

Lastly, κάκη, "vice" "wickedness" is a rare and poetic word which occurs, up to the fourth century, only once in a fragment by Sappho (θεμ[έν]α κάκαν [fr. 5.19 Page) in the tragedians (but only Aeschylus and Euripides, never in Sophocles), once in Aristophanes (*Av*. 541) and, in prose, exclusively in Plato's *corpus*, mostly in the *Laws* (10 out of a total of 14 occurrences).

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[400] Biles-Olson, 2015, 316. Cf. Hom. *Od.* 23.167, κῆρ ἀτέραμνον (in reference to peneleope's supposedy "hard heart") and Aesch. *PV* 190, 1062, ἀτέραμνον … ὀργήν (in reference to Zeus' "harsh temper").

[401] Chantraine 1968, 133.

[402] Fatouros, 1966, 365 lists it as a poetic term. The verb is used with the literal meaning of "moisten" also in *Hippoc.*

[403] *Resp*. 361c5–d3: μηδὲν γὰρ ἀδικῶν δόξαν ἐχέτω τὴν μεγίστην ἀδικίας, ἵνα ᾖ βεβασανισμένος εἰς δικαιοσύνην **τῷ μὴ τέγγεσθαι ὑπὸ κακοδοξίας** καὶ τῶν ὑπ' αὐτῆς γιγνομένων, "Even though he does no injustice, he must have the greatest reputation for it, so that he may be questioned, in regard to justice**, by the fact of not being softened by a bad reputation** and its consequences."

Aeschylus uses the word twice, in *Seven Against Thebes*: at 192 and at 616. In the first occurrence, Eteocles blames the female chorus for loosing its temper and panicking at the hearing of the enemey's chariots surrounding the city (184–190). Her fearful shouting has caused "panic and cowardice" in the citizens: καὶ νῦν πολίταις τάσδε διαδρόμους φυγὰς / θεῖσαι διερροθήσατ' ἄψυχον κάκην, "so now, with you running around in all directions like this, your clamour has spread panic and **cowardice** among the citizens" (191–192). In the second occurrence, at 616, Eteocles laments the fate that "righteous men" share "with impious inferiors" (597–608) and talks about the honest prophet Amphiaraus who, since in company of evil men, is destined to succumb, not because "he is lacking in spirit or **cowardly in characte**r", οὐχ ὡς ἄθυμον οὐδὲ λήματος **κάκῃ** (616), but because so runs the prophecy of Apollous (618). In this last occurrence, κάκη indicates a weakness in the practice of courage, which is a virtue. It is, however, not a characteristic of Amphiaraus, who, on the contrary, is a σώφρων δίκαιος ἀγαθὸς εὐσεβὴς ἀνήρ (610).

In Euripides, the word occurs four times: in *Medea* 1051, *Hippolytus* 1335, *Andromache* 967, and *Iphigenia in Tauris* 676. In the homonimous dialogue, during her monologue at 1019–1052, Medea changes her mind about whether or not to kill her own children to make Jason pay for his betrayal: at first she is willing to spare them, but soon after she recognises this idea as a sign of cowardice (κάκη, 1051): ἀλλὰ τῆς ἐμῆς **κάκης**, τὸ καὶ προσέσθαι μαλθακοὺς λόγους φρενί, "no, it is mere **weakness** in me even to admit such tender words into my heart" (1051). The "tender words" have served Medea earlier against her enemies (316, 776), but now she must be careful not to consent to them herself.[404] In this sense, κάκη indicates here a type of weakness that implies a lack of persistence in her objectives. In the *Hyppolitus*, towards the end of the play, Artemis reproaches Theseus for the harshness of his judgement of Hippolytus, but the goddess also recognises Theseus' ignorance as a mitiganting factor for his mistakes: τὴν δὲ σὴν ἁμαρτίαν / τὸ μὴ εἰδέναι μὲν πρῶτον ἐκλύει **κάκης**, "ignorance acquits your mistakes of **baseness**" (1334–35).[405] Also in this occurrence, κάκη can be interpreted as a form of weakness, from Theseus' part, in letting his feelings of vengeance overcome a further investigation of Hippolytus' version of the facts. In *Andromache*, at 967, Orestes argues against Menelaus' betrayal, since Menelaus had first, before the Trojan war, promised Hermione to be Orestes' wife, but then he marries her to Neoptolemus as a reward for the sack of Troy: ἐμὴ γὰρ οὖσα πρὶν / σὺν τῷδε

[404] Mastronarde, 2002, 338.

[405] For ignorance as a mitiganting factor for the Greeks in assigning blame, cf. Arist. *Eth. Nic.* 1113b23–7, and Halleran1995, 261.

ναίεις ἀνδρὶ σοῦ πατρὸς **κάκῃ**, "for you were mine to begin with, and you are married to Neoptolemus only by the **baseness of your father** (966–967).[406] The last occurrence is in *Iphigenia in Tauris*, where Pylades declares his intention to be with Orestes also in his last hour (Orestes is supposedly going to be sacrified by Iphigenia, who does not yet know his real identitiy), mostly because of the public shame and bad reputation that would follow him if he were to stay alive while his friend is dead (674–684): καὶ δειλίαν γὰρ καὶ **κάκην** κεκτήσομαι, "otherwise I shall get a reputation for **cowardice** in Argos and the glens of Phocis" (676). Here κάκη describes a general type of moral baseness, a cowardice.[407]

Before we look at the occurrences in Plato's *corpus*, a few words should be said about the occurrence in Aristophanes' *Birds* (541). Here Pisthetaerus explains to the chorus of birds that, in earlier times, birds were even more powerful and worshipped than Zeus and the gods themselves (519–538); the chorus replies by blaiming the "fathers' baseness", who have ruined for them the privileges that the ancestors had granted them:

> ὡς ἐδάκρυσά γ' ἐμῶν / **πατέρων κάκην**, οἳ / τάσδε τὰς τιμὰς προγόνων παραδόντων / ἐπ' ἐμοὶ κατέλυσαν (*Av.* 540–543).
>
> it made me weep at **my fathers' baseness**, who in my own time have wrecked these privileges of mine that my forebears bequeathed to them.

As Dunbar points out, the context of the passage suggests that κάκη is taken as "baseness", "cowardice", rather than "wickedness" (*LSJ*) in virtue of its opposition to the manly valour of the ancestors (who have handed a great empire to posterity) praised by Thucydides (speeches 2.36.2 and 2.62.3). Also, since the term occurs only here in Aristophanes and elsewhere only in tragedy (beside the occurrences in Plato), its use suggests that "it sounded more dignified than κακία which is found in orators, historians and philosophers."[408] In short, also in Aristophanes, as in tragedy, κάκη indicates some sort of general moral baseness.

In Plato, the word is used twice in the *Phaedrus* (247b3 and 273c2), once in the *Menexenus* (246b5), once in the *Republic* (468a7) and ten times in the *Laws*. In the *Phaedrus*, at 247b3 κάκη indicates the "wickedness" of the bad

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[406] For κάκη as a metrical form more convenient than κακία, and as a form occasionally found in the dramatists but, in prose, confined to Plato, see Stevens, 1971, 207.

[407] Cf. Kyriakou, 2006, 228.

[408] Dunbar, 1995, 370.

horse who drags the chariot downwards (βρίθει γὰρ ὁ τῆς κάκης ἵππος μετέχων, ἐπὶ τὴν γῆν ῥέπων, 247b3–4), while at 273c2 it refers to the "cowardice" — always denied in court — that characterises the man who has been attacked and robbed by a weaker but braver man (ὁ δ' οὐκ ἐρεῖ δὴ τὴν ἑαυτοῦ κάκην, ἀλλά τι ἄλλο ψεύδεσθαι, 273c2–3); in the *Menexenus*, at 246b5 children are exhorted not to yield to cowardice but to stay in the first ranks in time of war; by doing so they shall imitate their valiant grandfathers (μὴ λείπειν τὴν τάξιν τὴν τῶν προγόνων μηδ' εἰς τοὐπίσω ἀναχωρεῖν εἴκοντας κάκῃ, 246b4–5); in the *Republic,* at 468a5–7 Socrates is dicussing matters of warfare and claims that a man, who, out of cowardice (διὰ κάκην a6), throws aways the shield or does any other similarly blameful actions should be "demoted to craftman, or farmer" (τὸν λιπόντα τάξιν ἢ ὅπλα ἀποβαλόντα ἤ τι τῶν τοιούτων ποιήσαντα διὰ κάκην ἆρα οὐ δημιουργόν τινα δεῖ καθιστάναι ἢ γεωργόν, 468a5–7). It follows, that, except for the "evil horse" in the *Phaedrus* (247b3), in the other occurrences κάκη indicates, again, a type of moral cowardice.

As for the occurrences in the *Laws*, the word oscillates between the two meanings: the context seems to suggest "vice", "wickedness" for 7 out of the 10 occurrences in the *Laws* and "moral baseness" for the remaining 3. As for the former group of occurrences: (i) at 737b8, to create enmities in a new city because of the distribution of the land is considered both stupid and wicked (ἂν εἴη μετὰ κάκης πάσης ἀμαθία, 737b8); (ii) at 856c2, those who, although knowing someone's mischief, do not take action against them are to be considered as secondary citizens "in the scale of evil" (δεῖ δεύτερον ἡγεῖσθαι τὸν τοιοῦτον πολίτην κάκῃ, 856c2); (iii) 880e3 is the occurrence in the above-mentioned prelude, where it is claimed that some people have a too stubborn nature to be turned away from "evil" (ἐπὶ πᾶσαν ἰέναι κάκην, 880e3); (iv) at 908e6, after the prelude on impiety, the Athenian decrees the "prudentiary" for those who are guilty of folly and do not have an "evil disposition" (τοὺς μὲν ὑπ' ἀνοίας ἄνευ κάκης ὀργῆς τε καὶ ἤθους γεγενημένους εἰς τὸ σωφρονιστήριον, 908e5–909a1); (v) at 916d6, the Athenian enunciates the prelude "on this evil", i.e. prelude on fraud (προοίμιον δέ, καθάπερ ἄλλων νόμων, δεξώμεθα καὶ περὶ ὅλης ταύτης τῆς κάκης, 916d4–6); (vi) at 921a2, κάκη represents the "vice" of the artisan who has been unable to finish his work in due time and will thus be punished by both the god and the law (τις δημιουργῶν εἰς χρόνον εἰρημένον ἔργον μὴ ἀποτελέσῃ διὰ κάκην, 921a2); (vii) at 937e4, in the prelude on trials, the Athenian defines as "vice" the art of rhetoric, when it is falsely performed (τις κάκη, καλὸν ὄνομα προστησαμένη τέχνην, 937e4).

Although in some of the above-mentioned cases κάκη could also be interpreted as "moral baseness" (856c2, 908e6, 921a2), in the following 3 occurrences the reading of "moral baseness" or "cowardice" is certainly more fitting than "vice": the word is used in this sense (i) at 840d1, in the prelude on sexual matters, where the Athenian complains about the difficulty caused by the "moral baseness" of the many (διὰ κάκην δὲ τὴν τῶν πολλῶν εἰς ἀπορίαν ἐπέσομεν, 840d1); (ii) at 943a5, in the context of the law regarding the act of deserting the battlefield because of "cowardice" (ἐὰν δέ τις ἐκλείπῃ τινὶ κάκῃ, 943a5), and (iii) at 944c6, in the context of the law regarding the person guilty of throwing away his weapons, who thus choses for himself a life marked by "cowardice" (ζωὴν αἰσχρὰν ἀρνύμενος μετὰ κάκης μᾶλλον, 944c6).

It follows that the term is used in the *Laws* both in the preludes and in the laws themselves. The use of this rare word hints at the Athenian's intention to indicate through κάκη a base behaviour that deserves punishment, at a human (i.e. legislative) as well as a divine level. In tragedy κάκη describes behaviours that bring forth bad reputation for the tragic heroes and lead them to commit mischief (see e.g. the coward citizen who becomes afraid at the screams of the women in Aeschylus' *Seven against Thebes,* Pylade's refusal to be marked as "coward" in Euripides' *Iphigenia in Tauris*, Menelaus' baseness in *Andromache,* and Medea's supposed indulgence in her own tender words). In the *Laws*, the Athenian singles out this moral baseness and attempts, in each instance, to punish the evil acts which derive from it. In this perspective, κάκη does not only indicate a general moral baseness, but also a more specific evil (cf. the offence of fraud at 916d6 and the offence of misusing rhetoric at 937e4). In short, the poetic word is re-used by Plato in the *Laws*, but with a narrower meaning. Rather than a general, vague, and unexplained moral baseness, the word comes to designate also the evil act which results from a lack of training in moral virtue.

In the prelude, the Athenian states that an ultimate deterrent is required for those who fear neither the wrath of the gods above nor the retributions that are said to be under the earth:

> πατρὸς γὰρ ἢ μητρὸς ἢ τούτων ἔτι προγόνων ὅστις τολμήσει ἅψασθαί ποτε βιαζόμενος αἰκίᾳ τινί, μήτε **τῶν ἄνω δείσας θεῶν μῆνιν** μήτε **τῶν ὑπὸ γῆς τιμωριῶν[409] λεγομένων**, ἀλλὰ ὡς εἰδὼς ἃ μηδαμῶς οἶδεν, καταφρονῶν τῶν

[409] The MSS present the lectio τιμωριῶν, "retribution," "vengeance;" Ritter suggests amending to τιμωρῶν, *avenger*, since it is more likely that μῆνις is constructed with the genitive of a person, and τιμωρῶν would also form a better counterpart to θεῶν. Nonetheless, we rather keep the lesson in the MSS and agree with England's reading, who refers τιμωριῶν to λεγομένων, both depending on μῆνις. The syntax of the passage is complex: we read

παλαιῶν καὶ ὑπὸ πάντων εἰρημένων, παρανομεῖ, τούτῳ δεῖ τινος ἀποτροπῆς ἐσχάτης (880e6–881a3).

whoever shall venture so much as to touch his father or mother (or for that matter *their* parents), in any kind of violent assault, **fearing the wrath neither of the gods above** nor **of the so-called vengeances of those below**,[410] acting as though he knows when in fact he knows nothing at all, and breaking the law in his contempt for ancient and universal tradition — for this person some extreme deterrent is called for.

The word μῆνις, "wrath" traditionally refers to either the gods' or Achilles' wrath. The expression μῆνις θεῶν occurs thrice in the Homeric poems, where it conveys the idea of fearing the gods (*Il.* 5.178; 21.523 and *Od.* 2.66). The word also occurs in a fragment by Theognis (2.1297): θεῶν δ'ἐποπίζεο μῆνιν βάξιν τ'ἀνθρώπων, "regard with awe both the gods, and the sayings of men." Even though the term μῆνις is also rather common in prose, the expression δείσας μῆνιν θεῶν, "terrified by the wrath of the gods," might recall Homer: θεῶν δ'ὑποδείσατε μῆνιν, "fear the wrath of the gods (*Od.* 2.66)."[411] As regards the punishments in Hades, the Athenian remains, in this prelude, vague. He quickly mentions them as though they were, as they in fact were, common knowledge.[412]

In short, the Athenian, in this rather short prelude on violence against family members, focuses for the most on a clarification of the role of the laws, and consequently of the preludes. The tone of the prelude is both prescriptive and

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τιμωριῶν λεγομένων, "called vengeances", as an apposition to τῶν ὑπὸ γῆς, "of those below", which is to be considered the counterpart of τῶν ἄνω θεῶν, "of the gods above." Thus, two genitives (τῶν ἄνω θεῶν and τῶν ὑπὸ γῆς) depend on μῆνις while the third one (τιμωριῶν λεγομένων) depends on τῶν ὑπὸ γῆς. Diès, 1956, 139, although he prints τιμωριῶν ("vengenaces, retributions") in the text, translates "…ni celui (i.e. le ressentiment, μῆνις) des dieux de sous terre qu'on nomme les Vengeurs (τιμωρῶν)." Schöpsdau, 2011, 67, mantains τιμωριῶν as well, but does not interpret it as a genitive dependent on τῶν ὑπὸ γῆς (and indirectly from μῆνις) but rather as the object of δείσας: "…weder den Zorn der oberirdischen Götter noch die Strafen unter der Erden fürchtet, von denen man erzählt …" He explains the construction with μῆνις as a poetic extravagance: "Die Abhängigkeit von μῆνιν ist als poetische Extravaganz in Kauf zu nehmen," Schöpsdau, 2011, 363.

[410] Griffith, 2016 translates τῶν ὑπὸ γῆς τιμωριῶν λεγομένων as "stories of vengeance" and interprets it as an object depending on δείσας. Here a more literal translation is proposed.

[411] The expression occurs in Homer and Theognis. In prose, however, beside this one passage of Plato, the expression occurs only once in Hdt. 7.197.

[412] Punishments in Hades, and especially punishments for parricides, are described in tragedies, see for instance Aesch. *Eum.* 269–272 and Diès, 1956, 139. The topic was also common in comedies, see Ar. *Ran.* 149–150. In Plato, Socrates discusses the afterlife in the *Phd.* 114a–b.

solemn through the employment of several literary devices, e.g. paronomasia (880e5, τοὺς νόμους ἐξ ἀνάγκης ὁ νομοθέτης ἂν νομοθετοῖ) and polyptoton (881a3–5, ἐσχάτης… ἔσχατον …ἐσχάτοις). The Athenian mentions only briefly the actual assaults on mothers and ancestors (at 881a7–9), and then only to prove the point that such attacks would not exist if people feared the punishments on earth as much as they fear the punishment in Hades.[413]

P11: Prelude on Fraud (11.916d4–917b7)

The prelude at 916d4–917b7 focuses on fraud. As for other laws, for this type of mischief too, the Athenian makes recourse to a prelude (προοίμιον δέ, καθάπερ ἄλλων νόμων, δεξώμεθα καὶ περὶ ὅλης ταύτης τῆς κάκης, 916d4–6). The Athenian argues that "adulteration," κιβδηλεία, *lie*, ψεῦδος and "fraud," ἀπάτη all belong to the same type of mischief, ἕν τι γένος ὄν (916d6–7).[414] According to the Athenian, the main problem lies in the fact that most people are used to consider the adulteration of money as correct, if committed in the right moment. However, not only such people are mistaken in what they say, but also, by leaving undefined such right occasions, they harm both themselves and others (216e1–3).[415] The lawgiver, on his part, is not allowed to be imprecise but will have to define clearly the limits of the transgression.[416] What is more, the person who utters a lie, and is guilty of deception or adulteration, by means of evoking the gods, will become most hateful to the gods (916d6–917a1). The offender is thus found guilty on two levels: (i) he does not give heed to the gods and (ii) he lies towards those who are superior to him (817a1–10). Offenders, by adulterating merchandise, by lying and by deceiving and by calling upon the gods while performing these acts, show neither "respect for human beings nor reverence for the gods," οὔτε ἀνθρώπους αἰδούμενος οὔτε θεοὺς σεβόμενος (917b3–4). In case someone desecrates the names of the gods, and is not convinced by the words just spoken, a law will follow (917b7).

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[413] The prelude does not lack rhetorical devices, such as, for instance, paronomasia (880e5: τοὺς νόμους ἐξ ἀνάγκης ὁ νομοθέτης ἂν νομοθετοῖ) and homoteleuton (881a1: ὡς εἰδὼς ἃ μηδαμῶς οἶδεν).

[414] By ψεῦδος, lie, one should probably understand the deception caused by a false appraisal, or false oaths (ἔπαινος 917c3; ὅρκους ψευδεῖς 917a2) while the word ἀπάτη, "deceit," "fraud" probably refers to the use of false measures and weight, which would be controlled in many Greek cities by the guards of the Market. See Schöpsdau, 2011, 471.

[415] According to Schöpsdau, 2011, 471, the fact that a certain deed can be considered right, depending on the opportunity of the moment, echoes the debate of the *Dissoi Logoi*.

[416] The passage recalls clearly the supposed dialogue between the Athenian and the poet at 721d–e.

In the present analysis, we will look at the choice of the vocabulary and the style of the prelude in order to demonstrate which rhetorical strategies are used by the Athenian to make the prelude persuasive. As previously stated, the prelude is devoted to the discussion of κιβδηλεία, "adulteration." The word is found first in Aristophanes (*Av.* 158) and then only twice in Plato (at 916d6 and 920c1, in a passage on the law of trade).[417] In Aristophanes' *Birds* Euelpides and Hoopoe are discussing the favourable cities where Euelpides could move to, and Euelpides — replying to Hoopoe's suggestion that living like birds implies living without a purse — claims that to live without a purse a "takes some **fraud** away from life," πολλήν γ᾽ἀφεῖλες τοῦ βίου **κιβδηλίαν** (158). The substantive derives from the adjective κίβδηλος, which is much more common and literally means "adulterated," especially of coins (Thgn. 119, χρυσοῦ κιβδήλοιο καὶ ἀργύρου) but is also used metaphorically as "ungenuine", "dishonest" (Thgn. 117, κιβδήλου δ᾽ἀνδρός).[418] The adjective is used both by poets and prose-writers such as Herodotus and Xenophon, in addition to Plato.[419] The denominative verb κιβδηλεύω, "to adulterate", occurs once in Euripides (*Bacch.* 475), once in Aristophanes (*Ran.* 21), and thrice in Plato's *Laws* (917b1, d3, d7).[420] In Euripides the verb is used metaphorically in the sense of "making something attractive," while both in Aristophanes and Plato the word is used more technically, either in relation to the adulteration of money or in relation to the fraud of merchandise. At 916d6, κιβδηλεία refers to the adulteration of money, i.e. to the exchange of currency for currency, ὁ δὲ ἀλλαττόμενος ἢ νόμισμα ἀντὶ νομίσματος (two lines earlier at 916d2). However, in the rest of the prelude the Athenian discusses more in general the "adulteration" of merchandise (that is, for instance, the delivery of something of bad quality).[421] The word appears though to be used in Plato always in its literal sense, but its precise meaning is not discussed thoroughly in the prelude.

Instead of going into detail in relation economic fraud, the Athenian, in order to convince his audience, appeals to the commonly accepted value of

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[417] The term is also used by Hippoc. *Art.* 78.5. It becomes more common later in the second cent. AD.

[418] The metaphorical meaning of the word is worked out in detail in Aristophanes, *Ran*. 718-719.

[419] Hdt. 1.66, 75, 5.91; Xen. *Mem.* 3.1, *Oec*. 10.3.6, 19.16.3.

[420] The first occurrence in Plato is in the prelude, while the remaining two occur in the text of the law, following the prelude. In Eur. *Bacch*. 475, the verb is used by Penteus as a reply to Dionysus who has "made attractive" to him the argument about the sacred mysteries. The verb also occurs in Arist. *Eth. Nic*. 1165b12, in relation to the counterfeit of coinage.

[421] 917b1, c8, d3, e2, see Schöpsdau, 2011, 471.

hierarchy. One should always respect and feel awe towards those who are superior:

> οὗτος δ' ἐστὶν ὃς ἂν ὅρκους ὀμνὺς ψευδεῖς μηδὲν φροντίζῃ θεῶν, δεύτερος δὲ ὃς ἂν ἐναντίον τῶν κρειττόνων αὐτοῦ ψεύδηται. Κρείττους δὲ οἱ ἀμείνους τῶν χειρόνων, πρεσβῦταί τε ὡς ἐπὶ τὸ πᾶν εἰπεῖν τῶν νέων, διὸ καὶ γονῆς κρείττους ἐκγόνων, καὶ ἄνδρες δὴ γυναικῶν καὶ παίδων, ἄρχοντές τε ἀρχομένων (917a1–6).
>
> such (scil. hateful to the gods) is he who swears false oaths, in contempt of the gods; and — nearly as bad — he who tells lies before his superiors. Now, superiors are: for bad people, their betters; for the young, broadly speaking, their elders; hence for children, their parents are superiors; for women and children, it is men; for those who are ruled, their rulers.

The section is highly rhetorical: the idea is expressed through antithetical parallelisms (a1-3) and polyptota (ἄρχοντές τε ἀρχομένων; κρειττόνων, κρείττους a5, a3, a4). The argument thus does not seem to be strictly related to the offence of adulteration. Rather, we would argue that the Athenian recurs to the shared — commonly appreciated — value of "pay respect to the superiors" in order to explain and convince the young and uneducated mass of the necessity of not committing fraud.

A few lines later, at 917b4–5, the verb χραίνειν deserves some attention: πάντως μὲν δὴ καλὸν ἐπιτήδευμα **θεῶν ὀνόματα μὴ χραίνειν** ῥᾳδίως, "it is altogether sound practice **to not sully the names of the gods**" (917b4–5).[422] The Athenian is exhorting citizens not to utter false oaths for economic advantage, because the names of the gods ought not be sullied. The verb is very common among the tragedians, but among the prose-writers of the fifth and fourth century it occurs only twice in Plato's *Laws* (769a8 and 917b5). Χραίνω carries both the meaning of "paint," "smear," and the more moral meaning of "sully" "defile" in the sense of moral corruption. At 769a8 the term is used with reference to the painter's activity, that never reaches an end, but it goes on "heightening the colour or softening it," χραίνειν ἢ ἀποχραίνειν. In the prelude, it is used metaphorically in relation to an improper invocation of the gods. In tragedies as well, the word is used metaphorically and for the most with moral connotations.[423] The verb is considered a poetic term and its

[422] Griffith, 2016 translates χραίνειν with "avoid trivial use of," however for the sake of the analysis, we rather keep the literal meaning of "defile," "sully," "stain," "smear."

[423] Cf. Chantraine, 1980, 1271. In tragedies, the word occurs mostly in Euripides: Eur. *Hipp.* 1266 (the supposed wedding bed of Theseus "sullied" by Hippolytus) at 1438 (Hyppolitus "contaminated" by the breaths of the dead"), *Hec.* 366 (a servant will "sully" Hecuba's royal

occurrence in reference to the names of the gods, in the context of the crime of adulteration suggests the intention by the Athenian to colour the prelude with a poetic tinge.[424] On the whole, the style of the prelude is formal thanks to the ample use of exhortative modes (917a1 πράξειεν, a2 φροντίζῃ, 917a7 αἰδεῖσθαι πᾶσιν πάντας πρέπον ἂν εἴη etc.), epistrophic alliteration (916e2 ἀτάκτως καὶ ἀορίστως), polyptoton (916e3 ζημιοῦνταί τε καὶ ζημιοῦσιν), and antithetical and balance repeated phrase (917a4–6, κρείττους δὲ οἱ ἀμείνους τῶν χειρόνων, πρεσβῦταί τε ὡς ἐπὶ τὸ πᾶν εἰπεῖν τῶν νέων, διὸ καὶ γονῆς κρείττους ἐκγόνων, καὶ ἄνδρες δὴ γυναικῶν καὶ παίδων, ἄρχοντές τε ἀρχομένων).

P12: Prelude on Trade (11.918a6–919d3)

Soon after the prelude on fraud, the next prelude focuses on retail trade, καπηλεία (918a6–919d3). Before the law is laid down, the Athenian intends to give "a word of advice and an explanation of the whole subject," ταύτης δὲ πέρι συμπάσης συμβουλὴν πρῶτον δόντες καὶ λόγον (818a9–10). The Athenian asserts that trade is a rather natural phenomenon, which is not created to harm but rather the opposite; whoever renders wealth evenly and equally is to be considered a benefactor (918b3–4). This is the real value of money and the duty of the tradesman (918b5–7). Hired labourers, innkeepers and other workmen more or less decorous, all share the same function: provide help to those in difficulties, and ensure an equal distribution of goods (918b7–c1). Nonetheless the majority of people will always struggle to get more than what is appropriate (τὰ δὲ τῶν ἀνθρώπων πλήθη πᾶν τοὐναντίον ἔχει τούτοις, δεόμενά τε ἀμέτρως δεῖται καὶ ἐξὸν κερδαίνειν τὰ μέτρια, ἁπλήστως αἱρεῖται κερδαίνειν, "the general run of mankind is the exact opposite of these people; when they have wants, their wants are inordinate, and given the opportunity of aking a reasonable profit, they are, from choice, insatiable in their hunger for gain" 918d4–d6).

However, the Athenian claims that if the best men and women of each city were compelled — which is ridiculous to say — for a short period of time to work as innkeepers or retail-traders or similar activities and if their activities were carried on in incorruptible ways, then such activities would be as highly

bed), *Her.* 757 (the gods are "sullied" by a false accusation), *IA* 971 (Achilles' sword "will be tainted" by blood), *IT* 799 (Oreste wrongfully "defiles" his sister), *Or.* 919 (a public speaker who seldom "sullies" the agora). In Aeschylus, it occurs at *Sept*. 61, 342, *Supp*. 266, *Eum*. 170; In Soph. at *Aj*. 43, *OT* 822, *OC* 368. Bacchyl. *Ep*. 10.111. Once in Ar. *Eccl.* 64.

[424] Fatouros, 1966, 407 lists χραίνω as a poetic term.

valued as "a mother and a nurse*"* are valued (918d10–e7). As it is now, the Athenian complains, the actual situation is quite different: the practice of tradesmen is to establish housings in deserted places, and instead of welcoming the weary travellers as old friends, they treat them as if they were enemy prisoners and they let them free in exchange for large and unjust ransoms (919a1–b1). It follows that, because of these happenings, such activities that are supposed to offer help to those in difficulties are, rightfully, subject to slanders (ὀρθῶς ἁμαρτανόμενα τὰς διαβολὰς … παρεσκευακότα, (919b–2) and it is therefore necessary that the lawgiver finds a remedy for it. At this point the Athenian refers to an ancient saying (ὀρθὸν μὲν δὴ πάλαι τε εἰρημένον, 919b4–5), according to which it is difficult to fight against two adversaries, that is, both against poverty and against wealth (919b5–8). The former leads one to commit shameful acts, and the latter corrupts the soul through luxury. In a reasonable city, the only solutions, continues the Athenian, will be (i) to make use of retail trade as little as possible, (ii) to let become innkeepers and retail traders those men whose corruption will least harm the city (i.e. foreigners and resident aliens, 920a) and (iii) to find some expedients that will prevent people who partake in these practices to become shameless and illiberal (919c2–d2). After these remarks, a law will follow (919d3).

The prelude to the law of trade is defined as a "word of advice", συμβουλὴ and an "explanation," λόγος. Its style is explanatory, solemn and repetitive: it makes ample use of both metaphors and various lietrary devices, such as chiastic structure and assonance (918b4–5 ἀσύμμετρον οὖσαν καὶ ἀνώμαλον, ὁμαλήν τε καὶ σύμμετρον), anagrammatic punning (εὐσχημονέστερα … ἄσχημονεστερα 918b7–c1), polyptoton (918c10 τροφῇ τεθραμμένον) chiastic antithese (918d5–6, καὶ ἐξὸν κερδαίνειν τὰ μέτρια, ἁπλήστως αἱρεῖται κερδαίνειν), epistrophic alliteration (919a7–b1 τῶν μακροτάτων καὶ ἀδίκων καὶ ἀκαθάρτων λύτρων) and a gnomic sentence (919b5 ὀρθὸν μὲν δὴ πάλαι τε εἰρημένον ὡς πρὸς δύο μάχεσθαι καὶ ἐναντία χαλεπόν). Lastly, at 919a4, when describing the aim of a hosting activity (i.e. the offering of a "peaceful haven" **εὐδιεινὴ** γαλήνη and of "a cool refuge from the torrid heat" πνίγεσιν **ἀναψυχή**, to those who are at loss), the Athenian uses two uncommon words: firstly, εὐδιεινός, meaning "peaceful" "gentle", occurs only once before Plato, in Xenophon's *Cynegeticus* (5.9)*,* and then very often only in Aristoteles and Theophrastus. Secondly, ἀναψυχή, "coolness," "relief," occurs, up to the fourth cent., only in Euripides (thrice: *Supp*. 615, *IT* 1441b, *Ion* 1604) and in Plato (also thrice: *Symp*. 176a7, *Ti*. 84d5, and *Leg*. 919a4).[425]

[425] In the *Symposium* Pausanias invites the symposiasts to a moderate drinking and states that he needs "some respite" from yesterday drinking, χαλεπῶς ἔχω ὑπὸ τοῦ χθὲς πότου καὶ δέομαι

In all the three Euripidean occurrences, ἀναψυχή represents the "relief" from affliction granted by the gods: κακῶν δ' ἀναψυχὰς θεοὶ βροτοῖς νέμουσι (*Supp.* 615).[426] Unlike Euripides who uses the term in its metaphorical sense of "relief from pain," the Athenian, in the prelude, uses it in its literal meaning of "coolness," "breeze." However, the context of the prelude might be seen as parallel to the tragic one since it represents the — correct type of — host offering general solace (a "peaceful haven and cool refuge") to people subject to difficulties. In this sense thus, and considering the high style of the passage in which it occurs, the term shows its poetic origin.

P13: Prelude on Testaments (11.922e5–923c2)

This prelude deals with the last will of old people. The Athenian goes against the decisions made by previous legislators (more specifically Solon), who grant to dying and childless people the right to bequeath their properties to whomever they wish (922e1–923a2).[427] The Athenian argues instead that, since it is hard for a man who is about to die to have knowledge of both his properties and himself (as is confirmed by the Pythian oracle), the legislator should decide what is best for the entire city, by decreeing that one's heritage does not belong to oneself but rather to the entire city (923a3b1). It follows that no one will have the right to persuade a sick or dying man to bequeath his property in a specific way (923b1–6). What is more, the legislator also decides that the citizens are owners neither of themselves, nor of their property: ἔγωγ' οὖν νομοθέτης ὢν οὔθ' ὑμᾶς ὑμῶν αὐτῶν εἶναι τίθημι οὔτε τὴν οὐσίαν ταύτην (923a6–7).

ἀναψυχῆς τινος (176a6–7); in the *Timaeus* the term is used in relation to internal parts of the body that are not cooled by the air and therefore get rotten πνεῦμα … τὰ μὲν οὐ τυγχάνοντα ἀναψυχῆς σήπει (84d4–5).

[426] Although differently phrased, the other two occurrences express the same concept: ἐκ γὰρ τῆσδ' ἀναψυχῆς πόνων εὐδαίμον' ὑμῖν πότμον ἐξαγγέλλομαι (*Ion*, 1604) and ἄγαλμά θ' ἱερὸν εἰς ἐμὴν ἄξων χθόνα, τῶν νῦν παρόντων πημάτων ἀναψυχάς (*IT* 1441b). In both cases the goddess Athena is delivering the message. In the *IT* the line is missing in P, thus in the Aldine and in other old printed editions; although not indispensable, modern scholars do not deem opportune to delete it on the grounds that very similar lines appear in other plays (cf. *Supp*. 615, *Ion*, 1604., see Kyriakou, 2006, 454.

[427] See Plut. *Vit*. *Sol.* 21 for the rule established by Solon that the childless was allowed to bequeath his own wealth to whomever he wished, even outside the family γένος. Cf. Diès, 1956, 23.

The prelude starts as follows: "'My friends,' we shall say, 'you are simply creatures of a day.[428] It is hard for you to know your own property— let alone know yourselves, to echo the Pythian priestess' maxim, at this point in your lives", Ὦ φίλοι, φήσομεν καὶ ἀτεχνῶς **ἐφήμεροι**, χαλεπὸν ὑμῖν ἐστιν γιγνώσκειν τὰ ὑμέτερ' αὐτῶν χρήματα καὶ πρός γε ὑμᾶς αὐτούς, ὥσπερ καὶ τὸ τῆς Πυθίας γράμμα φράζει, τὰ νῦν (923a3–5). The prelude thus begins in a magniloquent tone — perhaps also ironic — addressing the citizens of Magnesia. The adjective **ἐφήμεροι** in the plural literally means "creatures subject to the day" and occurs frequently among the poets, for instance Pindar (*Pyth*. 8.95), Semonides (fr. 1.3 West), Aeschylus (*PV* 83–84), and Aristophanes (*Nub*. 223bis).[429] In the famous Pindaric use, **ἐπάμεροι** occupies the prominent position at the beginning of verse 95, expressing in a single word all human frailty: **ἐπάμεροι**· τί δέ τις; τί δ'οὔ τις; σκιᾶς ὄναρ ἄνθρωπος, "creatures of the day: what is man? What is he not? Man is the dream of a shadow" (Pyth. 8.95).[430] As has been pointed out by Fränkel, the meaning of the word in early Greek literature is to be understood not only in relation to the short duration of human life, but also in relation to its instability, to the mutation of one's own character in accordance with the shift or change of the day; in short, ἐφήμερος, describes an individual who is, not only mortal, but also "exposed and subject to every actuality as it arises."[431] As we shall see, this is also the meaning implied by the Athenian in the prelude. Semonides (1.3) portrays humans as being at the mercy of Zeus (νοῦς δ'οὐκ ἐπ' ἀνθρώποισιν, ἀλλ'**ἐπήμεροι** / ἃ δὴ βοτὰ ζόουσιν, "there is no intelligence among men, but we live, creatures of a day, like grazing beasts"), and similarly in Aeschylus' *Prometheus Bound* (83–84), "mortals" are called ἐφήμεροι, in opposition to the all-knowing and eternal nature of the gods.[432] Lastly, in

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[428] Griffith, 2016 translates ἐφήμεροι with "you are here today and gone tomorrow", thus stressing the brevity of life. According to the reasoning here proposed, the meaning conveyed by ἐφήμεροι is a different one.

[429] The word occurs also at Pind. *Isthm*. 7.40 (τερπνὸν ἐφάμερον), Theogn. 1.993 (ἐφήμερον ὕμνον), Eur. *Heracl*. 866 (ἐφήμεροι τύχαι), *Phoen*. 558 [ὁ δ' ὄλβος οὐ βέβαιος, ἀλλ' ἐφήμερος.], and *Or*. 977a, where the word denotes the "much-suffering, most miserable race of **mortals**, πανδάκρυτ' **ἐφαμέρων** / ἔθνη πολύπονα.

[430] The motif of human frailty is already expressed in Homer cf. *Od.* 18.130–137: τοῖος γὰρ νόος ἐστὶν ἐπιχθονίων ἀνθρώπων, / οἷον ἐπ' ἦμαρ ἄγῃσι πατὴρ ἀνδρῶν τε θεῶν τε (here 136–137). For the formulation of the motif, see also Soph. *Aj*. 125–126: Ὁρῶ γὰρ ἡμᾶς οὐδὲν ὄντας ἄλλο πλὴν / εἴδωλ', ὅσοιπερ ζῶμεν, ἢ κούφην σκιάν.

[431] Fränkel, 1948, 133–145 (here 133), but cf. also Fränkel, 1960, 23–29.

[432] ἐφήμεροι does not occur elsewhere in tragedy, except in Aesch. *PV* (and once at Eur. *Or*. 977a), where it is used as noun; cf. Griffith, 1983, 99. Aesch. *PV* 84: θεῶν γέρα …

Aristophanes, the term is used by Socrates when he addresses Strepsiades by saying: τί με καλεῖς, ὦ ’φήμερε; “for what purpose do you call me, you precarious creature?” as has been noted, here the vocative used by Socrates signals the distance between himself sitting above, contemplating and speculating on celestial matters and Strepsiades’ mundane problems.[433] The pretentious mode of address employed by Socrates in the play resembles that of a god looking down on a mortal.[434]

Now, in the prelude, the Athenian appears to raise himself above ordinary citizens: for them it is hard to know themselves (γνῶθι σαυτόν, as the Pythian oracle affirms) and what is best as regards their possessions (923a4–5).[435] The Athenian also pinpoints the instability of men’s judgement, who might for instance fall victim to sycophants and bequeath their possessions to impostors (923b). Instead, the legislator, from the higher position granted to him in virtue of his knowledge, will decide about their testaments because he, unlike them, understands best the interest of the city and thus of all individuals (πρὸς πᾶν τοῦτο βλέπων νομοθετήσω, 923b5). What is more, he decrees that men and their possessions belong to the city. Since the city is governed by the legislator, it follows that men (and their possessions) are subjected to him. Thus the highly poetic word **ἐφήμεροι** at the opening of the prelude reinforces the hierarchy and the discrepancy between the position of the legislator and that of the citizens.[436]

At this point, the Athenian proceeds to explain that he will make the law on testament in the interest of the city as a whole and not according to the wishes of any particular individual (923b). Metaphorical expressions are present, such as for example: ἐν νόσοις ἢ γήρᾳ **σαλεύοντας**, “when you find yourselves tempest-tossed in diseases and old age” (923b2).[437] The verb σαλεύω literally means: “oscillate, move up and down,” and usually refers to ships and boats but the Athenian employs it here figuratively in relation to people affected by diseases and old age. From a metaphorical point of view, also the expression

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ἐφημέροισι προστίθει; *PV* 253: πῦρ ἔχου’ **ἐφήμεροι**; *PV*: 945–6: **ἐφημέροις** / πορόντα τιμὰς….

[433] See Turato, 1995, 198, and Del Corno, 221.

[434] Dover, 1968, 125, and cf. Empedocles who calls himself “a god, not a mortal” (B112 DK = D4 Most-Laks: ἐγὼ δ’ ὑμῖν θεὸς ἄμβροτος, οὐκέτι θνητός) and defines men as ἐφημέριοι (B3 DK = D44 Most-Laks, and B131 DK = D7 Most–Laks).

[435] *Chrm.* 164d, *Prt.* 343b, *Phdr.* 229e, *Phlb.* 48c.

[436] The term ἐφήμεροι in the sense of “short-lived” occurs in Plato in *Republic* 617d7 (the only other occurrence of the term in the Platonic *corpus*): Socrates, when narrating the myth of Er, tells about the ψυχαὶ ἐφήμεροι, who are required to choose their own next life.

[437] Translation is mine. Griffith, 2016 translates: “when illness or old age have made you infirm.”

ἐάν τις ὑμᾶς θωπείαις ὑποδραμὼν, "if someone, worms his way into your good grace" (923b2–3) is noteworthy. The Athenian explains that, for the sake of the entire city, it is better that the legislator decides about last wills, so that there will be no possibility for someone to insinuate himself in the grace of the elderly people in order to bequeath the money. Such an expression (i.e. ὑποτρέχω τινὰ θωπείᾳ "to fawn upon any one's good graces") occurs only here in the prelude of the *Laws* and in Euripides at *Orestes* 670:

> φιλεῖν δάμαρτα πᾶσιν Ἕλλησιν δοκεῖς· κοὐχ **ὑποτρέχων σε τοῦτο θωπείᾳ** λέγω· ταύτης ἱκνοῦμαί σ' – ὦ μέλεος ἐμῶν κακῶν, ἐς οἷον ἥκω. τί δέ; ταλαιπωρεῖν με δεῖ· ὑπὲρ γὰρ οἴκου παντὸς ἱκετεύω τάδε (*Or.* 670–673).
>
> the entire Hellas thinks you love your wife: I do not say this to wheedle or flatter you. In her name, I beg you—O poor me, to what misery I have come! But what of it? I must endure misery and make this supplication for the sake of the whole house.

In this passage of the tragedy, Orestes is begging Menelaus to take his side, before the assembly of Argive men, against his grandfather Tyndareus (father of Helen and thus father-in-law to Menelaus) who blames him for the killing of Clytemnestra. Orestes is imploring him in the name of Helen, his wife.[438] The pejorative sense of the phrase is deducible from both passages: in the prelude, it is used by the Athenian to warn against sycophants looking for inheritance, while in the tragedy Orestes needs to reassure Menealus that he is not flattering him in order to deceive him, but he is only saying the truth.[439] The manipulation through flattery was perceived as a problem at the time of the *Laws* and the prelude on testament underlines this point, by adapting to a new context a poetic influence from tragedy.

In short, such poetic influences fit well with the exhortative tone of the prelude, which is conveyed through a solemn diction that makes use of a grandiloquent tone when addressing the citizens (923a3 Ὦ φίλοι, φήσομεν, καὶ ἀτεχνῶς ἐφήμεροι), polyptoton (923b7–8 πορεύοισθε… πορεύεσθε), and balanced antitheses (923b6–c1 νῦν πορεύεσθε τὴν ἀνθρωπίνην· ἡμῖν δὲ περὶ τῶν ἄλλων τῶν ὑμετέρων μελήσει, κηδομένοις ὅτι μάλιστα εἰς δύναμιν, οὐτῶν μέν, τῶν δὲ οὔ).

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[438] According to Willinck, 1986, 190, the expression conveys a pejorative sense, which may be related to a very ancient idea of physical insinuation in the context of ikesia, cf. Gould, 1973, 80.

[439] The scholium 167.6 paraphrases v.670 with οὐ κολακείᾳ ἀλλ'ἀληθείᾳ. Cf. Di Benedetto, 1965, 133–134.

P16: Prelude on Drugs (11.933b7–933d1)

The short prelude at 933b7–933d1 regards the use of φάρμακα, and more specifically the law on poisoning (φάρμακεία).[440] At 933a, the Athenian clarifies the difference between two kinds of poisoning, that which affects the body (which he already discussed at 9.864a ff.) and that which influences the mind of the victim, who is lead to believe (πείθειν) wrongly because of fear and mistrust towards other men. The short prelude that follows this clarification begins at 933b7. The prelude does not tackle the veracity of the magical arts but rather the perils derived from believing in them. The Athenian exhorts the authors of sorcery to abstain themselves from scaring men who are already frightened like children. Moreover, one should not try to force neither the legislator nor the judge to appease the fears of men, since everyone should be conscious that those who perform sorcery do not know what they are doing, unless they are expert of medicine, and apply their tricks on the body.

The beginning of the prelude runs as follows:

> διαλαβόντας δὲ διχῇ τὸν τῆς φαρμακείας πέρι νόμον, ὁποτέρως ἄν τις ἐπιχειρῇ φαρμάττειν, πρῶτον μὲν δεῖσθαι καὶ παραινεῖν καὶ συμβουλεύειν μὴ δεῖν ἐπιχειρεῖν τοιοῦτο δρᾶν **μηδὲ καθάπερ παῖδας[441] τοὺς πολλοὺς τῶν ἀνθρώπων δειμαίνοντας φοβεῖν** (933b5–c1).
>
> now, dividing the law on the use of drugs into two parts, according to which way people are trying to use them, let us first beg, urge, and advise them that this is not the kind of thing they should be trying to do; they should not **be terrifying the greater part of mankind like frightened children.**

The Athenian is making an appeal to whomever would try to poison either the body or the soul and he exhorts and advises them not to do such a thing and especially not to frighten those of men who are already frightened like children. It is important to note here that Schöpsdau maintains the reading of the MSS δειμαίνοντας, "to be afraid," instead of following England's conjecture (which is followed by Diès): δειματοῦντας "frighten." England argues that δειματοῦντας would render the sense of the phrase more clearly: "and (that they ought) not to try to frighten the common herd by their bugbears, as if they were so many children" or Diès: "… de ne point user d'épouvantails pour faire peur au commun des hommes comme à des enfants." Nonetheless, as

[440] For a definition of the magical practice, see Hdt. 7.114.

[441] A and O omitted παῖδας; a late hand in the margin of A was the first to replace it, probably as a conjecture. Fic. and all modern editors accept it. See England, 1921, 555.

Schöpsdau notes, there is no reason to adopt the conjecture, since the fact that most men are already frightened like small children provides the precondition for instilling new fears in them. The irrational fears of small children, often recur in Plato's *corpus* to underline a morally incorrect attitude towards different subjects. In the *Crito,* Socrates argues for the necessity of not letting oneself be scared by the power of the multitude, in the same way "as a child is scared by goblins: ὥσπερ παῖδας ἡμᾶς μορμολύττηται," (46c4–5). In the *Gorgias*, the victims of disease in the body who do not want to consent to the treatments prescribed to them by the doctors, are compared to a child fearing an incision because it's too painful: φοβούμενος ὡσπερανεὶ παῖς τὸ κάεσθαι καὶ τὸ τέμνεσθαι, ὅτι ἀλγεινόν, "afraid like a child of the burning and cutting because it is painful" (479a8–b1).[442] As Dodds puts it: "all fear not rationally founded are childish."[443] In the *Phaedo*, Socrates reproaches Cebes and Simmias, saying that, in regard to the matter of the immortality of the soul, "they seem to be frightened, like children are, that the wind will blow the soul away (once it has left the body) and scatter it," καὶ δεδιέναι τὸ τῶν παίδων, μὴ ὡς ἀληθῶς ὁ ἄνεμος αὐτὴν ἐκβαίνουσαν ἐκ τοῦ σώματος διαφυσᾷ καὶ διασκεδάννυσιν (77d8–e1). Finally, in the *Republic*, at 331a1, it is said that a man who is getting closer to death is taken by fears and doubts, and, "like children, he often awakes of sleep and is frightened, and lives life in the expectation of ill," καὶ ἐκ τῶν ὕπνων, ὥσπερ οἱ παῖδες, θαμὰ ἐγειρόμενος δειμαίνει καὶ ζῇ μετὰ κακῆς ἐλπίδος. The examples show that the comparison with children serves to clarify the lack of rationality that is typical both of children and of men who are going to be bewitched.[444] By using the synonyms, the Athenian emphasises the fears that compel men to resort to poisoning.

On the whole, the short prelude on φάρμακα appears as an exhortation not to take advantage of the fear of men. In this sense, the citizens, i.e. the victims of sorcery, are not the primary addresses of this prelude, but rather it is addressed to those who might abuse of their fears. This might be one reason why there is a less use of literary devices.

P17: Prelude on Trials (11.937d6–938a7)

[442] Transl. By Irwin, 1979.

[443] Dodds, 1959, 256.

[444] It should also be noted that, although the verbs δεμαίνω and φοβέω, in the prelude at 933c1, are common terms both in poetry and prose, they occur in the same sentence only three times, that is, twice in Euripides (*Hipp.* 519; *Rh.* 80) and once in Tyrtaeus (fr. 11.3 μηδ' ἀνδρῶν πληθὺν **δειμαίνετε**, μηδὲ **φοβεῖσθε**, ἰθὺς δ'ἐς προμάχους ἀσπίδ' ἀνὴρ ἐχέτω).

This short prelude deals with trials, and more specifically with the use of rhetoric that allows one to win a trial, even though justice might not be on his side (937e3–8). In this prelude, we will investigate words and expressions that might be related to the poetic tradition. The Athenian claims that even though in life there are many and beautiful things, still "most of them have a **parasitic growth of some kind** which naturally attaches itself to them, polluting and defiling them," **κῆρες** ἐπιπεφύκασιν, αἳ κατα μιαίνουσίν τε καὶ καταρρυπαίνουσιν αὐτά (937d6–8). As Schöpsdau notes, in Homer the substantive κήρ describes the demons of death, while in the prelude indicates the deturpation of the beautiful into something contaminated and infected.[445] This sentence by the Athenian serves to introduce and place into context the art of rhetoric which is thus presented as an evil in relation to the good practice of justice. The main accusation made by the Athenian against rhetoric is that such an art, which will eventually defile the correct proceeding of a trial, can be acquired through the exchange of gifts (938a1–2). Even though the word *rhetoric* is not present in the passage, Plato uses the same terminology to describe such a practice which we find in previous dialogues. The Athenian claims the necessity for this practice not to occur in Magnesia. It is not specified in this prelude whether rhetoric is a proper art (that is a τέχνη able to give reason for its effect) or if it is just experience, or a knack devoid of skill:

> ταύτην οὖν ἐν τῇ παρ' ἡμῖν πόλει, **εἴτ' οὖν τέχνη εἴτε ἄτεχνός ἐστίν τις ἐμπειρία καὶ τριβή**, μάλιστα μὲν δὴ χρεών ἐστιν μὴ φῦναι (938a3–4).
>
> in this city of ours, this — **call it an art, or no art at all, merely practice and habit** — should by rights never come into being in the first place.

In other words, a practice, no matter how one defines it, that leads to victory at trials, should not be allowed. The argument on the quality of rhetoric as τέχνη is only briefly hinted at, in this passage of the *Laws*. A more detailed and philosophical discussion on the definition of rethoric is formulated both in the *Gorgias* (463b4, 464b–466a, 501a) and in the *Phaedrus* (260e4–5, 270b5–6). In the *Gorgias*, rhetoric is one of the four spurious arts[446] which pleases the

[445] Schöpsdau, 2011, 527. England also refers to a passage by Hipparchus the Pytaghorean, who wrote that "many plagues exist during the entire life," ἰδόντα ὅτι πολλαὶ κᾶρες κατὰ πάντα τὸν βίον πεφύκαντι, fr. 91.4. There might be then here also a veiled reference to a pytaghorean teaching, rather than a reference to Homer where the word mostly denotes demons of death.

[446] Socrates illustrates, in a brief and schematic manner, the division between genuine arts and spurious arts at *Grg.* 465b6–c3: "Well, to avoid prolixity, I am willing to put it to you like a geometer—for by this time I expect you can follow me: as self-adornment is to gymnastic"

senses of the body without providing any reasons or accounts for its benefits and its applications (465b–c). It follows that rhetoric is not an art but a habit or a practice, ἐμπειρία καὶ τριβή (463b), an expression that Plato uses to "characterise procedures which he thinks unscientific."[447] In the *Gorgias*, Socrates explains to Polus at 465c, that rhetoric, in opposition to justice, is a κολακευτική τέχνη, "sychophantic art." The problem with it, as Socrates makes clear, is that "flattery" is not a real art (and consequently neither is rhetoric) since on the one hand only aims to pleasure, and on the other hand, it fails to give account of its application:

> κολακείαν[448] μὲν οὖν αὐτὸ καλῶ, καὶ αἰσχρόν φημι εἶναι τὸ τοιοῦτον**, τέχνην δὲ αὐτὴν οὔ φημι εἶναι ἀλλ' ἐμπειρίαν, ὅτι οὐκ ἔχει λόγον οὐδένα ᾧ προσφέρει ἃ προσφέρει ὁποῖ'ἄττα τὴν φύσιν ἐστίν,** ὥστε τὴν αἰτίαν ἑκάστου μὴ ἔχειν εἰπεῖν. ἐγὼ δὲ τέχνην οὐ καλῶ ὃ ἂν ᾖ ἄλογον πρᾶγμα· τούτων δὲ πέρι εἰ ἀμφισβητεῖς, ἐθέλω ὑποσχεῖν λόγον (*Grg*. 464e2–465a7).
>
> flattery, however, is what I call it and I say that this sort of thing is a disgrace, Polus—for here I address you—because it aims at the pleasant and ignores the best; **and I say it is not an art, but a habitude, since it has no account to give of the real nature of the things it applies,** and, so, cannot tell the cause of any of them. I refuse to give the name of art to anything that is irrational: if you dispute my views, I am ready to give my reasons.

(i.e. κομμοτική as a deceitful copy of a γυμναστική τέχνη), "so is sophistry to legislation" (i.e. σοφιστική as a deceitful copy of a νομοθητική τέχνη); "and as cookery is to medicine" (i.e. ὀψοπική as a deceitful copy of a ἰατρική τέχνη); "so is rhetoric to justice" (i.e. ῥητορική as a deceitful copy of a δικαιοσύνη. Earlier, at *Grg*. 463e5–465a, Socrates offers a longer explanation of such a scheme: there are a total of 4 arts, two of which minister the body and two of which minister the soul. But each of these four arts has a spurious imitation (εἴδωλον), which can be distinguished by its aim (merely pleasure) and the empirical character (they cannot give any rational account of their procedure, 465a). Thus, according to Socrates' scheme of thought, rhetoric is the spurious art of the genuine δικαιοσύνη. As Dodds, 1959, 226 has remarked, this explicative passage goes beyond explaining the definition of rhetoric as εἴδωλον δικαιοσύνης, but it rather is an early example of the diairetic method of investigation that is prominent in the *Sophist* and in the *Politicus.* On the diaretic method in these dialogues, see also Cornford, 1935, 184.

[447] Dodds, 1959, 225, cfr. *Phdr*. 270b; *Phlb*. 55e; *Leg*. 938a.

[448] κολακεία: it is commonly translated "flattery," but the term carries an implication of moral baseness (cfr. 521b1–2). As Dodds, 1959, 225, has put it: "the κόλαξ is what the eighteencentury called a toad-eater or lickspittle and schoolboys call a bum sucker. κολακεία is the antithesis of the forthright integrity of word and act practised by Socrates. … In its political application κολακεία stands for the time-serving opportunism which panders to public taste instead of trying to educate it."

Flattery is conceived as an irrational art, which only aims at pleasure and is unable to give account of its application. As such, it is regarded as a disgrace from an educative point of view, since it violates all principles of truth and correctness that Socrates is pursuing. In addition, following the same path as in the *Gorgias*, in the *Phaedrus* Socrates reiterates, also verbatim, the same claim made in the *Gorgias*, that rhetoric seems to be "not art but a routine devoid of art": οὐκ ἔστι τέχνη ἀλλ' ἄτεχνος τριβή (*Phdr*. 260e4–5). As Yunis notes, the reminiscence not only confirms that Socrates is alluding to an argument against sophistic rhetoric already tackled in the *Gorgias*, but it also advises the reader that the manner in which the argument will be discussed leads off from the *Gorgias*.[449]

Returning to the *Laws*, the speech of the Athenian is not explicitly defined as a prelude. However, at the end, it is stated that the legislator will demand, on the one hand, obedience and that one not say things contrary to justice, or, on the other hand, to go to another country (938a5–9). For those who are persuaded, what has been said will be enough, while, for those who are not persuaded there will be a law: πειθομένοις μὲν σιγή, ἀπειθοῦσιν δὲ φωνὴ νόμου ἥδε (938a7). From a philosophical point of view, it has already been made clear in the *Gorgias* and in the *Phaedrus* that rhetoric, being a sycophantic art, should not take place in the city of Magnesia, since its application is a deceitful imitation of the art of Justice and will thus create untruthful and fallacious trials.

The prelude seems to implicitly make a distinction between a trial-rhetoric (which is negative, because it harms the truth) and the persuasive rhetoric of the preludes themselves, the aim of which is to convince regarding the most correct behaviour. Again, the solemn style of the prelude is expressed through the numerous literary devices: epistrophic alliteration (937d6 πολλῶν δὲ ὄντων καὶ καλῶν ἐν τῷ τῶν ἀνθρώπων βίῳ), rhetorical questions and alliteration (937e1–3 καὶ δὴ καὶ δίκη ἐν ἀνθρώποις πῶς οὐ καλόν, ὃ πάντα ἡμέρωκεν τὰ ἀνθρώπινα; καλοῦ δὲ ὄντος τούτου, πῶς οὐ καὶ τὸ συνδικεῖν ἡμῖν γίγνοιτ' ἂν καλόν), assonance (938a3 εἴτ'οὖν τέχνη εἴτε ἄτεχνός ἐστίν τις ἐμπειρία) and balanced antithese (938a6–7 πειθομένοις μὲν σιγή, ἀπειθοῦσιν δὲ φωνὴ νόμου ἥδε).

P21: Prelude on Foreign Relations (12.949e6–950d4)

[449] Yunis, 2011, 181.

In the prelude on foreign relations the Athenian intends to give advice to the colony of Magnesia on issues when undertaking personal relationships with strangers (949e6–7). First of all, for a city governed by correct laws the introduction of innovations represents the worst of injuries (950a1–3). At the same time, it is impossible not to have any type of contact with other cities, and it is rude and unsuitable to resort to practices such as ξενηλασία, "forcible repatration," 950b3.[450] The Athenian also stresses the necessity of keeping a good reputation among of other cities. In fact, even the bad people possess something divine and well-directed, so that even those who are especially evil can distinguish, through discourses and opinions, the good and bad human beings (950b6–c3). In short, the most correct and most important rule for a city is to seek a good reputation, thus for Magnesia the best achievement would be to acquire "the best and finest reputation it can, in terms of virtue" (950c10–d1). The hope lies in the fact, that if the city conforms to the words of the Athenian, it will be among few others well-governed regions and cities, which contemplate the sun and the other gods (950d1–4). In this prelude, we will investigate the language employed by the Athenian to convey his message, since his task is to be as persuasive as he can in regard to these matters: συμβουλεύειν οὖν τὸν νομοθέτην δεῖ τούτων πέρι πρῶτον **πείθοντα εἰς δύναμιν**, "The lawgiver, must, in the first instance, use persuasion to whatever degree he can" (949e6–7).

According to the Athenian, in cities not well-regulated cities it does not make a great difference that citizens "**go gallivanting off** to other cities," αὐτοὺς εἰς τὰς ἄλλας **ἐπικωμάζοντας** πόλεις (950a5).[451] **Ἐπικωμάζω** calls for some comments. Up until Plato, the verb occurs only twice: once in Aristophanes, *Acharnians* 982, and once in this prelude. It becomes more common in the third century AD: it occurs in Callimachus (twice), Polybius (once) and Plutarch. In the *Acharnians*, the chorus claims that they will never invite the god of War (Πόλεμον) to drink and sing in their house and they refer to him as someone who "by bursting in, does all possible harm, ἐπικωμάσας ἐργάσατο πάντα κακά" (980–981). The verb ἐπικωμάζω literally means "to come upon one like a drunken reveller;" the metaphor of the symposium in the comedy is also strengthened in the passage by the mention of the song of Harmodius at 980 (a popular drinking song, according to the *scholion*).[452] In Plato's *Symposium* it is said that it was common for a group of revellers (known

[450] For the Spartan practice of expulsion of foreigners, cfr. Xen. *Lac.*14.4, Thuc. 2.39.1 Ar. *Av.* 1012 and Pl. *Prt.* 432c. On the subject see also Schöpsdau, 2011, 553.

[451] Griffith, 2016, translates: "whenever anyone takes a fancy to going abroad."

[452] Sommerstein, 1980, 204, and Olson, 2002, 314.

as a *komos*) to go from one symposium to another uninvited, and ask for more drinks (*Symp*. 212d–213a; 223b). It is plausible that in the prelude the Athenian aims to recreate the image of loudness and disorder typically ascribed to the *komastai* in order to point out the difference with the city of Magnesia, where the citizens should, on the contrary, behave in a more well-mannered way. The verb, which is not common before Plato, might thus have been chosen to recreate the scattered and dissolute setting existing in other cities, in contrast with the rule-inclined environment established for Magnesia.

At 950b2, the Athenian also states that it "would appear savage and rude," ἄγριον καὶ ἀπηνὲς, not to go anywhere and not to welcome anyone in the colony. The adjective ἀπηνές, "hard" is a poetic epic adjective, which occurs mostly in the Homeric poems, but also in Aristophanes *Clouds*, 974. In Homer, the word is used to refer to a person, to the θυμός, "soul," μῦθος, "tale" and νοός, "intellect;" it always carries the meaning of "rude, hostile."[453] The word occurs on only one other occasion in Plato's *corpus*, at *Phaedrus* 257b2, when Socrates, after his palinode to Eros, apologises for his previous speech and asks the god of Love to held Lysias responsible, in case he and Phaedrus previously have said something *rude*, ἀπηνές. In the *Clouds,* the context revolves around the speech of the "Superior Argument" which claims that in the old educative system, boys in the gymnasium were asked to cover their thighs in order not to show anything ἀπηνές, "rude, indecent."[454] In the prelude, ἄγριον καὶ ἀπηνὲς denote a prescription that would be too strict and uncivilised to follow, because, in order to achieve the perfect virtue a city needs to possess a good reputation in the eyes of foreign cities and countries, that is, it needs an external approval (950b4–d4). The occurrence of the poetic word in the prelude renders the speech

The prelude ends with the hope that, if the city acts according to the words of the Athenian then it will be one of the few cities looking up at the Sun, and at the other gods.

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[453] The word occurs in reference to a person at: *Il*. 1.340, 19.329, in reference to θυμός at *Il*. 15.94, 23.97, 23.611, in reference to μῦθος at *Il*. 15.202, and in reference to νοός at *Il*. 16.35, 23.484, *Od*. 18.381. Moreover, the word is rare in attic and it never occurs in tragedies. See Chantraine, 1968, 97.

[454] According to Dover, 1968, 216, here the word means "cruel" and not "indecent", and he refers to the passage in the prelude where ἀπηνές indicate a repressive rule. Dover also claims that "the sight of a boy's genitals torments his lovers, just as Eros himself is a cruel and merciless power" and refers to the use of the word in Thgn. 1353, Theoc. *Id*. 23.1. See Dover, 1968, 216.

καὶ δὴ καὶ τῇ κατὰ Κρήτην οἰκιζομένῃ πόλει πρέπον ἂν εἴη δόξαν πρὸς τῶν ἄλλων ἀνθρώπων ὅτι καλλίστην τε καὶ ἀρίστην παρασκευάζεσθαι πρὸς ἀρετήν· πᾶσα δ' ἐλπὶς αὐτὴν ἐκ τῶν εἰκότων, ἅνπερ κατὰ λόγον γίγνηται, μετ' ὀλίγων **ἥλιον ὄψεσθαι** καὶ τοὺς ἄλλους θεοὺς ἐν ταῖς εὐνόμοις πόλεσι καὶ χώραις (950c7–d4).

anyway, for this city which is being founded here in Crete, it can do no harm for it to build up for itself the best and finest reputation it can, in terms of virtue. And there is every hope that in all probability, if things go according to plan, Magnesia will be one of the few well-regulated cities and countries, which **contemplate the Sun** and the other gods.[455]

The syntax of the phrase is not direct. The passive voice ὄψεσθαι is connected to three accusatives: on the one hand αὐτὴν and on the other hand ἥλιον ... καὶ τοὺς ἄλλους θεοὺς. All commentators, (i.e. Ast, Dies, England, Saunders, Lisi and Schöpsdau) take αὐτὴν as the subject of ὄψεσθαι. The reason of this commonly accepted interpretation is a reference to the Homeric expression: ὁραν φάος ἠελίοιο, "lay eyes on the light of the sun" (*Il*. 5.120, 18.61, 442); the Homeric expression generally indicates that someone is alive, and is thus able to see the light of the sun. Also in *Republic* 473e2 we find a similar expression: οὐδὲ αὕτη ἡ πολιτεία ... φυῇ τε εἰς τὸ δυνατὸν καὶ **φῶς ἡλίου ἴδῃ**, "this city… will never be born to the extent that it can, or **see the light of the sun**." Here Socrates finally reveals to Glaucon and Adeimantus his idea of the philosophers-kings, and, moreover the fact that until these men are come to power, the just city that the three are discussing about will never come to life.[456] Considering these references, it is plausible that here Athenian is here using a well-known expression that he had also previously employed when sketching another ideal city: Kallipolis in the *Republic*. In the case of the prelude, then, the Athenian intends to state that the city of Magnesia will exist together with only few others well-regulated cities and countries.

On the whole, the exhortation to accept the regulation on foreign relationship rests on the principle of always mantaining a good reputation. The

[455] Griffith, 2016, translates differently: "if things go according to plan, the sun and the other gods, will look upon it — and not many others — as among the cities and countries with good laws." Griffiths reads, that is, ἥλιον τοὺς ἄλλους θεοὺς as subject for ὄψεσθαι. We agree instead with the interpretation given by Schöpsdau, which is based on the similarty to the Homeric expression discussed in the text and therefore Griffith's translation is here modified. Furthermore, it is generally accepted that, with τοὺς ἄλλους θεοὺς, Plato intends "the attendant moon and stars", as he already says at 822a5c1, and 886d4–7, 930e7 where, after speaking of the sun and all other stars, he calls them all θεούς.

[456] For the "dramatic fashion" in which the Athenian introduces the philosopher-kings, see Yunis, 2007, 20–23.

weight of such a principle is conveyed by means of a high, solemn style, characterised by polyptoton (949e8 πόλεων…πόλεσιν, 950a1 ξένων ξένοις), alliteration (950a4) balanced or paralleled phrase (950a7–8 τὸ δ' αὖ μήτε ἄλλους δέχεσθαι μήτε αὐτοὺς ἄλλοσε ἀποδημεῖν ἅμα μὲν οὐκ ἐγχωρεῖ τό γε παράπαν), a gnomic sentence (950b4–5 χρὴ δὲ οὔποτε περὶ σμικροῦ ποιεῖσθαι τὸ δοκεῖν ἀγαθοὺς εἶναι τοῖς ἄλλοις ἢ μὴ δοκεῖν), and a few expressions that might reveal a poetic influence or a tendency to figurative speech (ἐπικωμάζω 950 a2, ἀπηνές 950b2, ὁραν φάος ἠελίοιο 950d3).

Concluding Remarks

The preludes gathered in this second group share some general characteristics: they are all rather brief and the tone is on the whole prescriptive, demonstrated by the presence of imperatives and exhortative modes (P3 741a7–b5, P8 879c6, d4, d8, P11 917a1–2, a7). However, these preludes are fundamental to our analysis of poetic influence, as the style is always high and solemn, thus recalling the solemn tragic diction. As discussed in the introduction, Aristotle attributes to the poetic discourse an effect of "estrangement", τὸ ξενικόν.[457] To achieve such an effect, the diction (ἡ λέξις) cannot be ordinary (μὴ ταπεινὴ), but must be noble, solemn (σεμνή), and, most of all, distinct from common discourse.

Although there seems to be no explicit references to earlier poetic texts, the high style of these preludes is revealed by the ample use of literary devices, such as epistrophic alliteration (P3 741a6–b1, P11 916e2, P12 919a7–b1, P17 937d6), parallel phrasing (P20 950a7–8, P8 879b6–7, P11 917a2–6), balanced antitheses (P11 916d4–6, P12 918b7–c1, P13 923b6–c1, P17 938a6–7), gnomic sentences (P8 879c2–3, P12 919b5, P20 950b4–5), and a general insistency of verbal sonority (alliteration and assonances). The effect of detachment is realised in the preludes by means of lexical (archaic, poetic, and other rare words and expressions, e.g. P8 879e4 θρασυξενία, P9 880e1 ἀτέραμνος, 880e3 κάκη, P12 919a4 ἀναψυχή, P13 923a3 ἐφήμεροι, 923b2–3 ἐν νόσοις ἤ γέρᾳ σαλεύω, 923b2 ὑποτρέχω τινὰ θωπείᾳ, P20 950a5 ἐπικωμάζω) and semantic processes (metaphors, tropes, a grandiloquent tone, P3 741a7, P13 923a3).

In short, if this interpretive framework is correct, a repetitive, alliterative, and balanced language is more suitable for a type of discourse designed for recitation to the young, who need to memorise the teachings (943a). Clearly,

[457] Arist. *Poet.* 1458a22.

repetition represents a fundamental means of inculcating the citizens with ethical principles, and the singing of words and decorous movement are, in the *Laws*, deemed fundamental for a good education of the young (669e–670a).

What is more, the overall prescriptive tone of the preludes might be explained by the fact that the Athenian brings up warnings about negative models of behaviour that need to be blamed and chastised. In addition to the solemn tragic diction, a further tragic element that defines preludes in this group is the Athenian's appeal to divine punishment. Most preludes in this group resort to the fear of divine punishment, when rules are violated through mischief (P3 741b6–7, P8 879d, P20 950d, P9 880e, P11 917b). In all of these occurrences, the religious element is not mentioned through some specific clarification, but rather as a pragmatic device to inculcate obedience into a subject. The intervention of the gods to punish human *hybris* and the crimes that it causes is a conventional tragic element. It would seem that the Athenian's invocation of divinities (as a pending menace) follows this tragic literary strategy: the Athenian refers to the gods in order to restrain any excessive behaviour of the citizens. In this sense, the appeal to divine punishment implies that everyone will be rightly punished: even if someone were to evade successfully the punishment meted out by the laws of the city, he will be hunted down and punished through divine intervention until justice is established.[458] The tragic elements in the preludes and their implications for the interpretation of the dialogue as whole will be further explored in the epilogue. There, an attempt will be made to decipher the famously strong claim that the πολιτεία is "the representation of the fairest and best life" and thus "the truest tragedy", τραγῳδίαν τὴν ἀληθεστάτην (817b5).

To sum up, the preludes in this group are rather brief: most of the them are prescriptive, they are all characterised by a wide use of literary devices, and they refer to divine punishment as a deterrent from committing crime. The divine punishment can be interpreted as a natural consequence of the fact that the legislation is inspired by gods and established under divine auspices.[459]

[458] Divine punishment is itself often the trigger for tragedy, e.g. in Aeschylus' *Eumenides*, where the Furies are in charge of punishing Orestes for his murder of a blood relative. Hippolytus' refusal of Aphrodite and his consequent punishment is the focus of the Euripidean homonymous tragedy, while Pentheus and Agave are punished by Dionysus in Euripides' *Bacchae*.

[459] Cf. e.g. 625a4–b1.

3.3 Myth as a Form of Poetic Rationale

P5: Prelude on Sexual Matters (8.835b5–842a9)

In this section, the Athenian discusses matters regarding sexual conduct, περὶ ἐρωτικῶν (841d1). Although this section is not explicitly defined as a prelude, it is included here because the aim of the Athenian is to persuade the young to embrace the most appropriate sexual conduct through the use of a certain τέχνη (838a1, 838e6, 839b6), that is, through a certain "persuasive discourse".[460] The aim of the present analysis is to identify and investigate this persuasive τέχνη and examine the language employed by the Athenian.

As regards sexual matters, all kinds of homosexual practices, as well as adulterous relationships, are to be considered noxious both for the individual and for the city (836d, 839a). Such practices display a surrender of the soul to the pleasures of the body, and citizens should therefore abstain from them (840c). However, when laying down the law regarding sexual conduct, the Athenian admits that certain people might be corrupted by pleasure. In this case, they are allowed to perform their acts in secret; if discovered, they should be deprived of their civic honours (836d–841e). The present analysis is divided as follows: firstly, a paraphrase of the law on sexual matters, secondly a discussion of the "charming stories" encouraged by the Athenian, thirdly an examination of the reminiscences of the *Phaedrus*, and fourthly an analysis of the implications of the references to tragic heroes.

The main idea in the prelude is that citizens should abstain from all kinds of desire that does not involve a desire for virtue, that is, a desire for the citizen to become a better person (τὸν μὲν ἀρετῆς ὄντα καὶ τὸν νέον ἐπιθυμοῦντα ὡς ἄριστον γίγνεσθαι βουλοίμεθ' ἂν ἡμῖν ἐν τῇ πόλει ἐνεῖναι, 837d5–6). Still, later on the Athenian only stresses the necessity of reproduction and clarifies that he has a "means" (τέχνη, 838e5) to persuade men to have sexual intercourse only "according to nature for the production of children" (κατὰ φύσιν χρῆσθαι

[460] Cf. 836c6 (χρῴτο πιθανῷ λόγῳ), 838b7 (σμικρὸν ῥῆμα), and 839d8 (λόγον ἐχόμενον πιθανότητος). It should be noted that Pausanias' speech in the *Symposium* (180c1–185c3) also stresses the difference in sexual customs between Athens and other communities. According to Pausanias, in both Athens and Sparta the custom is ποικίλος, "complex", while in Elis and Boetia it is always appropriate for the lover to pursue the beloved (182b). Still, it has been suggested that the nexus καὶ ἐν Λακεδαίμονι (182b1) should be deleted or transposed to follow "in Elis and Boetia", since the following discussion (about lack of skillful speaking) is usually referred to Sparta; a strong argument against transposition is found at Xen. *Lac*. 1.12, which defines Sparta's attitude to homosexuality as ποικίλος, in explicit contrast to Elis and Beotia; cf. Dover, 1980, 99.

τῇ τῆς παιδογονίας συνουσίᾳ, 838e5). For this reason, the law, if it prevails (839a3), will make citizens abstain from: (i) having intercourse with males (e6); (ii) deliberately killing the human race by wasting sperm on rocks or stones (e7–8); (iii) having intercourse with a female with whom one does not wish to have offspring (838e-839a). This regulation will offer the city several benefits (μυρία ἀγαθά, 839a6): it will prevent not only erotic frenzy and madness (λύττης δὲ ἐρωτικῆς καὶ μανίας ...εἴργεσθαι ποιεῖ, 839a7), but also all adulteries (καὶ μοιχειῶν πασῶν, a7) and all excessive drinking and eating (καὶ πωμάτων καὶ σίτων εἴργεσθαι ποιεῖ τῶν ἀμέτρων, a8–839b1). Moreover, husbands will be more likely to care for their wives (γυναιξί τε αὐτῶν οἰκείους εἶναι φίλους, b1).[461]

It follows that a regulation on sexual conduct is meant to respond to a weakness common to many: lack of self-control.[462] The Athenian, however, is well aware that such a regulation might not be followed, unless he employs his means, that is, his persuasive skills (839b7–c1).[463] At this point, what is needed to make the regulation heard is a "persuasive discourse" that will convince everyone that the rule can be followed: βούλεσθε ὑμῖν πειραθῶ τινα λόγον ἐχόμενον πιθανότητος εἰπεῖν τινος; "do you want me to try and give you an argument which is possessed of a certain degree of persuasiveness? (839d8–9).

At this point, the Athenian tells the story of the athlete Iccus of Tarentum who,

> ὧν διὰ φιλονικίαν, καὶ τέχνην καὶ τὸ μετὰ τοῦ σωφρονεῖν ἀνδρεῖον ἐν τῇ ψυχῇ κεκτημένος, ὡς λόγος, οὔτε τινὸς πώποτε γυναικὸς ἥψατο οὐδ' αὖ παιδὸς ἐν ὅλῃ τῇ τῆς ἀσκήσεως ἀκμῇ (840a1–4).
>
> because of the love of victory, and possessing the skills, and, in his soul, the courage together with moderation, has never, as the story goes, laid a finger on

[461] I concur here with Diès' (1956, 81) and Schöpsdau's (2011, 203) interpretation that οἰκεῖοι refers to the husbands (contrast Griffith, 2016, 306, who translates the word as "companions and friends – scil. for the wives –"). Schöpsdau, 2011, 203, also refers to the type of φιλία sketched at *Lys*. 221e, where two men, by being φίλοι, in some natural way belong, φύσει πῃ οἰκεῖοι, to each other (221e3–4). In the *Laws*, the shared task of man and woman is the production of children.

[462] The Athenian wishes to avoid the type of φιλία that might develop into something more erotic, and thus more dangerous because beyond the control of reason; cf. Moore, 2007, 115.

[463] The Athenian points out that some vehement and young man (ἀνὴρ σφοδρὸς καὶ νέος) could rebuke these rules as "idiotic and impossible": λοιδορήσειεν ἂν ὡς ἀνόητα καὶ ἀδύνατα τιθέντων νόμιμα (839b5–6).

> a woman — or boy, for that matter — during the whole time he was at the peak of his physical training"[464]

According to Cleinias, this story is true (ἀληθῆ) and often repeated by the ancients: ταῦτα λέγεις ὅτι σφόδρα ὑπὸ τῶν παλαιῶν ἐστιν εἰρημένα (840b2–3). The Athenian implies that the victory of Iccus of Tarentum should function as a paradigm, i.e. as an exhortation for the young: as the self-controlled athlete keeps himself away "from something which most people would call happiness", οἱ μέν ... ἐτόλμησαν ἀπέχεσθαι λεγομένου πράγματος ὑπὸ τῶν πολλῶν εὐδαίμονος (840b5–7), when an athletic victory is at stake, so the young will succeed in staying away from that pleasure for the sake of a "much more beautiful victory", πολὺ καλλίονος ἕνεκα νίκης (b8). The Athenian is here talking about the victory over pleasures, τῆς τῶν ἡδονῶν νίκης (840c5).[465] Such a victory will be celebrated in tales, discourses, and songs, so that children will be enchanted: ἣν ἡμεῖς καλλίστην ἐκ παίδων πρὸς αὐτοὺς λέγοντες **ἐν μύθοις τε καὶ ἐν ῥήμασιν καὶ ἐν μέλεσιν ᾄδοντες**, ὡς εἰκός, κηλήσομεν (840c1–3). The children will be charmed (κηλήω) by these stories, which will influence the emotional part of their souls and thus render them emotionally stronger and more capable of mastering pleasures (οἱ δὲ ἡμέτεροι παῖδες ἀδυνατήσουσι καρτερεῖν, 840b7–8).[466] At 783a the Athenian states that the erotic passion is the strongest desire (μεγίστη χρεία καὶ ἔρως ὀξύτατος, 783a1) that the legislator has to keep under control and, when possible, turn towards virtue (782d10–11). He will achieve this aim by means of three "great goods":

> τρισὶ μὲν τοῖς μεγίστοις πειρᾶσθαι κατέχειν, φόβῳ καὶ νόμῳ καὶ τῷ ἀληθεῖ λόγῳ, **προσχρωμένους μέντοι Μούσαις**[467] τε καὶ ἀγωνίοισι θεοῖς, σβεννύντων τὴν αὔξην τε καὶ ἐπιρροήν (783a6–b1).
>
> using the three great goods – fear, law, and true reason, **and calling also the Muses** and the gods of public competition to dump down their growth and check their flow.

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[464] Griffith's translation of the passage is here slightly modified.

[465] If achieved, this victory will grant a life-time happiness, the opposite if not (840c5–6): τῆς τῶν ἡδονῶν νίκης ἐγκρατεῖς ὄντας ἂν ζῆν εὐδαιμόνως, ἡττωμένους δὲ τοὐναντίον ἅπαν.

[466] For Odysseus' audience reacting to his tale as though it were poetry, cf. *Od.* 11.334, and 13.2. For the idea that the soul needs music to achieve balance and self-control, cf. *Resp.* 411a–b; for the admittance of useful, poetic imitation in a well-governed city, cf. *Resp.* 607c.

[467] For the idea of making a sound use of the Muses, cf. *Ti.* 47d3: τῷ μετὰ νοῦ προσχρωμένῳ Μούσαις.

When he talks about charming stories that praise the most beautiful victory, the Athenian invokes the help of the Muses (840b8–c3) to charm and shape the young. Stories and songs are meant to turn the souls of the young towards what is most appropriate and most precious, the control over pleasure.[468] The comparison proposed here by the Athenian between a virtuous and an athletic life thus carries out a paraenetic function.[469]

At this point, the Athenian concedes that he has now reached a point regarding sexual conduct (840c10). However, the conversation has ended up in a difficulty (εἰς ἀπορίαν ἐπέσομεν, 840d1) because of the weakness of the many. He therefore proceeds by evoking a second tool of persuasion, the fear of committing something unholy (840c2–4). The story that the Athenian is about to tell is based on a comparison between citizens and "birds, or other wild animals", to whom the former ought not to be inferior:

> δεῖν περὶ αὐτῶν τούτων πορεύεσθαι λέγον ὡς οὐ δεῖ χείρους ἡμῖν εἶναι τοὺς πολίτας ὀρνίθων καὶ ἄλλων θηρίων πολλῶν, οἳ κατὰ μεγάλας ἀγέλας γεννηθέντες, **μέχρι μὲν παιδογονίας ἠίθεοι καὶ ἀκήρατοι γάμων τε ἁγνοὶ ζῶσιν,** ὅταν δ' εἰς τοῦτο ἡλικίας ἔλθωσι, συνδυασθέντες ἄρρην θηλείᾳ κατὰ χάριν καὶ θήλεια ἄρρενι, **τὸν λοιπὸν χρόνον ὁσίως καὶ δικαίως ζῶσιν, ἐμμένοντες βεβαίως ταῖς πρώταις τῆς φιλίας ὁμολογίαις**· δεῖν δὴ θηρίων γε αὐτοὺς ἀμείνους εἶναι (840d2–e2).
>
> The argument must be that our citizens ought to be able to do at least as well as birds, or any number of wild animals of the kind that are born into large flocks; **they live celibate, pure chaste lives up until breeding-age**, and when they do reach that age they pair off, male with female as the fancy takes them, and female with male, **and live out the rest of their time in a holy and just fashion, abiding by their first declarations of love**. Our people must surely do better than wild animals.

The Athenian's stress on "the holy life of birds" may be explained in light of the fear of performing something unholy:

> ἔτι φόβος ὁ τοῦ μηδαμῇ μηδαμῶς ὅσιον αὐτὸ εἶναι δύναμιν ἡμῖν οὐκ ἄρα ἕξει κρατεῖν ὧν ἄλλοι κεκρατήκασι τούτων ὄντες χείρονες (840c5–c9).

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[468] Cf. Schöpsdau, 2011, 206; on the value of κηλήω in the education of the young, see Brisson, 1982.

[469] For the comparison with athletics as a topos for the protreptic and *parainesis* of popular philosophy, cf. also 807c4–d1 and see Schöpsdau, 2011, 205.

> there is the fear that the act is in itself utterly and completely unholy —won't we find that gives them the power to get the upper hand over something which lesser people than they have got the upper hand over in the past?

This passage bridges the stories about defeating pleasures and about the sacred marriage of birds. In other words, the charming stories about the victory over pleasures (840b8–c3) is accompanied by an additional persuasive element: the fear of performing an act of which the gods utterly disapprove (840c5–9). The comparison with birds functions thus as an exhortation to the citizen, who are expected to perform better than wild animals: δεῖν δὴ θηρίων γε αὐτοὺς ἀμείνους εἶναι (840e1–2).

This type of φιλία, exemplified by the story of monogamous love among wild animals, is likely to be interpreted in relation to the Athenian's earlier investigation "on the nature of friendship, desire, and the other loves": τὴν τῆς φιλίας τε καὶ ἐπιθυμίας ἅμα καὶ τῶν λεγομένων ἐρώτων φύσιν ἰδεῖν ἀναγκαῖον, εἰ μέλλει τις ταῦτα ὀρθῶς διανοηθήσεσθαι (836e5–a2). The Athenian first investigates, through a series of rhetorical questions, which among the established laws (which existed before Laius) regarding the inconvenience of homoerotic relationships will lead to virtue and to what extent (836d2–5).[470] The first question regards the disposition of character, that is, if it is true that in a homosexual relationship the seduced (πεισθέντος, 836d6) develops a courageous disposition (τὸ τῆς ἀνδρείας ἦθος, d7), while the seducer (πείσαντος, d7) a sense of self-control (τὸ τῆς σώφρονος ἰδέας γένος, d7). The answer is that no one would believe this claim, but rather the opposite (ταῦτα μὲν οὐδεὶς ἂν πεισθείη ποτέ, μᾶλλον δὲ ἅπαν τούτου τοὐναντίον, d8–9):[471] everyone will blame (ψέξει, e1) the softness (τὴν μαλακίαν, e2) of him who is unable to defeat his pleasures and criticise (μέμψεται, e3) him who attempts to imitate the female sex (μίμησιν τοῦ θήλεος, e2). It follows that no one will accept such a rule, "if one has in mind the true law" (ἔχων γε ἐν τῷ νῷ νόμον ἀληθῆ, e4).

In order to establish "what is true" the Athenian needs now to clarify any confusion and doubts which might arise from the fact that there are distinct

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[470] *Leg*. 836d2–5: ζητοῦμεν γὰρ ἀεὶ δὴ τί τῶν τιθεμένων πρὸς ἀρετὴν φέρει καὶ τί μή· φέρε δή, τοῦτο ἐὰν συγχωρῶμεν καλὸν ἢ μηδαμῶς αἰσχρὸν νομοθετεῖσθαι τὰ νῦν, τί μέρος ἡμῖν συμβάλλοιτ' ἂν πρὸς ἀρετήν; According to the mythical stories, king Laius (father of Oedipus) initiated the unnatural love; as the oracle had foreseen, he was killed by his own son. For other occurrences where the legislation aims to promote virtue, see 630e, 631b, 688a, 705d–e, 770c–d, 836d, 963a.

[471] The Athenian is here playing with the double meaning of πείθειν, i.e. the sexual sense of "seduce" and the intellectual sense of "persuade".

types of love which go under the same name: δύο γὰρ ὄντα αὐτά, καὶ ἐξ ἀμφοῖν τρίτον ἄλλο εἶδος, ἓν ὄνομα περιλαβὸν πᾶσαν ἀπορίαν καὶ σκότον ἀπεργάζεται, "there are two separate entities — plus a third category formed from these two — but one single name embracing all of them, which creates a lot of confusion and obscurity" (837a2–4).[472] The first type of love is the one between two people who are similar (φίλον μέν που καλοῦμεν ὅμοιον ὁμοίῳ κατ᾽ ἀρετὴν καὶ ἴσον ἴσῳ 837a6–7) and this love lasts a lifetime (837b3–4); the second type of love occurs between opposites, e.g. between needy and healthy (837a7–8), and this is a terrible love, seldom reciprocated (837b2–3); finally, the the third type of love, a mix of the two, is torn apart by its diverging inclinations and ought to be called ἔρως (837b4–d2).[473]

The third type of love is thus pulled in two opposite directions, since the first type of love (the love between equals) aims for the contemplation of the soul of the beloved, while the second (the love between opposites) aims for the satisfaction of the body. The distinction between these loves echoes the one at *Lys*. 214a–215e, where Socrates stresses, firstly, the necessity for two individuals to be friends (ὅτι τὸ ὅμοιον τῷ ὁμοίῳ ἀνάγκη ἀεὶ φίλον εἶναι, 214b3–4), but only if both are virtuous (ὡς ὁ ἀγαθὸς τῷ ἀγαθῷ μόνος μόνῳ φίλος, 214d4–5), and, secondly, the necessity for the one who loves to desire what he needs. Thus, everything desires its own opposite: for instance, "dry desires the wet, cold hot, bitter sweet", (scil. ἐπιθυμεῖν) τὸ μὲν γὰρ ξηρὸν ὑγροῦ, τὸ δὲ ψυχρὸν θερμοῦ, τὸ δὲ πικρὸν γλυκέος (215e4–6).[474] In *Laws* book 8 the virtuous φιλία between two equals is, as we shall see, the best one. However, the distinction between the two types of φιλία is only briefly hinted

[472] The Athenian appears to imply that the three different types of love are all called ἔρως. However, in the following lines the first two types of love are named φιλία, while the third is called ἔρως. On the fluid use in the *Laws* of φιλία, ἐπιθυμία, and ἔρως as terms embracing a large spectrum of human relationships, and in general on the impossibility of looking for an absolute consistency in Plato's use of the erotic terminology, see Prauscello, 2014, 73–76.

[473] Considering the similarities with the ideas expressed in *Symposium* (esp. the distinction between a love attracted by the body and a love attracted by the soul of the beloved, 183d–e) and in *Lysis* (esp. the distinction between a love between equals and between opposites, 214e–215e), it is likely that the Athenian is here talking of a homoerotic relationship; cf. Schöpsdau, 2011, 195–197. Still, the possibility of heterosexuality should not be excluded *a priori*; cf. Moore, 2007, 113–114.

[474] Cf. *Lys*. 215b1–2: ὁ δὲ μή του δεόμενος οὐδέ τι ἀγαπῴη ἄν, … Ὃ δὲ μὴ ἀγαπῴη, οὐδ᾽ ἂν φιλοῖ, "but the sort of person who doesn't need a thing wouldn't prize a thing either … And what he didn't prize, he wouldn't love either." On the assumption implied in the passage of *Lysis* that "to love" means to get some benefit from the beloved, cf. Penner–Rowe, 2005, 85–87.

at in the passage. Significantly more room is devoted to the third type of love. It is in order to quote here the text in length:

> φιλία τοίνυν ἡ μὲν ἀπὸ ἐναντίων δεινὴ καὶ ἀγρία καὶ τὸ κοινὸν οὐ πολλάκις ἔχουσα ἐν ἡμῖν, ἡ δ'ἐκ τῶν ὁμοίων ἥμερός τε καὶ κοινὴ διὰ βίου· μεικτὴ δὲ ἐκ τούτων γενομένη πρῶτων μὲν καταμαθεῖν οὐ ῥᾳδία, τί ποτε βούλοιτ' ἄν αὐτῷ γενέσθαι τὸν τρίτον ἔρωτά τις ἔχων τοῦτον, ἔπειτα εἰς τοὐναντίον ὑπ'ἀμφοῖν **ἑλκόμενος ἀπορεῖ, τοῦ μὲν κελεύοντος τῆς ὥρας ἅπτεσθαι**, τοῦ δὲ ἀπαγορεύοντος. ὁ μὲν γὰρ τοῦ σώματος ἐρῶν, **καὶ τῆς ὥρας καθάπερ ὀπώρας** πεινῶν, ἐμπλησθῆναι παρακελεύεται ἑαυτῷ, τιμὴν οὐδεμίαν ἀπονέμων τῷ τῆς ψυχῆς ἤθει τοῦ ἐρωμένου. ὁ δὲ πάρεργον μὲν τὴν τοῦ σώματος ἐπιθυμίαν ἔχων, ὁρῶν δὲ μᾶλλον ἢ ἐρῶν, τῇ ψυχῇ δὲ ὄντως τῆς ψυχῆς ἐπιτεθυμηκώς, ὕβριν ἡγηται τὴν περὶ τὸ σῶμα τοῦ σώματος πλησμονήν, τὸ σῶφρον δὲ καὶ ἀνδρεῖον καὶ μεγαλοπρεπὲς καὶ τὸ φρόνιμον αἰδούμενος ἅμα καὶ σεβόμενος, ἀγνεύειν ἀεὶ μεθ' ἁγνεύοντος τοῦ ἐρωμένου βούλοιτ'ἄν. ὁ δὲ μειχθεὶς ἐξ ἀμφοῖν τρίτος ἔρως οὗτος ἐσθ' ὃν νῦν διεληλύθαμεν ὡς τρίτον (837b1–d3).
>
> Now, the friendship between opposites, in our societies, is dangerous, violent and rarely returned; whereas the friendship of those who are alike is gentle and is returned, all their life through. As for the friendship which is a mixture of the two — well, for a start, it is hard to know what exactly the person feeling this third kind of love wants for himself; on top of which, **he is torn between two conflicting impulses and does not know what to do**. **One tells him the fruit is ripe, and he should pick it;** the other tells him he shouldn't. The lover of the body is hungry; as he eyes the ripe peach in front of him, he tells himself to eat his fill, without a thought for the moral character of the one he desires; whereas the one who regards the love of the body as incidental, more admiring than desiring, whose desire is spiritual, and its object spiritual — for him, when body gets its fill of body, this is excess. What he reveres, yes, and worships, is what has self-control, what is brave and great-hearted, what is wise, and his aim would be to live, forever chaste, with the chaste object of his passion. The love which is a mixture of the two is the one we have just described as a third type.

The style of the passage is solemn and characterised by assonances (837c1, c4), polyptoton (837c5, c6, c8), and parallelism (837b8–c2). Furthermore, as has been noted by scholars, it shows clear similarities with ideas expressed in the *Phaedrus*.[475] For instance, the love of the beloved's soul rather than of his body and the sharing of a chaste life in virtue (837c5–837c8) recalls *Phaedrus* 255a–256b, where the two lovers, by mastering self-control, are meant to live

[475] Cf. Schöpsdau, 2011, 196–197. We concur with Schöpsdau and England that there is no reason to refer here to Pausanias' distinction between ἔρως πάνδημος and ἔρως οὐράνιος, since the latter does not rule out sexuality (*Symp.* 185b).

a life in pursuit of philosophy.[476] The gratification of the body is discussed both in *Phaedrus* (250e) and *Laws* (837c1–2: καὶ τῆς ὥρας καθάπερ ὀπώρας πεινῶν, ἐμπλησθῆναι παρακελεύεται ἑαυτῷ).[477]

The struggle between a physical and a rational impulse links the passage in the *Laws* more explicitly to the *Phaedrus*. In the *Phaedrus*, the struggle is described through the famous imagery of the black and the white horse, which pull the chariot in opposite directions, once they are in sight of the beautiful beloved: (i) the idea of two impulses dragging the soul in opposite directions occurs in the passage above at 837b7 (ὑπ᾽ἀμφοῖν ἑλκόμενος) and in *Phaedrus* at 254d7, where the black horse shamelessly drags both the charioteer and the white horse closer to the beloved (μετ᾽ ἀναιδείας ἕλκει); (ii) in the *Laws* the body-inclined desire "tells" (κελεύω) the lover to "pick the bloom of youth" (837b5–7), and in the *Phaedrus* both the white horse and charioteer, at the end, agree to do what they have been ordered to do (ὁμολογήσαντε ποιήσειν τὸ κελευόμενον, 254b3), i.e. to get closer to the beloved in order to enjoy the pleasures of Aphrodite (254a5–b3); and (iii) in the *Laws* the lover is at a loss and does not know what he is loving (837b7, **ἀπορεῖ**), while in the *Phaedrus* it is the beloved who does not know with what he is in love (*Phdr*. 255d3: ἐρᾷ μὲν οὖν, ὅτου δὲ **ἀπορεῖ**). However, although linguistic parallels connect the two dialogues, the main difference is that this torn kind of love (which in the *Phaedrus* paves the way to a philosophical life, once the black horse is tamed) is rejected in the *Laws* (837d2–7).

Before looking closer at this significant difference, a few words can be said about the metaphors used in the *Laws*: τῆς ὥρας ἅπτεσθαι, "the fruit is ripe, and he should pick it" (837b8), and τῆς ὥρας καθάπερ ὀπώρας πεινῶν, ἐμπλησθῆναι παρακελεύεται ἑαυτῷ, "as he eyes the ripe peach in front of him, he tells himself to eat his fill" (837c1). The noun ὥρα, "season", is used metaphorically in the sense "life's summer", "the time of youthful ripeness", and is often used in erotic contexts for the description of the beauty of a young body.[478] However, less common is the combination of ὥρα and ὀπώρα in the

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[476] *Phdr.* 256a7–b3: ἐὰν μὲν δὴ οὖν εἰς τεταγμένην τε δίαιταν καὶ φιλοσοφίαν νικήσῃ τὰ βελτίω τῆς διανοίας ἀγαγόντα, μακάριον μὲν καὶ ὁμονοητικὸν τὸν ἐνθάδε βίον διάγουσιν, ἐγκρατεῖς αὑτῶν καὶ κόσμιοι ὄντες δουλωσάμενοι μὲν ᾧ κακία ψυχῆς ἐνεγίγνετο, ἐλευθερώσαντες δὲ ᾧ ἀρετή, "if the better aspects of their minds win and steer them towards orderly conduct and philosophy, they live a wonderful, harmonious life here on earth, a life of self-control and restraint, since they have enslaved the part which allowed evil into the soul and freed the part which allowed goodness in."

[477] Schöpsdau, 2011, 197.

[478] See e.g. *Phdr*. 234a1–2, where Socrates warns Phaedrus against those who want to take advantage of his youth (τῆς σῆς ὥρας ἀπολαύσονται, 234a1). For ὥρα used metaphorically

same line: the two words are in fact used synonymously as metaphors of "youth". The wordplay occurs before Plato once in Aeschylus' *Suppliant Women*[479]:

> ὑμᾶς δ'ἐπαινῶ μὴ καταισχύνειν ἐμέ, / **ὥραν** ἐχούσας τήνδ' ἐπίστρεπτον βροτοῖς· / τέρειν' **ὀπώρα** δ'εὐφύλακτος οὐδαμῶς (*Supp*. 996–998).
>
> I urge you not to put me to shame, having the **youthful beauty** that you have which makes men turn their heads. Tender **fruit** is not at all easy to guard.

At this point in the play Danaus is concerned that his daughters might be seduced by the lust of Argive men (996–1009) and warns them by stressing that men despoil the "fruit of virginity" because they are mastered by desire (ἱμέρου νικώμενος, 1005). Danaus' fear thus expresses the universal power of erotic desire in nature.[480] The context of the passage in the *Suppliant Women* and the image in the *Laws* share the same concern: the need to withstand the force of erotic desire. The high style of the passage, the imagery used and the Aeschylean influence show how poetic language is an integral part of the Athenian's narration of the different types of love.

As mentioned earlier, the Athenian wishes for Magnesia a love that promotes virtue and furthers the moral improvement of the individual:

> ὄντων δὲ τούτων τοσούτων, πότερον ἅπαντας δεῖ κωλύειν τὸν νόμον, ἀπείργοντα μὴ γίγνεσθαι ἐν ἡμῖν, ἢ δῆλον ὅτι τὸν μὲν ἀρετῆς ὄντα καὶ τὸν νέον ἐπιθυμοῦντα ὡς ἄριστον γίγνεσθαι βουλοίμεθ' ἂν ἡμῖν ἐν τῇ πόλει ἐνεῖναι, τοὺς δὲ δύο, εἰ δυνατὸν εἴη, κωλύοιμεν ἄν (837d2–7).
>
> with so many kinds of love, does the law need to say no to all of them, banning their existence among us? Isn't it obvious that the one which is love of virtue, which desires the young to become as good as possible, is the one we would want in our city, and that we would ban the other two if it was possible?

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in an erotic context, cf. Mimn. 3.1, Theogn. 724, and Pind. *Ol*. 10.104. For ὀπώρα cf. Pind. *Isthm.* 2.5; *Nem*. 5.6.

[479] The nexus also occurs at Ar. *Av*. 709, but in this case the context requires the literal meaning of the words: "season of the year" and "summer."

[480] See Aesch. *Supp*. 1004–1005: πᾶς τις παρελθὼν ὄμματος θελκτήριον / τόξευμ' ἔπεμψεν, ἱμέρου νικώμενος; cf. Papadopoulou, 2011, 55. See also Pausanias in *Symp*. 183e4, where he blames the lover of the young boy, because, "as the flower fades", he flies away forgetting all the vows and promises (183e3-5).

Although the third kind of love recalls the positive madness in the *Phaedrus*, in the *Laws* such a divine madness is not encouraged, but rather avoided or concealed.[481] In the *Phaedrus*, the love that indulges in sexual pleasures — because of drunkenness or other forms of weakness (256c) — is still granted a "luminous life" (φανὸν βίον) of happiness and, thanks to love (ἔρωτος χάριν, 256e9), the two lovers are meant to travel together on the path to philosophy (256c–e). However, in the *Laws* both the third type of love (the intensified mix of the previous types, 835a7–8) and the love between opposites (which only leads to the gratification of sexual pleasure) are to be banned.[482]

The only type of love wished for in the city is that which respects and worships what is "self-controlled, courageous, great-hearted, and wise", that is, the purest type love, uncorrupted by unregulated impulses and concerned only with the promotion of virtue. This type of love ought to be the love pursued by all citizens, since its ultimate purpose is to make the young become as excellent as possible. Nonetheless, in the law that follows a few lines later, only heterosexual love for the sake of procreation is allowed. Homosexual relationships, if they cannot be avoided, should at least be kept secret (840e–841c). The asexual φιλία described at 837b–d thus seems to represent an ideal state that no one is able to achieve. Indeed, instead on developing it further, the Athenian focuses on the persuasive technique of establishing a correct sexual conduct for the sake of procreation.[483]

The persuasive technique envisaged by the Athenian is accomplished through a "brief statement" (σμικρὸν ῥῆμα, 838b7) that has the power to extinguish pleasures that do not comply with the regulation. The aim of the statement is to generate in the citizens the same feeling of guilt and shame as that which arises at the idea of desiring incest.[484] In fact, an unwritten law (νόμος ἄγραφος, 838b1) makes sure that neither siblings nor fathers and children sleep together. Indeed, the idea of intercourse does not even occur to

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[481] We concur with Schöpsdau, 2011, 197, that this is the decisive difference between ἔρως in the *Laws* and the *Phaedrus*. On the Athenian's view of ἔρως as a logical continuation and further development of similar views established in earlier dialogues, such as the *Phaedrus*, see also Moore, 2007, 118.

[482] In this perspective, we follow Schöpsdau, 2011, 196, in the identification of two basic types of love: one between equal souls, aiming at virtue, and one between opposites, aiming at the gratification of the body.

[483] This does not, of course, imply that the sublimation of love between two equal souls is rejected: the official position of Magnesia regarding intercourse for the sake of procreation is, that is, only part of the picture; cf. Moore, 2007, 118.

[484] On the appeal to this type of irrational forces as more adequate to respond to the urges of sexual desire, see Annas, 2017, 96–97.

them (837). Such a result is achieved because citizens hear, at all times and in all places, in comedies and in tragedies (ἀκούειν τε λεγόντων ἀεὶ καὶ πανταχοῦ ταῦτα, ἐν γελοίοις τε ἅμα ἐν πάσῃ τε σπουδῇ τραγικῇ λεγομένῃ, 838c3–5), the mythical stories of Thyestes, Oedipus, and Macareus, and how these tragic heroes immediately want to commit suicide as a penalty for such terrible acts (838c5–6).[485] The Athenian illustrates here the audience's emotional assimilation of the stories staged in theatres and how these stories influence the deepest convictions of people; an influence so strong that not even the idea of incest will occur to them.

It follows that all the legislator has to do in order to extinguish a passion that enslaves most men is to render sacred (καθιερόω, 838d6) a traditional belief (φήμη, 838d6). In this way, he will have the entire city subjected to it, and the law will lie on the strongest foundation:

> Οὐκοῦν ὀρθὸν τὸ νυνδὴ ῥηθέν, ὅτι νομοθέτῃ, βουλομένῳ τινὰ ἐπιθυμίαν δουλώσασθαι τῶν διαφερόντως τοὺς ἀνθρώπους δουλουμένων, ῥᾴδιον γνῶναί γε ὅντινα τρόπον χειρώσαιτο ἄν· ὅτι καθιερώσας ταύτην τὴν φήμην παρὰ πᾶσι, δούλοις τε καὶ ἐλευθέροις καὶ παισὶ καὶ γυναιξὶ καὶ ὅλῃ τῇ πόλει κατὰ τὰ αὐτά, οὕτω τὸ βεβαιότατον ἀπειργασμένος ἔσται περὶ τοῦτον τὸν νόμον (838d3–e1).
>
> In which case it was right what I said just now; if a lawgiver wants to bring into subjection one of the desires which most enslave human beings, then knowing at any rate how to go about subduing it presents no problem: if, in the eyes of everyone, slave and free, child and woman, and the city as a whole, he gives divine backing to this traditional belief, then he will have created the firmest possible tradition for this law.

It is here made explicit that common opinion can be shaped by establishing as sacred a certain traditional belief, so that all citizens, by means of a philosophically enlightened narration of the appropriate behaviour, can be induced to assimilate the principle in their own person and perform it throughout their lives.[486] As mentioned above, the laudatory examples of

[485] Thyestes, brother of Atreus, fathered Aegysthus from his daughter Pelopia; Oedipus, son of Laius, fathered Eteocles, Polynices, Antigone, and Ismene by his mother Jocasta. Jocaste committed suicide after discovering the misfortune; Oedipus blinded himself. Finally, according to one tradition, Macareus, son of Aeolus and Amphithea, fathered by his sister Canace a son, who was devoured by the gods in accordance with the will of Aeolus. Macareus killed himself after the incestuous relationship was revealed, since his beloved Canace was either induced to suicide or killed by their father. For tragic plots of this type, see Sophocles' *Oedipus Tyrannus* and Euripides' *Aeolus*; cf. also Schöpsdau, 2011, 201.

[486] On the difference between slaves and masters, and on the moral education of slaves within the *oikos* through personal relationships with their masters, see Prauscello, 2014, 59–62.

athletic performers such Iccus of Tarentum and the story of holy marriage among birds are preceded by the Athenian's affirmation that he will employ a "certain persuasive discourse" (τινα λόγον ἐχόμενον πιθανότητος, 839d8–9). Thus, the principle of religious piety conveyed by the parallel between birds and humans serves specifically to stimulate in the young not only a sacred respect for the law, but also a feeling of guilt and shame in case someone decides to transgress it. In fact, once the law is laid down and adequately consecrated, it "will bring every soul to subjection, commanding fear and total obedience", πᾶσαν ψυχὴν δουλώσεσθαι καὶ παντάπασιν μετὰ φόβου ποιήσειν πείθεσθαι τοῖς τεθεῖσιν νόμοις (839c5).[487]

Still, the Athenian must take into consideration that citizens corrupted by other Greeks or barbarians might succumb to the power of "unregulated Aphrodite" (ἄτακτον Ἀφροδίτην). The guardians of the laws will therefore have to devise a second law for this type of people (840e2–7).[488] An unwritten law (ἀγράφῳ νόμῳ, 841b3) will lead people to consider it "dishonourable" (αἰσχρόν) to indulge in sexual pleasures openly (841b3–5). It follows that hiding a sexual act will be considered to be "second-degree beautiful" (καλὸν δευτέρως, b5). In other words, the unwritten law consists of "a second-degree correctness" (ὀρθότητα ἔχον δευτέραν, b6), while performing the act openly is to be deemed as "dishonourable" (αἰσχρόν, b4). Still, the nature of those men who follow this unwritten law is considered to be "destroyed" (τοὺς τὰς φύσεις διεφθαρμένους, b7) and they are called "inferior to themselves" (ἥττους αὐτῶν, b7), since they are unable to master their own impulses.[489] Still, the advantage of this second-degree law is that it will prevent these people from transgressing also againt the other laws (μὴ παρανομεῖν, c2): (i) respect of the gods, (ii) love of honour, and (iii) desire of the good customs of the soul and not the body (τό τε θεοσεβὲς ἅμα καὶ φιλότιμον καὶ τὸ μὴ τῶν σωμάτων ἀλλὰ τῶν τρόπων τῆς ψυχῆς ὄντων καλῶν γεγονὸς ἐν ἐπιθυμίᾳ, c4–6).[490] In other

[487] On how the *Laws* encourages its readers to simultaneously accept without question and understand the rationale behind the legislation, and on this being a "bold conceptual move on Plato's part", see Annas, 2007, 93 and 104–107 (quote at 106). For the use, in this section, of the fear of divine punishment to curb the desires, cf. also 838b10, 840c7.

[488] *Leg*. 840e2–6: ἐὰν δ' οὖν ὑπὸ τῶν ἄλλων Ἑλλήνων καὶ βαρβάρων τῶν πλείστων διαφθείρωνται, τὴν λεγομένην **ἄτακτον Ἀφροδίτην** ἐν αὐτοῖς ὁρῶντές τε καὶ ἀκούοντες μέγιστον δυναμένην, καὶ οὕτω δὴ μὴ δυνατοὶ γίγνωνται κατακρατεῖνδεύτερον νόμον ἐπ'αὐτοῖς μηχανᾶσθαι χρὴ τοὺς νομοφύλακας νομοθέτας γενομένους. On ἄτακτον pinpointing an excessive and unnatural type of sexuality that disregards the institution of marriage, see Schöpsdau, 2011, 208.

[489] Cf. *Leg*. 626e.

[490] On the implications of these three laws, see Schöpsdau, 2011, 210–211.

words, the best premise for the city would be to persuade the citizens through "sacred stories" to avoid both homoerotic and adulterous relationships. However, in case this unwritten law is not internalised, the second-best scenario is for the city to keep these acts hidden.

Finally, the Athenian concludes that everything said regarding sexual matters is a "wish" (εὐχαί, c6) for the city, but that certainly the city would gain great advantage from it:

> ταῦτα δὴ καθάπερ ἴσως ἐν μύθῳ τὰ νῦν λεγόμεν' ἐστὶν εὐχαί, πολύ γε μὴν ἄριστα, εἴπερ γίγνοιτο, ἐν πάσαις πόλεσι γίγνοιτο ἄν (841c6–8).
>
> These things we just said, perhaps as if it were a tale, are wishes for the city, and surely, they will be the best thing for the city if they were to be realised.[491]

Also, and more significantly for our analysis, the Athenian clearly states that everything has been said καθάπερ ἴσως ἐν μύθῳ, "as if it were a tale." How are we to interpret this concluding remark? The Athenian is not only appealing to irrational forces, he is also explaining how they work on the mind of the audience.[492] The mythological stories of the tragic heroes are used as examples that will make the citizens feel a deep internal sense of guilt at the mere idea of incest.

To sum up, the Athenian first distinguishes between three types of love (or, more precisely, two types, since the third is a mix of the preceding two); here he appears to draw mostly on the description of manic love in the *Phaedrus*, although rejecting all types of love that respond to sexual gratification. By echoing the description in the *Phaedrus*, the Athenian appears to be quoting himself and adapting the view expressed there to the principle now established: a chaste life in the name of virtue. Moreover, in the passage on the three types of love in the *Laws* there is also a possible poetic influence which serves to underline the solemn style of the prelude.

Secondly, the Athenian tells the fictive story of the birds who live chastly until they procreate, and then in a monogamous relationship with their first partner (840d2–e2). This story functions as a paradigm for how citizens should perform their lives in relation to sexual matters. Thirdly, the Athenian clarifies how one succeeds in inducing citizens to feel shame and guilt at the thought of performing acts that transgress the regulation. Taking as example the tragic

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[491] Translation is mine; cf. Griffith, 2016: "well, this may all be pie in the sky – these things we are now proposing – but it would be a great improvement, in all cities, if it ever came about."

[492] For the relationship between fables and education, cf. *Resp*. 376d9.

stories of Thyestes, Oedipus, and Macareus, the Athenian reveals that they would need a persuasive "means" (838a1), a "brief statement" (σμικρὸν ῥῆμα, 838b7) that will make citizens follow the regulation spontaneously: such a "means" is nothing else than a story, a traditional belief supported by divine authority. In this perspective, the "sacred" discourse (838d6) functions in conjunction with the principle expressed by the law, and the citizens would have no choice but to assimilate that behaviour in order not to be seized by shame and guilt. Such feelings are in fact familiar to them because they have been exposed to stories of men committing suicide as self-punishment since childhood. Thus, because of their own identification with the tragic characters, such behaviour is instantly felt as repugnant to them. It follows that the Athenian is looking for similar stories that can function as a base for the "unwritten law" that will make citizens behave properly as regards sexual conduct.

In short, in this prelude, the Athenian makes use of the poetic imagery in the *Phaedrus* of the man dragged in opposite directions to describe the different types of love, fictive stories of the holy marriage between birds as a paradigm for correct sexual conduct, and poetic references to mythical stories as warnings of divine punishment threatening those who transgress what should be regarded as customary behaviour. One might assume that the implication of this type of education is based on an irrational type of persuasion. However, it is here argued that such stories possess a rational core that is gradually revealed to the citizens. The charming stories constitute the foundations which allow the development of virtue in the citizens, who will then respond in the most appropriate way to the invitation, always present in the preludes, to conform to a virtuous life.

P6: Prelude on Temple-Robbery (9.853d5–854c8)

At the beginning of book nine, the Athenian states the need to legislate on men's crimes: contrary to the ancient legislators who enacted laws for the offspring of gods, the legislator of Magnesia has to legislate for citizens who might be so "inflexible"[493] in their nature that they are difficult to mould

[493] *Leg.* 853d1–3: ἀνεμέσητον δὴ φοβεῖσθαι μή τις ἐγγίγνηται τῶν πολιτῶν ἡμῖν οἷον **κερασβόλος, ὃς ἀτεράμων** εἰς τοσοῦτον φύσει γίγνοιτ' ἂν ὥστε μὴ τήκεσθαι, "It cannot be held against us if we are apprehensive that we might have among our citizens one of those **'rogue beans' which are by nature so unyielding** as to be incapable of being softened." Griffith translates κερασβόλος as "rogue bean." The word is composed by κερας, which is the "horn of an animal," and βόλος, a "throw." According to Chantraine, 1970, 517, κέρας is used as a first term in many compound words. It is interesting to note that tragedians like

(853d1–3). After a brief recapitulation of the role of the legislator (853c), the Athenian announces that the next law will concern temple robberies. The prelude itself occurs after the Athenian has made clear to whom the exhortation is addressed.

According to the Athenian, the malign desire (ἐπιθυμία κακή) that urges a man to rob temples is unlikely to affect the correctly raised citizens of Magnesia. It is more likely that people such as domestic servants, foreigners, or slaves of foreigners will be affected (853d5–10). The others, having received the correct education from birth, are immune to such desires. Firstly, the Athenian describes this impulse as a disease, which is difficult or impossible to cure. Secondly, he establishes the need for a prelude in the form of a dialogue or exhortation (λέγοι δή τις ἂν ἐκείνῳ διαλεγόμενος ἅμα καὶ παραμυθούμενος, 854a5–6) to be addressed to that man who is kept awake and tempted day and night by a malign desire to rob sacred objects (854a1–b1). The use of διαλεγόμαι and παραμυθέομαι qualifies the speech and its intention to establish a gentle dialogue with the citizen. The Athenian, in this case, is not requiring a certain mode of behaviour but rather he is granting the citizen the freedom to accept his exhortation. In the actual prelude, which begins at 854b1, the malign impulse is presented as the result of some ancient injustices that have not been expiated. The text of the prelude runs as follows:

> Ὦ θαυμάσιε, οὐκ ἀνθρώπινόν σε κακὸν οὐδὲ θεῖον κινεῖ τὸ νῦν ἐπὶ τὴν ἱεροσυλίαν προτρέπον ἰέναι, οἶστρος δέ σέ τις ἐμφυόμενος ἐκ παλαιῶν καὶ ἀκαθάρτων τοῖς ἀνθρώποις ἀδικημάτων, περιφερόμενος ἀλιτηριώδης, ὃν εὐλαβεῖσθαι χρεὼν παντὶ σθένει· τίς δ' ἐστὶν εὐλάβεια, μαθέ. ὅταν σοι προσπίπτῃ τι τῶν τοιούτων δογμάτων, ἴθι ἐπὶ τὰς ἀποδιοπομπήσεις, ἴθι ἐπὶ θεῶν ἀποτροπαίων ἱερὰ ἱκέτης, ἴθι ἐπὶ τὰς τῶν λεγομένων ἀνδρῶν ὑμῖν ἀγαθῶν συνουσίας, καὶ τὰ μὲν ἄκουε, τὰ δὲ πειρῶ λέγειν αὐτός, ὡς δεῖ τὰ καλὰ καὶ τὰ δίκαια πάντα ἄνδρα τιμᾶν· τὰς δὲ τῶν κακῶν συνουσίας φεῦγε ἀμεταστρεπτί. καὶ ἐὰν μέν σοι δρῶντι ταῦτα λωφᾷ τι τὸ νόσημα· εἰ δὲ μή, καλλίω θάνατον σκεψάμενος ἀπαλλάττου τοῦ βίου (854b1–c5).

Euripides (*Phoen.* 248) and Sophocles (*fr.* 89.3) use κερασφόρος to indicate a "horned" animal. The word occurs then at Theophr. *Caus. Pl.* to describe a seed that "does not soften in boiling." Such an explanation is also given by a scholiast for the occurrence of the term in the *Laws*. According to the scholiast, κερασβόλος is a term applied to beans, which were so dried and hard that they would not soften when boiled over the fire. See England, 1921, 378.

> Oh, amazing man,[494] it is not human, still less divine this evil impulse which drives you to go robbing temples. No, it is a madness implanted in you, which has its origin in crimes committed long ago and never expiated by humans; as it whirls around in its destructive course, we should guard against it with all our strength. And how do we guard against it? Hear now. When you feel a resolve of this nature coming over you, go straight to the exorcists and their rites; go straight to the shrines of the gods who avert evil, as their suppliant; go straight to the company of those who have the reputation among you of being good men. Hear what they say, and try repeating to yourself, that it is the duty of every man to respect what is fine and what is just. As for the company of the wicked, leave it, without a backward glance. If you do these things, if your illness becomes less acute — or rather, if you don't do them, then regard death as a finer choice, and say your farewell to life.

The main aim of the prelude on temple-robbery is thus to defy the evil impulse to despoil a temple, an impulse that may take hold of certain men. In the prelude, Plato does not describe precisely what the sacrilege consists of; one can only assume that he is referring to the "theft of sacred objects from sacred places."[495] The impulse (οἶστρος, 854b3) is neither human nor divine, "it is a madness implanted in you which has its origin in crimes committed long ago and never expiated by humans" (σέ τις ἐμφυόμενος ἐκ παλαιῶν καὶ ἀκαθάρτων τοῖς ἀνθρώποις ἀδικημάτων, 854b3). It is thus described as "an accursed thing that whirls around" (περιφερόμενος ἀλιτηριώδης, 854b4). There are two ways to defeat the impulse, either through the help of priests, who will purify the souls of the affected citizens, or, if the disease persists, through suicide: "If you do these things, if your illness becomes less acute — or rather, if you don't do them, then regard death as a finer choice, and say your farewell to life" (854c4–5). Since the impulse originates from ancient wrongs, interpreters tend to read in this prelude the tragic motif of ancestral guilt and the need for purification.[496] The malign impulse is usually taken by commentators to be a consequence of the rage of a victim of a murder which has not been expiated, and whose rage has turned to the descendant of the past offender, in order to bring misfortune

[494] Griffith, 2016 opens the prelude with: "'Wretch!' you might say." However, the opening formula addressing the young man, Ὦ θαυμάσιε, is too significative not to be translated literally: "oh amazing man."

[495] Saunders, 1991, 286.

[496] Schöpsdau, 2011, 258 and Reverdin, 1945, 233.

to him.[497] From this perspective, the desire for temple-robbery appears to recall the motif of the family-curse often found in tragedies.[498]

As we shall see, this interpretation is problematic. In the analysis of the prelude we will look into the idea of ancestral guilt, identify the occurrences of the words οἶστρος and ἀλιτηριώδης, and finally investigate the function of such a theme within the context of a prelude.

The prelude begins by directly addressing the individual citizen who has been struck by this desire: Ὦ θαυμάσιε, οὐκ ἀνθρώπινόν σε κακὸν οὐδὲ θεῖον κινεῖ τὸ νῦν ἐπὶ τὴν ἱεροσυλίαν προτρέπον ἰέναι, "Oh amazing man, it is not human, still less divine this evil impulse which drives you to go robbing temples" (854b1). It is thus a direct appeal to the potential offender. As mentioned above, the impulse is presented as a gadfly that dwells in the human soul and whirls around. The relation between the past injustice and the malign impulse is not clearly explained. The common interpretation sees the intended audience of the prelude (i.e. the offender) as a descendant of a perpetrator of a past wrong not yet expiated. As pointed out by Schöpsdau, the first problem with such an interpretation regards the meaning of the verb περιφέρω, which usually indicates a concrete change of place, and thus cannot refer to the malign impulse that is inherited from ancestors (which does not whirl around but stays therefore always in the same place).[499] Schöpsdau follows Saunders, who interprets as follows: **περιφερόμενος ἀλιτηριώδης**, ὃν εὐλαβεῖσθαι χρεὼν παντὶ σθένει "**It travels around working destruction**, and you should make every effort to take precautions against it." Now, this reading means that the "accursed thing" **(**ἀλιτηριώδης) wanders around until it finds someone to incite to temple-robbery, and therefore there is no necessity to see a connection between the man infected and the guilt of an ancient outrage.

The second problem regards the reading of: οἶστρος δέ σέ τις ἐμφυόμενος ἐκ παλαιῶν καὶ ἀκαθάρτων τοῖς ἀνθρώποις ἀδικημάτων, "no, it is a madness

[497] So England, 1921, 379 and Diès, 1956, 99.

[498] The connection between a disease that is present (the one caused by the malign impulse) and past offenses plays a role also in the *Phdr.* at 244d, when the diseases of the body are explained as the remains of past guilt. Socrates claims that diseases and greater sufferings derive from ancient guilt and that a divine madness (a positive madness sent by gods, μανίαν σωφροσύνης τὴν ἐκ θεοῦ τῆς παρ' ἀνθρώπων γιγνομένης, 245a2) can indicate which prayers and purifications are needed to heal the bodies from the disease, on the argument see Yunis, 2011, 133. The situation described here, that is, the tendency to see diseases as pollutions that could be washed away through rituals, finds its origin in ancient Greek religious practices, see Sophocles, fr. 34 ("purifier of the army, skilled in the rites of wiping off" [scil. the disease]. For a more general discussion on the role of purifiers and healers, see Parker, 1983, 207–215.

[499] Schöpsdau, 2011, 258.

implanted in you which has its origin in crimes committed long ago and never expiated by humans" (854b2–3). Most interpreters read the dative τοῖς ἀνθρώποις together with ἐμφυόμενος and consider "men" in general as responsible for the crimes committed long ago and which have never been expiated.[500] Thus in this (quite obscure) sentence lies the connection between the past guilt, perpetrated by an ancestor, and the present offender.

Dodds, however, has raised some significant objections to this one-to-one interpretation. He does not concur with the idea that the impulse is transmitted directly to a descendant from a past offender. Rather, Dodds sees it rather as the result of an ancestral, inherited guilt, common to all men. First, Dodds reads the dative τοῖς ἀνθρώποις as a *dativus auctoris*, thus "the injustices unpurified by men" ἀκαθάρτων τοῖς ἀνθρώποις ἀδικημάτων.[501] This stresses the contrast between the purging that comes from the gods (ἴθι ἐπὶ θεῶν ἀποτροπαίων ἱερὰ ἱκέτης, "go straight to the shrines of the gods who avert evil, as their suppliant") and the impossible purgation that comes from men (ἀκαθάρτων τοῖς ἀνθρώποις, "never expiated by humans"). Secondly, Dodds remarks that if the impulse arises from past human acts, one would expect it to be a human impulse, but in this case the impulse is neither human nor divine. Thirdly, the temptation leads specifically to sacrilege, to temple-robbery, and thus the past guilt should be connected with the sacred sphere. Considering these three arguments, Dodds concludes that "Plato is thinking of the Titans, whose incessant irrational promptings (οἶστρος) haunt the unhappy man wherever he goes (περιφερόμενος), tempting him to emulate their sacrilege."[502] The myth of the Titans is a myth on whose origin scholars still debate. As told by Pausanias, the story narrates how the Titans dismembered, boiled, and ate Dionysus and were directly afterwards burned up by a thunderbolt sent by Zeus; from their smoke sprang the human race which has thus inherited the horrid inclinations of the Titans. Pausanias also writes that the story was invented by Onomacritus in the sixth century.[503] However, since there is no

[500] England, 1921, 379: "but an infatuation which springs up in men as the result of wrongs done in old time and not expiated" (854b2–3). It should be noted that England mantains σε in the main text but does not mention its presence in his commentary of the passage (which includes a translation).

[501] The same reading is also given by Diès, 1956, 99: "c'est un furieux aiguillon planté en toi à la suite d'antiques forfaits que leurs auters ont manqué d'expier" (854b2–3); Ferrari, 2005, and Saunders, 1991. Although finding Dodd's reading plausible, Schöpsdau, 2011, 258, points out that ἐμφυόμενος, "implanted," "rooted in," is seldom used without a dative.

[502] Dodds, 1951, 177, n.133, refers to Plut. *De esu carn*. I 996c. The same conclusion is reached by Rathmann, 1933, 67.

[503] Paus. 8.37.5 and also Plutarch, *De esu carn*. I 996c.

clear evidence of this myth in any writer earlier than the third century, Wilamowitz contested the ancient dating and inferred it to be a Hellenistic invention.[504]

In support of his supposition, that the myth is actually old and known by Plato, and, further, that in this prelude we find an allusion to it, Dodds notes that 1) another scholar, Rathmann, had already reached the same conclusion as him on different grounds,[505] 2) Plutarch reports that, as a result of the myth, the ancients called *Titans*[506] that faculty in men "which is unreasonable and disordered and violent,"[507] and 3) Olympiodoros in his commentary to the *Phaedo* at 87.13 ff. uses οἶστρος in reference to man's evil inheritance, and in another passage (*On the Phaedo* 84.22) cites Xenocrates (one of Plato's pupils) as the source of his statements regarding Dionysus and the Titans. Lastly, as evidence for the ancient dating of the myth, Dodds also refers to two passages in Plato's *corpus*.[508] The first one is a quote from Pindar in the *Meno*, 81b8, in the context of the reasoning regarding the immortality of the soul; here "the penalty of an ancient grief", ποινὰν παλαιοῦ πένθεος (which Persephones will accept in order) is taken to refer to the Titans' responsibility for the dismembering of Dionysius.[509] The second passage, which occurs in the *Laws* at 701c, is complicated and difficult to decipher; as Doods has put it: "the thought is unfortunately as elliptical as the grammar is crabbed."[510] Here the Athenian speaks about those men who refuse to become subjects to the laws, and by doing so, they show off and imitate the ancient titanic nature of men, and go back to that original state where sufferance has no limits:

> καὶ ἐγγὺς τοῦ τέλους οὖσιν νόμων ζητεῖν μὴ ὑπηκόοις εἶναι, πρὸς αὐτῷ δὲ ἤδη τῷ τέλει ὅρκων καὶ πίστεων καὶ τὸ παράπαν θεῶν μὴ φροντίζειν, τὴν λεγομένην

[504] Wilamowitz, 1931, 378 f. Festugière, 1936, 308 agrees with Wilamowitz.

[505] Rathmann, 1933, 67 n. 90, cites this passage as evidence for the orphic doctrine on the "natura Titania" that has been transmitted by later writers (such as Plato). Rathmann, 1933, 67 also refers to the *Orp. fr*. 232, ἄνθρωποι. . . ὄργια τ'ἐκτελέσουσι **λύσιν προγόνων ἀθεμίστων** μαιόμενοι ... λύσεις ἔκ τε πόνων χαλεπῶν καὶ ἀπείρονος **οἴστρου** (bold in the text). Cf. Wilamowitz, 1931, 194, n.2.

[506] For the etymology of the word *Titans*, see Hes. *Theog.* 209–210. For the idea of the Titans as "Greek equivalent of original sin," see Shorey, 1958, 629, and Dodds, 1951, 155 and 177.

[507] Plut. *De esu carn*. 1.996c.

[508] Dodds, 1951, 155, also notes, as a proof of its old character, that the above-mentioned myth is founded on the ancient Dionysiac ritual of *Sparagmos and Omophagia*.

[509] For this interpretation see Rose, 1936, 79–96, and Szlezák, 2007, 333–344. This is not the place to discuss further what the poet intends with the expression ποινὰν παλαιοῦ πένθεος, but cf. Cannatà Fera, 1990, 219–231.

[510] Dodds, 1951, 176.

παλαιὰν Τιτανικὴν φύσιν ἐπιδεικνῦσι καὶ μιμουμένοις, ἐπὶ τὰ αὐτὰ πάλιν ἐκεῖνα ἀφικομένους, χαλεπὸν αἰῶνα διάγοντας μὴ λῆξαί ποτε κακῶν (701b8–c4).

> as they near the end, it is the desire not to be subject to the laws, and right at the very end it is a complete indifference to oaths, promises, and the gods in general. Thus, they show off and imitate the ancient nature of the Titans;[511] they revert to the same original state and spend a miserable eternity, with no respite from evil.

Since the passage is rather unclear, scholars are divided: according to one reading, Plato refers to the war between the Titans and the Gods, and to the fact that, since the gods won, the Titans were sent back to Tartarus, where they lived in a state of eternal punishment. Another reading sees the titanic nature as referring to the Orphic myth of the dismemberment of Dionysus by the Titans, and hence it is a question of the ancestral titanic nature of men.[512]

To sum up, according to Dodds' interpretation we should read in the prelude not the tragic motif of guilt transmitted from one offender to the next, but rather an allusion to an old orphic myth in which the malign impulse of men is the result of the ancient guilt of the Titans.[513] If this interpretation is correct, Plato is vaguely alluding to an ancient Orphic poetic text and is employing the traditional mythical content in order to persuade citizens to abstain from temple-robbery. Further, admitting this view, the περιφερόμενος ἀλιτηριώδης is taken to be a malign entity which moves everywhere and which affects not only descendants of criminals, but tempts the ones who, deprived of the right education from birth, are an easier prey to allure.

The adjective ἀλιτηριώδης occurs in classical Greek only in Plato, and four times: in the *Republic* at 470d6; in the above-mentioned prelude; in the *Laws* at 881e; and in the *Seventh Letter*, at 351c3. Both in the *Republic* and in the *Seventh Letter* the word means "ominous", "pernicious", while in the second

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[511] Griffith's, 2016, translation (i.e. "they present a modern version of the story of the Titans") is here modified.

[512] The first reading is defended by England, 1921 and Des Places, 1951. Des Places, who does not see any evident reason to argue for an allusion to the Orphic myth, refers to Linforth, 1941, 339–345, Boulanger, 1940, 74 and Festugière, 1936, 308–309. To these (that is, to those who argue against an Orphic allusion) one should add West, 1983, 165 n.88 and Moulinier, 1955, 50. Among those who defend the thesis of the origin of men from the Titans' horrible crime, there are Nilsson, 1935, 202; Ziegler, 1975, 360, and Guthrie, 1950, 320. For a more detailed discussion on the passage, and further references, see Schöpsdau, 1994, 514–515.

[513] Although we agree with Dodd's general interpretation, still his reading of the dative together with ἀκαθάρτων ἀδικημάτων is not entirely convincing, since ἐμφυόμενος is never found with the accusative, but almost always with the dative. See also Schöpsdau, 2011, 258.

occurrence in the *Laws,* it means "accursed," and refers to the "accursed fate" (τύχη) that a free man will share with the guilty man, if he happens to communicate with him. The adjective is derived from the adjective ἀλιτήριος, which usually means "offender," "sinner against" (often a god) and which is usually found with a genitive.[514] However, the word can also indicate a spirit of vengeance, which allows the victim of a murder to return to earth.[515] If we take such a meaning also for the adjective ἀλιτηριώδης, then it is possible to explain the nature of the impulse as neither human nor divine, but rather as a demonic entity. However, since the adjective in the other three occurrences of Plato's *corpus* does not refer to any demonic entity but is rather understood in the more general sense of "ominous," and "accursed," we believe this to be a better reading of the word also in the prelude under consideration.[516]

What is more, to better understand the nature of the malign impulse, it is useful to look at the meaning of οἶστρος. Οἶστρος literally means "gadfly", that is, an insect that infests cattle. In his works, Plato uses it metaphorically to indicate a kind of madness, a passion or a deep impulse/desire. In the *Republic,* at 577e2, this kind of madness characterises the tyrannical soul governed by pleasures and impulses,[517] in *Phaedrus* 240d1 a gadfly, οἶστρος, instigates pleasure in the hearth of man every time he sees, hears, and touches his beloved.[518] Finally, the term is also used another time in *Laws* book 6, at 782e3, in the context of desires that can lead to virtue if they are rightly guided. There οἶστρος, as in the *Phaedrus*, symbolises passionate desire, and is "full of

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[514] Ar. *Eq.* 445, or Thuc. 1.126.

[515] Antiph. *Or*. 4a4, 4b8.

[516] It should be noted that England, 1921, 39 suggests that περιφερόμενος ἀλιτηριώδης of the prelude recalls the πλανωμένη αἰτία, "wandering cause" of *Ti*. 48a. Here the context regards the birth of the world, and how it came into existence (the "wandering cause" is one of the elements that created the world.). England also refers to *Tht.* 176a, where it is claimed that the presence of the evil in the world is a necessity: Ἀλλ' οὔτ' ἀπολέσθαι τὰ κακὰ δυνατόν, ὦ Θεόδωρε – ὑπεναντίον γάρ τι τῷ ἀγαθῷ ἀεὶ εἶναι ἀνάγκη – οὔτ' ἐν θεοῖς αὐτὰ ἱδρῦσθαι, τὴν δὲ θνητὴν φύσιν καὶ τόνδε τὸν τόπον περιπολεῖ ἐξ ἀνάγκης, "But it is impossible that evils should be done away with, Theodorus, for there must always be something opposed to the good; and they cannot have their place among the gods, but must inevitably hover about mortal nature and this earth."

[517] *Resp.* 9.577e2: Καὶ ἡ τυραννουμένη ἄρα ψυχὴ ἥκιστα ποιήσει ἃ ἂν βουληθῇ, ὡς περὶ ὅλης εἰπεῖν ψυχῆς· ὑπὸ δὲ **οἴστρου** ἀεὶ ἑλκομένη βίᾳ ταραχῆς καὶ μεταμελείας μεστὴ ἔσται. "So, a tyrannical soul will also least do what it wishes—I am talking about the soul as a whole — and will be full of disorder and regret, since it is always forcibly driven by a **gadfly**."

[518] *Phdr*. 240d1: ἀλλ' ὑπ' ἀνάγκης τε καὶ **οἴστρου** ἐλαύνεται, ὃς ἐκείνῳ μὲν ἡδονὰς ἀεὶ διδοὺς ἄγει, "but he is driven by **a compelling frenzy**, which, constantly giving him pleasure, drives him." Transl. by Yunis, 2011. In the *Phaedrus,* erotic love is regarded as the first stimulus in the pursuit of philosophy, cf. Erler, 2013.

frenzy," (ἔρωτα … μεστὸν οἴστρου, 782e3).[519] In classical Greek the word οἶστρος mostly occurs in tragedies: four times in Aeschylus, once in Sophocles and nine times in Euripides; only once does it occur in the *Odyssey*, once in Herodotus (whose vocabulary is heavily influenced by poetry), four times in Plato (always with its metaphorical meaning).[520]

In tragedy, the gadfly is strictly bound to the motif of madness. For instance, in the myth of Io, told both in Aeschylus' *Prometheus Bound* and in his *Suppliant women*, we read about a jealous, furious Hera who sends a gadfly that hunts Io (already transformed to a cow) in the fields, and drives her crazy.[521] In Euripides' *Heracles*, Heracles, after having killed his wife and children in madness, asks his father Amphitryon at what point he got mad, or more precisely, at what point the gadfly seized him: ποῦ δ' οἶστρος ἡμᾶς ἔλαβε (*HF* 1144). In Euripides' *Hippolytus*, Artemis reveals to Theseus that Aphrodite is behind Phaedra's mad passion (οἶστρος, *Hipp*. 1300). Finally, in Euripides' *Bacchae*, Dionysus claims that he himself, as a gadfly, has driven the women of Thebes to madness, because they did not recognise him as a god.[522] In sum, the gadfly is to be taken, at least in tragedy, as a synonym for madness itself, and, moreover, a madness induced by angered gods.[523] In the prelude, the Athenian does not make any clear allusion to a specific god or to the causes of this madness. However, the compelling desire that incites a man

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[519] In the passage at 782e–783a the three strongest desires that might impede reching virtue are to be kept under control through three remedies: fear, law, and reason, recurring also to the Muses, and to the gods that supervise competions:: ταῦτα δ' ἐστὶν ἐδωδὴ μὲν καὶ πόσις εὐθὺς γενομένοις, ἣν πέρι ἅπασαν πᾶν ζῷον ἔμφυτον ἔρωτα ἔχον, μεστὸν **οἴστρου** τέ ἐστιν καὶ ἀνηκουστίας τοῦ λέγοντος ἄλλο τι δεῖν πράττειν πλὴν τὰς ἡδονὰς καὶ ἐπιθυμίας … τρισὶ μὲν τοῖς μεγίστοις πειρᾶσθαι κατέχειν, φόβῳ καὶ νόμῳ καὶ τῷ ἀληθεῖ λόγῳ, προσχρωμένους μέντοι Μούσαις τε καὶ ἀγωνίοισι θεοῖς, σβεννύντων τὴν αὔξην τε καὶ ἐπιρροήν. "Of these, the need for food and the need for drink are present as soon as they're born. In all this regard, every animal has a natural erotic longing, is full of **frenzy**, and refuses to listen if someone says it ought to do anything except satisfy the pleasures and desires … one should try to keep them (scil. the desires) in check using the three great goods –fear, law, true discourse, and calling also on the Muses and the gods of public competition to damp down their growth and check their flow" (*Leg.* 782e–783b1). It should be noted that fear, threat of the law, and divinities are all common elements in the preludes.

[520] Hom. *Od.* 22.300; Aesch. *Supp*. 307b, 541b; *PV* 879; Simon. *fr.* 36, sub fr. 1.10; Emped. *fr.* 154, 126; Eur. *Hipp.* 1300, *HF* 862 1144, *IT* 394, 1456, *Or.* 791*, Bacch.* 665, *IA.* 547, Soph. *Ant.* 1002, *Trach*. 1254, Hdt. 2.93, Pl. *Phdr*. 240d1, 577e2, *Leg.* 782e3, 854b3.

[521] Aesch. *PV* 566, 689, 879; *Supp*. 16, 541, 573.

[522] Eur. *Bacch.* 32, 665, 979, 1229. For the relationship between the Dionysian οἶστρος as a tool to unveil wisdom, and the role of Socrates as μύωψ, *horse-fly, gadfly* (synonym for οἶστρος in Pl. *Ap.* 30e), who performs the divine role of helping the interlocutor to achieve truth, see Erler, 2013.

[523] For the motif of madness in tragedy, see Schlesier, 1985, Padel, 1995.

to temple-robbery (854b1–2) and the use of the poetic word οἶστρος might have recalled to the reader the idea of some kind of madness that takes hold of one. In short, it might be suggested that the Athenian re-appropriates here the idea of god-sent madness in the prelude precisely in order to fill the mind of the reader with this connotation.

As for the final part of the prelude, it is interesting to note that the Athenian identifies remedies that can defeat the malign impulse. In fact, the man affected by a sacrilegious impulse is encouraged to turn to expiatory sacrifices, to supplicate the gods that avert evil, (ἴθι ἐπὶ τὰς ἀποδιοπομπήσεις, ἴθι ἐπὶ θεῶν ἀποτροπαίων ἱερὰ ἱκέτης, "Go straight to the shrines of the gods who avert evil, as their suppliant" 854b8-9), and to seek the company of the good people (ἴθι ἐπὶ τὰς τῶν λεγομένων ἀνδρῶν ὑμῖν ἀγαθῶν συνουσίας, "go straight to the company of those who have the reputation among you of being good men" 854c1). However, if the disease persists, then the best alternative is to commit suicide (καὶ ἐὰν μέν σοι δρῶντι ταῦτα λωφᾷ τι τὸ νόσημα· εἰ δὲ μή, καλλίω θάνατον σκεψάμενος ἀπαλλάττου τοῦ βίου, "If you do these things, if your illness becomes less acute — or rather, if you don't do them, then regard death as a finer choice, and say your farewell to life" 854c3–4). The cure for the impulse to robbery can thus be sought, first, with the help of expiatory sacrifices, ἀποδιοπομπήσεις, then through appealing to the apotropaic gods, and, finally through the company of good men. The remedies are listed through an anaphora governed by the imperative ἴθι. The conclusive sentence of the prelude is conveyed by a chiasmus: εἰ δὲ μή, καλλίω θάνατον σκεψάμενος ἀπαλλάττου τοῦ βίου (substantive-verb-substantive). As for the expiatory sacrifices – intended to drive away the impulse –, the word ἀποδιοπομπήσεις is a rare word, and it seems to refer to the practice of sending away (ἀποπέμπειν) the sinner in order to prevent a threatening disaster (illustrative examples of such a consequence for the empius are for instance the character of Medea and her exile from Colchis, and Oedipus after cursing his own house).[524] The offender is then required to go as a suppliant to the temples of the gods, averters of the malign impulse. The epithet ἀποτρόπαιος is usually attributed to Apollo (Ar. *Eq.* 1307; *Plut.* 854) and Zeus. We also find the word used to describe some unnamed powers, the so-called "theoi apotropaioi" (Xen. *Symp*. 4.33, *Hell*. 3.3.4), and some undefined powers (perhaps of a dead man) whose anger is being signalled by a dream (Soph. *El*. 405–27; Aesch.

[524] Cf. Mastronarde, 2002, and Schöpsdau, 2011, 260. Parker, 1983, 268 points out that when a politician describes his opponent as the "polluting demon of the city", he is primarily attacking his policies but also suggesting that with an impure man in charge, disasters are likely to happen.

Cho. 523–5).[525] However, it still remains unclear, which apotropaic gods the Athenian could be specifically referring to, if any. At the same time the mention of the expiatory sacrifices, and of the apotropaic gods, might be regarded as a further allusion to rites described in tragedies.

To sum up, the prelude on temple robbery hinges on the consequences to be faced when the citizen yields to the malign impulse. The fear deriving from violation of what is divine, and the punishment that follows it is meant to prevent the citizen from incurring in such mischief. Also, as Annas points out, the punishment imposed by law differs between non-citzens and citizens: the former are severely physically punishmed and forced to leave the region, while citizens are put to death as hopeless cases, because they are unable to embrace the education offered to them since young age (854d1–e6).[526] The "likely story" of the malign impulse has as specific purpose to appeal to the irrational feelings of citizens, and frighten them to point of preventing them from satisfying the impulse.[527]

In sum, the prelude appears to draw partly on mythical and tragic elements (by means of the allusion to the ancestral sins and the mention of οἶστρος), and partly on religious beliefs, since the first cure to the malign impulse is the recourse to apotropaic sacrifices. Clearly, both the mythical elements and the religious beliefs are inspired by poetic texts. The liaison with the poetic realm becomes even more evident when, at the end of the prelude the Athenian declares that: "such are **the preludes we intone**, to those who are planning any of these unholy acts which make life in cities impossible," Ταῦτα **ἡμῶν ᾀδόντων προοίμια** τοῖς πάντα ταῦτα ἐπινοοῦσιν ὅσα ἀνόσια ἔργα καὶ πολιτοφθόρα (854c6–7). The Athenian sings, poeticising the warning into his philosophical prose.

P7: Prelude on Murders (9.870a1–871a1 and 872d7–873a4)

The prelude on murders occurs after a long informative section on the various forms of murder (murder between relatives; murders of rage; involuntary murders 867c4–8869e10). Preventing people from commiting murder is the general aim of the prelude. It is divided into two parts. In the first part (870a1–871a1), the Athenian discusses the general causes that lead one to commit

[525] For further reading Parker, 1983, esp. 220.

[526] Annas, 2017, 97.

[527] For the likely stories about "punishment, retribution, and demonic luck" that are meant to curb those citizen that have a tough nature, see Balot, 2014, 74–75.

murder, while in the second part, after the assertion of the law, he focuses more specifically on the murder of kinsmen (872d7–873a4). In other words, the law on murders itself is surrounded by the prelude. In our analysis of the prelude, we will investigate references to the poetic tradition, in terms of traditional formulas and motives that usually occur in tragedies.

In the first part, after discussing the causes of murder, the Athenian adds one more argument to his discourse: he notes that, according to those who are earnestly interested about such things in the mysteries, the punishment of the perpetrators of murders is expiated in Hades (870d4–e3) As in previous cases, if the prelude is effective in instilling fear and persuading the citizens to abstain from murder, there will be no need for a law; in the opposite case, a law will follow (870e4–871a1).[528]

Firstly, the Athenian lists the three causes that are supposedly likely to induce someone to commit a murder:

a. A desire that dominates the soul (ἐπιθυμία κρατοῦσα ψυχῆς, 870a1). According to the Athenian, desires are often provoked by yearning for money, which has the power to engender erotic, insatiable desires for a limitless wealth. In this case, responsible for the desires are both the nature of the offender, and the false values praised by society (870a2–b1). Already at 697b, the Athenian made clear that wealth should not be valued as the best good. When explaining the danger of yearning for money, the Athenian states that the present argument teaches that, in order to be happy, one should not try to become rich in itself, but should rather become rich rightly, and wisely (870b6–7).[529]
b. The habit of the ambitious soul (φιλοτίμου ψυχῆς ἕξις, 870c5). This habit, according to the Athenian, generates envy and hence killings.
c. The cowardly and unjust fears (οἱ δειλοὶ καὶ ἄδικοι φόβοι, 870c8). The Athenian here describes a situation where killings occur because someone needs to hide something (870d1–4).

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[528] *Leg.* 870e4–871a1: πειθομένῳ μὲν δὴ καὶ πάντως φοβουμένῳ ἐξ αὐτοῦ τοῦ προοιμίου τὴν τοιαύτην δίκην οὐδὲν δεῖ τὸν ἐπὶ τούτῳ **νόμον ὑμνεῖν**, ἀπειθοῦντι δὲ νόμος ὅδε εἰρήσθω τῇ γραφῇ, "now, for him who accepts this teaching is thoroughly alarmed by such penalty, on the basis of the prelude alone, there is no need to go on and **recite the law** on the subject." It should be noted that verb ὑμνεῖν is here referred to the law, νόμος and not, as Folch, 2015, 167, claims, to the prelude.

[529] The Athenian provides a proof for this argument not in this prelude but at 742e–743c.

In short, the first part of the prelude focuses almost exclusively on the causes that instigate men to commit murder.[530] Just before laying down the actual law on murders, the Athenian adds one more argument:

> τούτων δὴ πάντων πέρι προοίμια μὲν εἰρημένα ταῦτ' ἔστω, καὶ πρὸς τούτοις, ὃν καὶ πολλοὶ **λόγον** τῶν ἐν ταῖς τελεταῖς περὶ τὰ τοιαῦτα ἐσπουδακότων ἀκούοντες σφόδρα πείθονται (870d5–e3).
>
> for this whole subject, let what has been said so far be the preludes —with, as the finishing touch **that story** which many people find so persuasive when they hear it from those who have taken a serious interest in such things during the mysteries.

Here the Athenian introduces the real persuasive argument of the prelude, an argument that is well-known by the multitude because they have heard it from "from those who have taken a serious interest in such things during the mysteries." Schöpsdau follows Burkert and interprets the λόγος as the sacred discourse (ἱερὸς λόγος) that would be passed on by the cult of the Mysteries. The ones in charge of telling this argument are the priests of the mysteries, who later (i.e. after the law, and in the second part of the prelude), will be defined as παλαιοὶ ἱερεῖς, "ancient priests" (872e1–2).[531]

The Athenian first refers broadly to the theory of the migration of the soul and claims that the murderer will be punished in Hades for his action, that his soul will then be sent back to earth in another form, and that he will suffer the same thing that he himself performed against his victim, παθόντος ἅπερ αὐτὸς ἔδρασεν (870e2–3), in accordance with the principle of the law of retaliation. We find already here an allusion to the doctrine of reincarnation and retaliation, both of which will be mentioned again in the second part of the prelude.

After having stated the law, the Athenian resolves to utter again a prelude, in the hope of persuading some more citizens (872d4–7). This second prelude focuses on "the most impious act", that is, the murder of kinsmen (872d5–873a4). The speech that follows is defined by the Athenian both as an argument and as a tale and it is said to be derived from ancient priests: **ὁ γὰρ δὴ μῦθος ἢ λόγος**, ἢ ὅτι χρὴ προσαγορεύειν αὐτόν, **ἐκ παλαιῶν ἱερέων** εἴρηται σαφῶς,

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[530] The style of this passage is extremely solemn: homoioteleuton (870a3), assonance and polyptoton (870b3, 870d1–2), epistrophic alliteration (870b3), chiastic structure (870b4).

[531] Schöpsdau, 2011, 327. Burkert, 1991, 59-60. Also Diès, 1956, 124 interprets the λόγος mentioned here as "doctrine" and notes that this doctrine is Orphic.

"**the story, or argument**[532] — or whatever we ought to call it — **has been handed down from priests** of long ago, and is clear enough (872d7–e2)."

First of all, such a beginning reminds the reader of the story of Atlantis in the *Timaeus-Critias*. There the ancient story is told for the first time to Solon by the Egyptians priests who have knowledge of the most ancient past of the city of Athens (22c–23d). The story is then introduced by a long section that illustrates the historical sources of the tale in order to both persuade the audience that is a ἀληθινὸς λόγος and to increase the expectations of the audience on Atlantis.[533] Interpreters of the genre of the tale in the *Timaeus-Critias* are often divided between those who argue that it is a historically factual account (because of the detailed account of the transmission of the story and of the strong claim to the authenticity of the originating source) and those who, like Gill, considers it a "politico-philosophical myth constructed out of historical ingredients and specifically designed as cautionary tale – possibly protreptic – for an Athenian audience."[534] In the following, it is argued that the tale of the ancient punishment in relation to murder of kinsmen (i.e. to suffer what one has done to others) functions in a similar manner: it should be trusted as true, because it derives from ancient sources (ἐκ παλαιῶν ἱερέων 872e2), and it should admonish the citizens against committing murder.

The myth evokes the personified Justice, responsible for punishing those who have stained their hands with the blood of their relatives:

> ὡς ἡ **τῶν συγγενῶν αἱμάτων τιμωρὸς δίκη ἐπίσκοπος** νόμῳ χρῆται τῷ νυνδὴ λεχθέντι καὶ ἔταξεν ἄρα δράσαντί τι τοιοῦτον παθεῖν ταὐτὰ ἀναγκαίως ἅπερ ἔδρασεν (872e2–5).
>
> **Justice who is the avenger of the blood of kinsmen and guardian of the law**[535], uses the law we have just described and has laid down that the person who does such a deed will inevitably have done to him the same thing he has himself done.

The punishment of Justice consists in making the perpetrator experience the same suffering that he has inflicted upon his victim. It follows that if a son has

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[532] Griffith, 2016 translates λόγος, with "message," but we prefer "argument" as a more literal translation.

[533] For the model of the "epic retardation" in the await to the history of Atlantis see Regali, 2012, 89–93.

[534] Gill, 1977, 298, and bibliography.

[535] Griffith, 2016, interprets ἐπίσκοπος as "in this capacity," that is, we assume, in reference to τιμωρὸς. But ἐπίσκοπος literally means "guardian, one who watches over."

killed his father, he himself will be killed by his sons in the future; he who kills his own mother will be re-born as a woman who will be killed by her offspring (872e4–8). There is, in fact, no other form of purification than to wash murder with murder, in order to appease the spirits of the family and free society from the stain. Our hypothesis is that Plato in this prelude re-uses motifs, expressions and ideas that occur in the tragedies that stage a family-murder.

First of all, in the prelude, kin-killing is recognised as the most impious of deeds, φόνων τῶν πάντῃ ἀνοσιωτάτων (872d7). In tragedies, kin-killing is often described as a dreadful deed, e.g. in Aeschylus' *Seven against Thebes* (681), the pollution from kin-killing "does not grow old," that is, it does not disappear with time.[536] In Euripides' *Medea* (1268–70), pain and woes are sent by the gods against those who commit kin-murders.[537] Further, in the prelude Justice is personified as a goddess,[538] the avenger of kindred blood, and guardian of the law: ἡ τῶν συγγενῶν αἱμάτων τιμωρὸς Δίκη **ἐπίσκοπος**, "the avenger of the blood of kinsmen, **guardian of the law**." The epithet ἐπίσκοπος is found almost exclusively in poetic texts and in Plato's *Laws*.[539] It is usually taken to refer to the tutelary gods, such as Athena or Justice.[540] While in the general prelude Dike was considered the avenger of those who break the law, here she is the avenger of kindred blood.

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[536] Aesch. *Sept.* 681–682: ἀνδροῖν δ' ὁμαίμοιν θάνατος ὧδ' αὐτοκτόνος – / οὐκ ἔστι γῆρας τοῦδε τοῦ μιάσματος, "But the death of two men of the same blood killing each other — that pollution can never grow old."

[537] Eur. *Med*. 1268–70: ἀμείβεται / χαλεπὰ γὰρ βροτοῖς ὁμογενῆ / μιάσματα †ἐπὶ γαῖαν† αὐτοφόνταις ξυνῳδὰ / θεόθεν πίτνοντ'ἐπὶ δόμοις ἄχη, "For the murderers are dogged by woes harmonious with their deeds, sent by the gods upon their houses." The translation follows Mastronarde's assumption that a verb (and perhaps a conjunction) has been corrupted to †ἐπὶ γαῖαν†, cf. Mastronarde, 2002, 368.

[538] Justice is personified here, as it was already in the general prelude at *Leg.* 716a1–2: "and behind him ever follows Justice, taking vengeance on those who depart from divine law." In Hes. *Theog.* Dike is the guardian of the social order, the daughter of Themis and Zeus (v.902), while in *Op.* (259 ff.) she is the helper of Zeus, and, sitting next to him, she reports to him the injustice of men. Solon, who has reformulated many of the Hesiodic motifs, writes that she is the avenger of ὕβρις (Δίκη ἀποτεισομένη *fr*. 4.14–16 West), the same function that she carries out in *Leg*. 716a.

[539] ἐπίσκοπος occurs mostly in Homer, Hesiod, the tragedians and Aristophanes, but also once in Simon. (72b1), and once in the orator Antiph. (23.1 and 30.1). In the *Laws*, it occurs at 717d2; 866a3; 872e3. Two out of the three occurrences are found in a prelude (717d2 and 872e3) while the third one, at 866a3, appears in the context of a law, in relation to the closest relative to the dead who is regarded as the "guardian" of the legal punishment. However, as England puts it, 1921, 423: "the word ἐπίσκοπος whether as substantive or adjective, seems to have been confined in classical Greek to the poets' and to Plato's *Laws.*"

[540] *Il*. 22.255, Soph. *Ant*. 217, Aesch. *Sept*. 272, *Cho*. 126.

Further, the expression αἷμα συγγενές at 872e2 also presents poetic echoes. It literally indicates the blood that is "congenital," that is, the blood that two or more people share from birth. The adjective συγγενές, "congenital," associated with αἷμα, "blood," occurs, in classical Greek, only twice in Euripides and once in a fragment by Sophocles.[541] In both Euripidean occurrences (*Suppliants* 148 and fr. 558.2 Kann.) αἷμα συγγενές indicates the murder of a kinsman, committed unintentionally by Tydeus (son of Oeneus) in the course of a hunt, which means that he must flee the land of Calydon. The myth of Oeneus — whose son Tydeus, after fleeing into exile, found a home in Argo where he married one of the king's daughters (according to the prophecy) and fought among the seven princes against Thebes —, was well-known in antiquity, and Sophocles appears to have written a satiric drama about it.[542] In the fragment attributed to Sophocles (799.3 Radt), one that is not ascribed to any play, the expression is used in relation to the slaying of kinsman by Tydeus.[543]

Thus, all three poetic occurrences show a consistent use of αἷμα συγγενές in the context of the murder of the kinsmen (and in relation to Tydeus) and present the fleeing from one's own home country as a consequence of the impious act. Exile was in fact the conventional punishment for the murderer.[544] Firstly, the occurrence of αἷμα συγγενές found exclusively in poetic texts prior to Plato suggests that αἷμα συγγενές can be safely considered in the prelude to be a poetic influence. Secondly, the Athenian adopts the poetic expression in the prelude, hinting, we argue, to the association that the audience would quickly make to the figure of Tydeus; yet, he modifies the consequent punishment for the murderer: the law does not prescribe exile but to be subjected to the same act that one has accomplished.

What is more, the expression καὶ ἔταξεν ἄρα **δράσαντί** τι τοιοῦτον **παθεῖν** ταὐτὰ ἀναγκαίως ἅπερ ἔδρασεν, "and ordains (scil. Justice) for the **perpetrator** of such a deed that he must necessarily **suffer** the very same things he has perpetrated (872e4–5)" is also taken to be related to the realm of

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[541] Eur. *Supp*. 148 (Τυδεὺς μὲν **αἷμα συγγενὲς** φεύγων χθονός), fr. 558.2 Kann. (…Καλυδῶνος, ἔνθεν **αἷμα συγγενὲς** φυγὼνΤυδεύς), Soph. fr. 799.3 Radt (ὁ Τυδεὺς ἀνδρὸς αἷμα συγγενὲςκτείνας ἐν Ἄργει ξεῖνος ὢν οἰκίζεται). The word αἷμα, occurs in poetic texts also together with ἔμφυλον, "kindred" (thus a synonym of συγγενές) and with γενέθλιον, cf. Soph. *OC* 407, Pind. *Pyth*. 2.32 and Eur. *Or*. 89, and Schöpsdau, 2011, 335.

[542] See Collard, 2008, 29–30, and cf. 1130 Radt and Lloyd-Jones, 1996, 419.

[543] Lloyd-Jones, 1996, 316.

[544] As Morwood, 2007, 155, notes exile is considered to be the regular punishment for homicide of kin (Orestes' fleeing after the matricide is the finest example in tragedy). For the common mortf cf. Herod. 1.35.1–3, (Phrygian Adrastos), Apollod. 2.4.6. (Amphitryon) and Ov. *Met*. 11.268–270 (Peleus).

tragedy. The expression might echo the famous death of Agamemnon in the homonymous tragedy, where Clytemnestra, in response to the woes of the chorus, explains to them that now, with his death, Agamemnon has paid for the harm he had caused:

> ἄξια **δράσας**, ἄξια **πάσχων**, / μηδὲν ἐν Ἅιδου μεγαλαυχείτω, / ξιφοδηλήτῳ / θανάτῳ τείσας ἅπερ ἔρξεν (*Ag.* 1527–1530).[545]
>
> He is **suffering** his deserts for an **action** that deserved them: let him utter no loud boasts in Hades, after making a payment that matched his deed, death by the stroke of the sword.

The parallel with the words of the Athenian can be appreciated not only in relation to the content, but also in relation to the verbs used and in relation to the gnomic structure of the sentence. According to both texts, the perpetrator of such deeds will suffer a corresponding pain. The main verbs are in both cases δράω for "doing," and πάσχω for "suffering." As for the structure, in both cases the final relative clause conveys the perpetrated crime (τείσας **ἅπερ** ἔρξεν Ag. 1530 and **ἅπερ ἔδρασεν** 872e5). As we shall see, concepts similar to the "suffering in turn" of the *Agamemnon* seem to be well established in Greek tragedies.[546]

A hint to the origin of such a belief might be found in Aeschylus' *Libation Bearers*:

> "ἀντὶ δὲ πληγῆς φονίας / φονίανπληγὴν τινέτω." δράσαντι παθεῖν, / τριγέρων μῦθος τάδε φωνεῖ (Aesch. *Cho.* 312–314).

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[545] The text follows Fränkel, 1950, 724–725. Fränkel points out that ἔρξεν (conjecture by West) is a necessary correction: the aorist of ἔρδειν in Aeschylus (as in Homer and Herodotus) is clear from Aesch. *Sept.* 923, while the derivation of ἦρξεν from ἄρχω cannot be considered, since what is said in this passage has obvious parallels with 1564, παθεῖν τὸν ἔρξαντα, and 1658 πρὶν παθεῖν ἔρξαντες. Fränkel, quoting Wecklein, also points out that the idea can be compared with Aesch. *Eum*. 435 and Plaut. *Poen*. 1270 *eveniunt digna dignis*. According to Fränkel, there might a proverb behind the expression ἄξια δράσας, ἄξια πάσχων. Meleager of Gadara (in *Anth. Pal.* 12.132.13 φέρε τὸν πόνον. ἄξια πάσχεις ὧν ἔδρας) might allude to it or may have preserved a common version of the proverb in the form of paroemiac.

[546] See e.g. Aesch. *Ag*. 533, 1535–6, 1562–4, *Supp*. 432–7; Soph. *fr*. 877: εἰ ἔδρασας, δεινὰ καὶ παθεῖν σ'ἔδει. As Mastronarde, 2010, 49–54 aptly notes, the elements and principles found in tragedy represented a conspicuous mix of earlier poetic traditions, and the myths on which tragedy drew provided story-patterns of various shape. Tragedy thus should be seen as a living genre, "inherently a genre of varied form and content" (here 49).

> "and for a bloody stroke let the payment be a bloody stroke." For him who does, suffering — that is what the old, old saying states.

The verses mention an ancient saying that prescribes suffering for the one guilty of such deeds. We find traces of the idea of "suffering in turn" (or the law of retaliation) also in Aristotle, who refers to the Pythagoreans, and ascribes the concept to the rule of Rhadamanthys:

> Δοκεῖ δέ τισι καὶ τὸ ἀντιπεπονθὸς εἶναι ἁπλῶς δίκαιον, ὥσπερ οἱ Πυθαγόρειοι ἔφασαν· ὡρίζοντο γὰρ ἁπλῶς τὸ δίκαιον ὡρίζοντο γὰρ ἁπλῶς τὸ δίκαιον τὸ ἀντιπεπονθὸς ἄλλῳ. τὸ δ' ἀντιπεπονθὸς οὐκ ἐφαρμόττει οὔτ' ἐπὶ τὸ νεμητικὸν δίκαιον οὔτ' ἐπὶ τὸ διορθωτικόν — καίτοι βούλονταί γε τοῦτο λέγειν καὶ τὸ Ῥαδαμάνθυος δίκαιον· εἴ κε πάθοι τά τ' ἔρεξε, δίκη κ' ἰθεῖα γένοιτο.' (Arist. *Eth. Nic.* 1132b21–27).
>
> The view is also held by some that simple Reciprocity is Justice. This was the doctrine of the Pythagoreans, who defined the just simply as 'suffering reciprocally with another.' Reciprocity however does not coincide either with Distributive or with Corrective Justice although people mean to identify it with the latter when they quote the rule of Rhadamanthys: And a man suffers even that which he did. Right justice will be done.

Rhadamanthys was the mythical son of Zeus and Europe and also considered one of the judges of the dead in Elysium.[547] It should also be noted that, at this point of the Aristotelian text, an anonymous commentary adds a fragment by Hesiod: εἴ κε πάθοι, τά τ' ἔρεξε, δίκη κ' ἰθεῖα γένοιτο, "If he suffered what he committed, the judgement would be straight (Hes. *Great Works*, fr. 286 MW)."[548] The fragment, which belongs to the poem *Great Works* (a fragmentarily preserved didactic poem which was attributed to Hesiod already in antiquity), sounds like a gnomic sentence, which is typical of the *Works and Days*.[549] It is likely that Plato is drawing on this set of poetic notions and ideas in the prelude.

In the conclusion to the prelude, at 872e, the Athenian clarifies that there is no other way of purification for the city than a future killing. As Schöpsdau points out, the catharsis at this point does not refer to a ritual purification, but rather to the murder: "the pollution refuses to be washed clean until the soul

[547] Cf. Crisp, 2000, 89.

[548] See Heylbut, 1892.

[549] Most, 2006.

responsible has made payment (872e9–10)."[550] Put differently, if someone has been killed in the city, the stained blood (τὸ μιανθὲν αἷμα, 872e8) cannot be washed away before the blood has been paid back with other blood:

> οὐδὲ ἔκπλυτον ἐθέλειν γίγνεσθαι τὸ μιανθὲν πρὶν **φόνον φόνῳ ὁμοίῳ ὅμοιον** ἡ δράσασα ψυχὴ τείσῃ καὶ πάσης τῆς συγγενείας τὸν θυμὸν ἀφιλασαμένη κοιμίσῃ.
>
> The pollution refuses to be washed clean until the soul responsible has made payment: **like for like, killing for killing** — so appeasing and laying to rest the anger of the entire family (873a1–3).

This concept and, most of all, the expression in the passage φόνον φόνῳ ὁμοίῳ ὅμοιον (873a1) probably alludes to Sophocles, *OT* 100, where Creon, revealing the oracular saying, states that the purification of the city should occur either by banishing the man, or by "paying back bloodshed with bloodshed," ἢ φόνῳ φόνον πάλιν λύοντας. The correspondence is striking: the offender will have to pay back murder with murder, φόνον φόνῳ. Plato expands the expression by adding "like with like," and structures his idea in the form of a chiasmus: πρὶν φόνον φόνῳ ὁμοίῳ ὅμοιον ἡ δράσασα ψυχὴ τείσῃ, "until the soul that perpetrated the deed pays for murder with murder, like for like (873a1)." It appears thus plausible to see here a link between the two texts, even though Plato does not make any specific allusion to Sophocles.

Now, it appears that the principle of suffering in turn in the prelude originates from earlier, authoritative texts. Nonetheless, Plato's view on the law of retaliation is quite different from the one presented in the tragedies and in the law of Rhadamanthys. The new element which Plato has enclosed in the traditional principle is the reincarnation after death. The offender, reincarnated in a new form, will pay for what his previous self has committed. In other words, the familiar notion of retaliation is elaborated further, and the λόγος of the ancient priests (870c1, 872e1–2) introduces the Orphic doctrine or reincarnation:

[550] Cf. Schöpsdau, 2011, 335. This point is made clear already at 870c, where the Athenian states that, if people were to seek for a moderate wealth, murders that purge other murders would not take place in the cities: καὶ φόνοι οὕτως οὐκ ἂν γίγνοιντο ἐν πόλεσιν φόνοις δεόμενοι καθαίρεσθαι, "there would then be, in our cities, no killings calling for purification by other killings (870c1–2)."

> κἂν εἰ μητέρα, γενέσθαι τε αὐτὸν θηλείας μετασχόντα φύσεως ἀναγκαῖον, γενόμενόν τε ὑπὸ τῶν γεννηθέντων λιπεῖν τὸν βίον ἐν χρόνοις ὑστέροις· τοῦ γὰρ κοινοῦ μιανθέντος αἵματος οὐκ εἶναι κάθαρσιν ἄλλην (872e6–9).
>
> if he has killed a mother, he will inevitably be born a member of the female sex, and, having been born, will depart life, at some later time, at the hands of offspring, since when common blood is polluted, there is no other purification.[551]

In the prelude, neither the element of reincarnation, nor the element of the change of sex are developed further. The principle of punishment set out in the prelude appears to be a divine and abstract one, which very much differs from the legal punishment expressed a few lines later, where the one found guilty is to be killed by the magistrates and the corpse is to be thrown, naked, outside the border of the region, where it will be left without burial (873b4–c1). The fear of punishment from the gods functions here as a deterrent for those who might feel an inclination to this type of murder: ταῦτα δὴ παρὰ θεῶν μέν τινα φοβούμενον τὰς τιμωρίας εἴργεσθαι χρὴ τὰς τοιαύτας (873a3–4).

To sum up, a connection can be seen between the expressions and the motif set out in the prelude and the portrayal of the same motif in tragedies. Still, even though Plato reappropriates of older traditional expressions, the final idea of punishment conveyed in the prelude is rather different. In tragedies, the punishment consists either of being sent into exile or, in cases where catastrophe cannot be averted, revenge is taken by another family member (e.g. the *Oresteia*, where Agamemnon kills Iphigenia, Clytemnestra kills Agamemnon and Orestes kills Clytemnestra). In the prelude, the Athenian refers to the doctrine of reincarnation as punishment for murderers of kinsmen and alludes to the return of the offender (from Hades) in the form of the victim that was killed, in order to be killed in his turn by his/her own sons.[552] Now, from this perspective the prelude is innovative: the principle of re-incarnation is not mentioned in tragedies. Yet, and this is our hypothesis, when wrapped in the more traditional tale of the "suffering in turn," the "story of the ancient priests" was likely to make a stronger impact on the mind of the reader. By so doing, the Athenian integrates the new information of the prelude with the

[551] The doctrine of reincarnation which is generally attributed to Orphism is discussed in other passages of Plato's *corpus*, such as *Leg.* 904c, *Resp.* X 614e, *Ti.* 90e.

[552] Plato's familiarity with the idea of change of sex in reincarnation is attested by a number of passages in the *corpus.* As far as we know from the texts, the change of sex can be either a result of a free choice (*Resp*. 620b–c) or the result of a punishment (*Leg.* 944e, *Ti.* 90e), cf. Schöpsdau, 2011, 335.

information offered in the old tradition, and the result is a philosophical precept that builds on previous poetic texts, and gains therefore in persuasion and authority.

P19b: Prelude on Military Service. The Abandoning of Armour (12.943d5–944c4)

The prelude at 943d5–944c4 deals with the transgression of abandoning one's armour. The problem with such a crime is that there exists a general confusion on the matter of loosing one's own armour, and the Athenian stresses the misunderstanding created by the failure to assign the vile action to the correct category. We will examine the rhetorical strategies used by the Athenian in the prelude: poetic references (in terms of poetic words and reference to the myth) are examined in relation to the prelude's aim of ἐπᾴδειν, "enchant" (994b3) in order to demonstrate how the Athenian elaborates the language of the poetic tradition to meet his own ends.

Firstly, it is stated that the act of returning home before the commanders have given the order to do so should be judged in the same way as a desertion (943c9–d4). Secondly, the Athenian urges the legislator to decide correctly about those who abandon their armour during battle. In fact, every man should do his best not to perjure in front of Justice, by assigning undeserved punishments to those who are innocent (943d5–e9).[553] Finally, in order to illustrate the difference between those who are actually guilty of leaving behind their armour and those who are forced by violence or by other circumstances to do so, the Athenian refers to the mythical tale of Patroclus (944a1–b3). If Patroclus had come to life after being brought to the tent and Hector had kept his armour, then the malicious contemporaries would reproach the son of Menoetius unjustly for "abandoning his armour", ὅπλων ἀποβολή (944a7–8).[554] But also on other occasions men have lost their armour because they have been thrown down from a height, or caught by an onrush of water

[553] *Leg.* 943d5–e9: χρὴ μὲν δὴ πᾶσαν ἐπιφέροντα δίκην ἀνδρὶ πάντ' ἄνδρα … τῶν τε οὖν ἄλλων εὐλαβεῖσθαι πέρι πλημμελεῖν εἰς δίκην, διαφερόντως δὲ καὶ τῆς τῶν κατὰ πόλεμον ὅπλων ἀποβολῆς, μὴ διαμαρτών τις ἄρα τῶν ἀναγκαίων ἀποβολῶν, ὡς αἰσχρὰς αὐτὰς εἰς ὄνειδος τιθείς, ἀναξίῳ ἀναξίας ἐπάγῃ δίκας, "Any man who brings any action against another man … must always be careful not to strike a wrong note when justice is concerned, he must be particularly so when it is a question of losing weapons time of war; we don't want someone mistakenly classifying their loss as a disgrace and a reproach, and bringing an undeserved action against an undeserving victim, in a situation where losing them was unavoidable."

[554] The Athenian also specifies that the arms had been given to Peleus as dowry from the gods, according to what the poet says (944a4–6, cf. also *Il.* 16.194 and 18.84).

while at sea; according to the Athenian, such and many other circumstances are easy to misinterpret (944a8–b4).[555]

The problem of the moral shame relating to the loss of armour was well known at the time of Plato.[556] The main point of the Athenian in the prelude is that, unlike poets, who might be wrong in their depiction of facts, the legislator should be aware of such an important difference in terminology and should legislate accordingly. [557] The law that follows the prelude states that, in case someone abandons his armour when under attack the enemy, thus choosing for himself a base and cowardly life rather than a brave and beautiful death, he should be judged as though he had thrown his armour away (944c5–d2).

The prelude first touches on the reasons why those who abandon their weapons should be punished. The Athenian appeals to the sacredness and authority of Justice (Δίκη), which is conveyed through a reference to her genealogy:

> **παρθένος γὰρ Αἰδοῦς** Δίκη λέγεταί τε καὶ ὄντως εἴρηται ψεῦδος δὲ αἰδοῖ καὶ δίκῃ **νεμεσητὸν** κατὰ φύσιν (943e1–3).
>
> Justice is said — and has been rightly said — to be **the daughter of Shame**, and falsehood is by its nature detested by Shame and Justice.

We do not know whose mythical version of Justice's genealogy Plato is referring to at this point. It might be a current legend that portrays Justice as the virgin daughter of Shame, Αἰδώς.[558] In Hesiod's *Works and Days* (256–257) Justice is said to be daughter of Zeus, and "revered", αἰδοίη, by the Gods of Olympus.[559] First of all, the divine origin of Justice reminds the audience of

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[555] We follow Diès, 1956, 51, who prints Stallbaum's conjecture κόποις in the text instead of τόποις of the MSS, and thus translates "de même, tous ceux qui perdirent leurs armes par le fait d'être précipités du haut des rochers, de combattre sur mer, d'être emportés, au fort de la tempête, par un torrent soudain."

[556] See e.g Andoc. 1.74, Aeschin. 3.175–6, Isoc. 8.142–143.

[557] See e.g. Archil. fr. 5 West. In this famous poem, Archilocus claims that is better to throw away the shield than die. The provocative unconventionality of the poem is negatively judged by Critias (fr. 44.1–13) who marks as shameful the attitude and the image that the poet gives of himself, especially in relation of the throwing of the shield: καὶ τὸ ἔτι τούτων αἴσχιστον, ὅτι τὴν ἀσπίδα ἀπέβαλεν. For the theme of the loss of the shield, see also Alc. 428 Lobel-Page and Anac. fr. 85 Gentili. For the distinction between the newly discovered fragment of Archilochus (P.Oxy 47080 fr.1) and Archil. 5 (West, 2nd edn.), see Donato, 2010.

[558] An inscription on an Athenian tomb (IG II 6859 ed.2) states that Σωφροσύνη, *Temperance*, is θυγάτηρ μεγαλόφρονος Αἰδοῦς, see England, 1921, 575.

[559] As noted by England, 1921, 574 (followed by Schöpsdau, 2011, 532), the conjecture αἰδοίη for Αἰδοῦς at 943c1 proposed by Stephanus (on the ground that Plato is alluding to Hesiod,

the strenght of the value here expressed. As noted by Schöpsdau, the genealogical relationship between Shame and Justice describes a causal relation: the moral embarrassment in accusing someone of a falsehood is a prerequisite of Justice, since it is natural for a person to feel a sense of shame when accusing someone else of wrongdoing.[560]

The term νεμεσητόν, translated in the passage as "detested", but which literally means "causing indignation" at 943e1, is also worthy of attention. Before Plato, it occurs only in poetry: several times in Homer, twice in tragedies (Soph. *Philoct*. 1193, Aesch. fr. 228c Mette), once in Tyrtaeus (fr. 10.26 West) and once in Aristotle's *Rhetoric* (1387a31). In the poem of Tyrtaeus the word describes as "causing indignation" the scene of an old man who dies in battle while covering his genitals:

> ἤδη λευκὸν ἔχοντα κάρη πολιόν τε γένειον, / θυμὸν ἀποπνείοντ' ἄλκιμον ἐν κονίηι, / αἱματόεντ' αἰδοῖα φίλαις ἐν χερσὶν ἔχοντα – / αἰσχρὰ τά γ' ὀφθαλμοῖς καὶ **νεμεσητὸν** ἰδεῖν, / καὶ χρόα γυμνωθέντα (Tyrt. fr. 10.23–27).
>
> his head already white and his beard grey, breathing out his valiant spirit in the dust, clutching in his hands his bloodied genitals—this is a shameful sight and **brings indignation** to behold—his body naked.

The context of the word in the poem is certainly different from that of the prelude; yet, the poetic word probably carried such a sense of shame and indignation that its occurrence in the prelude regarding the abandonment of armour instantly incited those same feelings in the reader.

In Aristotle's *Rhetoric* the term refers to the indignation that is generally felt when a virtuous man does not get what he deserves: ἂν οὖν ἀγαθὸς ὢν μὴ τοῦ ἁρμόττοντος τυγχάνῃ, νεμεσητόν (*Rh*. 1387a31); Aristotle refers, as an example, to the saying of the poet who tells how Zeus was displeased by the fact that Cebriones, a son of Priam, would fight against the vastly superior Aiax.[561] Cebriones is valued less than Ajax and thus their fight is regarded as indignant. The fact that the word occurs in Aristotle in relation to a poetic passage strengthens the idea that the word was likely perceived as poetic also by the audience of the *Laws*.

As previously stated, the Athenian makes a clear distinction between ῥίψασπις, the "chucking or throwing away of the shield" (as a cowardly act),

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Op. 257), does not make sense, since the following ψεῦδος δὲ αἰδοῖ καὶ δίκῃ νεμεσητὸν, presupposes the personification of Δίκη and Αἰδώς.

[560] Schöpsdau, 2011, 532.

[561] The reference is to Hom. *Il*. 11.542.

and ὅπλων ἀποβολή "the abandoning or the loss of armour" (as a necessary act):

> σχεδὸν οὖν ἐν τοῖς ὀνείδεσιν ἔχει τινὰ τομὴν ἡ τούτων τῶν ὀνομάτων ἐπιφορά· **ῥίψασπις** μὲν γὰρ οὐκ ἐν πᾶσιν ὀνομάζοιτ' ἂν δικαίως, **ἀποβολεὺς δὲ ὅπλων**. οὐχ ὁμοίως γὰρ ὅ τε ἀφαιρεθεὶς μετ' εἰκυίας βίας γίγνοιτ' ἂν **ῥίψασπις** ὅ τε ἀφεὶς ἑκών, διαφέρει δὲ ὅλον που καὶ τὸ πᾶν (944b5–c3).
>
> And the names applied to these things, by way of reproach, do pretty much provide us with a principle of division: '**shield-chucker**' would not be a fair description in all situations, whereas '**weapon-loser**' would. The person who has lost his weapons after putting up a good fight is not a '**shield-chucker**' in the same sense as the person who has deliberately thrown his weapons away; there is a world of difference between them.

The noun ῥίψασπις, "chucking away the shield", is used by the Athenian in the prelude to indicate specifically the vile act of throwing away the weapons. The term, which does not seem to be very common at the time of Plato, occurs once in a fragment by the comic playwright Eupolis (fr. 100), twice in Aristophanes (*Clouds* 353, *Peace* 1186, the former in a reference to Cleonymus, accused of throwing away the shield in order to save his life in battle, and the latter as a derogatory term referred to coward men at war) and once in Lysias (10.9) in relation to the distinction of terms which is the focus of the present passage of the *Laws*.[562] The term is a compound of ῥίπτω, "throw away with a sudden movement" and ἀσπίς "shield." As it has been noted, all compounds of the verb are tied to specific images: ῥιψαύχην, "tossing the neck" is used as an epithet of κλόνος, "throng" (in Pindar), ῥίψοπλος, "throwing away one's weapons" (in Aeschylus), and ρίψασπις "throwing away the shield" (in

[562] Lys. 10.9 also distinguishes between the two acts, but he seems to do so in a rhetorical question to Theomnestus, implying that even though the two words are different, they do carry the same meaning: "if a man said that you had cast your shield (in the terms of the law it stands, "if anyone asserts that a man has thrown it away, he shall be liable to penalty"), would you not prosecute him? Would you be content, if someone said you had cast your shield, to make nothing of it, because casting and throwing away (ῥῖψαι καὶ ἀποβεβληκέναι) are not the same thing?"; cf. also 10.7 where it is claimed that it would be too much of a task for a lawgiver to write different names for the same act, but by mentioning one word he gives the same meaning to all similar acts. According to Todd, 2000, 673, the occurrences of ῥίπτω in Aristophanes suggest that the term was used by this period as a colloquial verb. Ἀποβάλλω is the legal term used in the law for defamation, and some scholars (Usher, 1985, 232) even suggested that by early fourth cent. the word came to mean simply "lose" (as in the above-mentioned prelude). Although Todd, 2000, 673 argues that ἀποβάλλω remains a familiar legal term in the orators, maintaining thus a more culpable sense than the English "lose."

Aristophanes). The appellative compunds occurs exclusively in poetry and are "all poetic in flavour."[563]

The Athenian makes use of both the specific term ῥίψασπις and the myth of Patroclus to illustrate his argument (944a2). The point of the Athenian is that if Patroclus had come back to the tent without his weapons and had recovered, as happened to thousands of other men during the war, then it would have been possible for the base people of the time to accuse him of having abandoned his weapons:

> μύθῳ δὴ προσχρώμενοι ἅμ' εἴπωμεν, εἰ κομισθεὶς ἐπὶ σκηνὴν ἄνευ τῶν ὅπλων Πάτροκλος ἔμπνους ἐγένεθ'οἷον δὴ μυρίοις συνέπεσεν, τὰ δὲ πρότερα ἐκεῖνα ὅπλα, ἃ Πηλεῖ φησιν ὁ ποιητὴς παρὰ θεῶν προῖκα ἐν τοῖς γάμοις ἐπιδοθῆναι Θέτιδι, ταῦτα δὲ Ἕκτωρ εἶχεν, ἐξῆν ἂντῶν τότε ὅσοι κακοὶ ὀνειδίζειν **ὅπλων ἀποβολὴν** τῷ τοῦ Μενοιτίου (944a2–7).
>
> Let us look to a myth for support: suppose Patroclus had been brought back to his tent without his weapons, but still alive, as has happened to any number of people, and the famous weapons he started with (the ones the poet says were given by the gods as a gift to Peleus at his marriage to Thetis), if those weapons were now in the hands of Hector, it would be possible for people of that time — the malicious among them — to reproach the son of Menoetius for **losing his weapons**.[564]

The Athenian continues by giving examples of other circumstances that might force someone to leave the weapons behind, such as being thrown down from a height, or being caught by a wave while at sea (944a7–b5). All such circumstances could (theoretically) be described and sung instead in a comforting and beautiful way, and it would then be possible to justify a misfortune, i.e. losing one's weapons, which is a very much exposed to calumny: ἢ μυρί' ἂν ἔχοι τις τοιαῦτα παραμυθούμενος ἐπᾴδειν, εὐδιάβολον[565] κακὸν καλλύνων, "there would be thousands of such cases that one might

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[563] Tribulato, 2015, 228.

[564] In accordance to the distinction made at 944c1 the expression ὅπλων ἀποβολή is here translated as "losing his weapons," however it seems that we can infer from the context that the accuse moved to Patroclus, in case he saved his life but not the weapons, would be to "have thrown away the armour," that is, ῥίψασπις, again according to the distinction made at 944c1.

[565] The word does not appear to be very common during Plato's time: it only occurs twice in Plato's *corpus*, once in *Euthphr.* 3b8 (where Euthyphro talks about the false accusations that are addressed to Socrates) and once in this present prelude. It also occurs in Arist. *Rh.* 1372b35 (in a reference to men who are victims of wrongdoing: "those who have been slandered or those who are easy to slander," τοὺς διαβεβλημένους ἢ εὐδιαβόλους).

sing about in a comforting way, and thereby beautify an easily misrepresented evil," 944b2–4.[566] The Athenian is here making clear that soldiers might lose their weapons innocently, and that it is therefore a hard task for the legislator to decide whether the loss is due to cowardice or unfortunate circumstances. Now, the purpose of the reference to the tale of Patroclus is twofold: (i) it helps the legislator to distinguish between acts which are deemed innocent and acts which demand punishment and (ii) it provides the Athenian with an opportunity to show how misleading a myth can be. In fact, since the myth is not precise in explicitly stating how Patroclus lost his weapons, if the hero revived, he might have been blamed for having lost the sacred weapons borrowed from Achilles.[567] Thus, the Athenian's aim in the prelude is to 'correct' the story, so that the audience is not mislead in its choice of action, because anaware of the consequences.

Furthermore, the reference to Patroclus contributes to the clarification of another important aspect: through the phrase εὐδιάβολον κακὸν καλλύνων, "beautify an evil easy to slander," the Athenian makes it clear that it is in the hands of the poets to beautify an act that might, otherwise, be easily misinterpreted. A similar use of the verb, i.e. beautify an evil act in a speech, occurs in Sophocles' *Antigone* where Creon, in replying to Antigone's appeal to the divine laws, condemns her for trying to make her crime look like a glorious act: Μισῶ γε μέντοι χὥταν ἐν κακοῖσί τις ἁλοὺς ἔπειτα τοῦτο καλλύνειν θέλῃ, "I hate it when one, caught in evils, wants to glorify it" (*Ant.* 496).[568] It seems possible to "beautify" an act if the definition and the consequence of it are left blurred and undefined; in the prelude, by referring to the mythical tale of Patroclus, the Athenian shows the failure of the poets to distinguish between the different ways one can lose one's weapons and the danger caused by their lack of discernment. It follows that the Athenian urges the poets to sing beautifully about the different ways of abandoning one's weapons, while, at the same time, he also establishes himself as the true authority in these matters.

Finally, the exhortative style of the prelude is emphasised towards the end, where a gnomic sentence reassumes the entire speech by stating that, "after all, we should always punish the coward, to make him better, but not the one who

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[566] The translation of the passage is my own. Griffith translates as follows: "there are countless mitigating circumstances of this kind if you are trying to put a better complexion on something bad which lays you open to criticism."

[567] *Il.* 17.195 and 18.84.

[568] cf. Kamerbeeck, 1978, 102.

is unlucky, since nothing is gained by that", τὸν γὰρ κακὸν ἀεὶ δεῖ κολάζειν, ἵν'ἀμείνων ᾖ, οὐ τὸν δυστυχῆ· οὐδὲν γὰρ πλέον (944d2–3).

In general, the prelude revolves around the importance of making a precise distinction between those who abandon their weapons disgracefully and those who abandon them out of some necessity. Poetic texts usually do not make such distinction. In his role as the founder of the new colony, the Athenian aims to be clear and precise where the poets are muddled and lacking in nuance. In the prelude, it is possible to recognise the hypothetical dialogue between the Athenian and the poets that occurred in book 4 (719c3–d3). On the one hand, the poets are here shown to be inaccurate in their telling of the myths, since they did not clarify the difference between losing one's arms voluntarily and loosing them by necessity. On the other hand, the legislator knows better than them, and thus he is legitimised in taking upon himself the authority that the poets claimed to have in such matters. By referring to the sacredness of Justice, by employing poetic expressions, by taking recourse to a mythical tale to explain his argument, and by thus establishing a dialogue with the poets, the Athenian grants the legislator the role of persuasive authority.

P15: Prelude on Honours due to Parents and Progenitors (11.930e5–932a8)

In the present prelude, the Athenian intends to persuade the young to honour and respect parents and progenitors. His argument is based on the premise that the gods listen to and fulfil the prayers and curses of parents regarding their children, and children should therefore behave respectfully towards them if they are to have the gods on their side. The upshot is that the Athenian establishes a strong relationship between worship of gods and the practice of honouring or neglecting parents. The prelude grounds its authority in this relationship. In this analysis, we will look at words and expressions that the audience might have linked to the poetic tradition, in particular to the Homeric poems and to the tragedies.

The Athenian mentions first the visible gods, which are honoured because they are clearly seen, e.g. the celestial bodies, and then the Olympians and other invisible divinities, to whom people devote statues or "objects of worship" resembling them (τῶν δ'εἰκόνας ἀγάλματα ἱδρυσάμενοι). These images are venerated, even if "lifeless" (ἄψυχος), so that the gods that they portray will shower the faithful with grace and benevolence. At this point, the Athenian claims that he who has in the home a father, a mother, or other

progenitors, he will have the most powerful object of worship, as long as he honours them in the correct way:[569]

> Νόμοι περὶ θεοὺς ἀρχαῖοι κεῖνται πᾶσιν διχῇ. τοὺς μὲν γὰρ τῶν θεῶν ὁρῶντες σαφῶς τιμῶμεν, τῶν δ' εἰκόνας ἀγάλματα ἱδρυσάμενοι, οὓς ἡμῖν ἀγάλλουσι καίπερ ἀψύχους ὄντας, ἐκείνους ἡγούμεθα τοὺς ἐμψύχους θεοὺς πολλὴν διὰ ταῦτ' εὔνοιαν καὶ χάριν ἔχειν. **πατὴρ οὖν ὅτῳ καὶ μήτηρ ἢ τούτων πατέρες ἢ μητέρες ἐν οἰκίᾳ κεῖνται κειμήλιοι ἀπειρηκότες γήρᾳ,** μηδεὶς διανοηθήτω ποτὲ ἄγαλμα αὐτῷ, τοιοῦτον ἐφέστιον ἵδρυμα ἐν οἰκίᾳ ἔχων, μᾶλλον κύριον ἔσεσθαι, ἐὰν δὴ κατὰ τρόπον γε ὀρθῶς αὐτὸ θεραπεύῃ ὁ κεκτημένος (930e7—931a8).
>
> Traditional customs concerning the gods are everywhere of two kinds. Some of the gods we honour because we can plainly see them; for others, we set up liknesses as objects of worship, and when we worship them, lifeless as they are, we think that the living gods respond by feeling kindly and grateful towards us. **So, if anyone has a father or a mother (or their fathers or mothers) laid up like family treasures in the incapacity of old age,** let him never imagine, while he has a shrine[570] of such a kind in his home — assuming, that is, its owner tends it properly, as custom demands — that any object of worship he may have will carry greater weight.

At 931a5, parents are described as "family treasures, lying in the house in the incapacity of old age" (ἐν οἰκίᾳ κεῖνται κειμήλιοι ἀπειρηκότες γήρᾳ). As commentators have noted, the expression κεῖνται κειμήλιοι ἀπειρηκότες γήρᾳ

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[569] The attention and care for the elders was in ancient Greece not only a moral duty but also a religious obligation; cf. Schöpsdau, 2011, 215–217.

[570] ἵδρυμα is generally translated as *image*, or *statue*. However, we follow here Griffith's and Saunders' interpretation. Saunders, 1972, 113, notes that the words ἄγαλμα and ἵδρυμα, far from meaning roughly the same thing, are in pointed contrast in the passage. He reads the passage as follows: "let no man think that, so long as he has such [or, such a person as] a *shrine* at his heart and home, a (mere) cult-object will be more influential on his behalf." Three reasons adduced by Saunders convince us to interpret the word as "shrine": (i) the usual meaning of ἵδρυμα is "shrine" and there is no necessity to translate it as "statue" here. The word occurs in the sense of "shrine" or "temple" also at 778d, 848d, 717b; (ii) Plato seems to regard the living body as a shrine inhabited by a "god" (at 869b) and he describes the dead body as ἄψυχον χθονίων βωμόν, a soulless altar of the infernal ones (959d1); it follows that the body is regarded as a temple that may or may not be inhabited by god; (iii) Even though Plato forbids the people of Magnesia to possess private shrines (since all religious worship must be public, see 909d), in accordance with his legislative principle that idle hands make mischief, he approves some sort of substitute to fill the gap left in the citizens' lives. It is specifically in this context that the word 'shrine' seems to be so important for Plato. He recognises the strength of the habit of private worship and incorporates it within his own legislative idea. See Saunders, 1972, 113-114, and Schöpsdau, 2011, 504, who also translates ἵδρυμα as "Heiligtum".

probably refers to the κειμήλια κεῖται at *Il*. 6.47. In the *Iliad*, the term κειμήλια, "treasures", usually refers to the bronze, gold and iron stored in the house of the leader (ἄναξ). The formula occurs eight times in the Homeric poems, twice in the *Iliad* (6.47, 11.132) and six times in the *Odyssey* (4.613, 14.326, 15.101, 19.295, 21.9). Plato takes the adjective κειμήλιος, "treasured up", and uses it to refer to the parents who lie "treasured up in the house." As war booty was deemed precious for the ἄναξ in the Homeric poems, in the prelude, parents are deemed a treasure for their offspring. Also, the second part of the phrase, i.e. ἀπειρηκότες γήρᾳ, "in the incapacity of old age" or "overwhelmed by old age", recalls similar expressions that we find in poetry rather than in prose, where the verb ἀπεῖπον is never, to the best of my knowledge, used with the meaning of "giving way to, sinking under, yielding to" suffering or similar negative conditions. The perfect tense followed by a causal dative only occurs in Eur. *Orestes* 91 and in *Hecuba* 942. In the *Orestes* Electra explains his brother's current condition to Clytemnestra's sister Helen, and tells her that "so he lies, **overwhelmed by his misery**", οὕτως ἔχει τάδ', ὥστ' **ἀπείρηκεν κακοῖς** (*Or*. 91).[571] In the homonymous tragedy, Hecuba is departing as a slave from the city of Ilium, and says: τάλαιν', **ἀπεῖπον ἄλγει**, "alas, **I succumb to pain**" (*Hec*. 942). The expression appears to refer to people who, because of certain circumstances, have given up their strength and force of life. Although we find many occurrences of the verb ἀπεῖπον in Plato (as well as in other prose writers), the word is never used in prose in this particular sense ("overwhelmed by") except in the present passage of the *Laws* (931a6).[572] The idea is that the construction of the verb with the dative, by conveying the meaning of "being overwhelmed by something" evoked in the ears of the audience a reminiscence of similar expressions present in tragic texts. Such a choice of terms, we would argue, renders the style of the passage more poetic and thus not only more familiar but also more authoritative for the audience.

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[571] Willink, 1986, 97.

[572] A synonym of ἀπειρηκότες is found later at 931d7, where the Athenian claims that "we can have no object of worship more worthy of respect than a father or grandfather worn out with old age (or mothers in the same state)", ὡς οὐδὲν πρὸς θεῶν τιμιώτερον ἄγαλμ' ἂν κτησαίμεθα πατρὸς καὶ προπάτορος **παρειμένων γήρᾳ** καὶ μητέρων, 931d5. Here the verb used is παρίημι, which usually means "pass by, disregard, give up" and which in the following case carries the broad meaning of "be fatally overwhelmed by, be worn out with", and governs the dative. A similar use occurs in Eur. *Or.* 881, where Orestes "is worn out by disease", παρειμένος νόσῳ. Another occurrence of the verb in this sense and followed by a dative is at Eur. *Cyc*. 591: π. ὕπνῳ. As in the case of ἀπειρηκώς, the verb is used several times by Plato but never with such a meaning.

At 931b–c, the Athenian, in order to show that the gods are always on the side of parents in case of a fight against the children, first recalls Oedipus, whose curses against his sons were indeed fulfilled by the gods (931b5);[573] secondly, he names Amyntor (b7), who cursed his son Phoenix, and, thirdly, Theseus, who cursed his son Hippolytus (b8):[574]

> Οἰδίπους, φαμέν, ἀτιμασθεὶς ἐπηύξατο τοῖς αὑτοῦ τέκνοις ἃ δὴ καὶ πᾶς ὑμνεῖ τέλεα καὶ ἐπήκοα γενέσθαι παρὰ θεῶν, Ἀμύντορά τε Φοίνικι τῷ ἑαυτοῦ ἐπαρᾶσθαι παιδὶ θυμωθέντα καὶ Ἱππολύτῳ Θησέα καὶ ἑτέρους ἄλλοις μυρίους μυρίοις, ὧν γέγονε σαφὲς ἐπηκόους εἶναι γονεῦσι πρὸς τέκνα θεούς· **ἀραῖος γὰρ γονεὺς ἐκγόνοις** ὡς οὐδεὶς ἕτερος ἄλλοις, δικαιότατα (931b5–c3).
>
> Oedipus, we say, when he was treated without respect, called down upon his own children those things which, according to all poets, were heard and fulfilled by the gods. And we say that Amyntor, in his rage, cursed Phoenix, his own son; that Theseus cursed Hyppolitus; and that countless parents have cursed countless children, from which it is clear that the gods do listen to parents in their dealings with children, since a **parent's curse upon his children** is like no other curse — and very rightly so.

The mythical tales to which the Athenian alludes in this prelude were well-known and, by and large, told in tragedies. The allusion to them at this point serves to prove that there is no curse more effective than that of a parent against his or her child. In addition to the content of the myth, the allusion to tragedies is also reinforced by the choice of vocabulary: (i) ἀραῖος γὰρ γονεὺς ἐκγόνοις, "parent's curse upon the children", literally "cursing father" (931c2) and (ii) γέγηθεν ὁ θεός, "the god is pleased" (scil. when someone worships progenitors with the respect due, 931d7). In the former expression, we find the term ἀραῖος, which in its active sense means "cursing, bringing mischief upon," followed by a terminus dative, which occurs only in tragedies and in this passage of the *Laws*. In Aeschylus' *Agamemnon* 237, the curse at stake is addressed to the house of the son of Atreus: the chorus sings the death of Iphigenia at the moment when they were supposed to keep guard over her mouth and prevent her from cursing her house: στόματός τε καλλιπρῴρου / φυλακᾷ κατασχεῖν / **φθόγγον ἀραῖον οἴκοις**, "by means of a restraint so to hold back from her mouth and her beautiful face **a cursing speech against the house**."[575] Another

[573] For the well-known curse of Oedipus, see Aesch. *Sept.* 709 ff., Soph. *OC.* 1432.

[574] Amyntor's curse is told by Phoenix himself in *Il.* 9.448.

[575] As noted by Fränkel, 1950, 135, the crying of a murdered daughter necessarily involves an ἀρά.

occurrence is in *Oedipus the King* 1291, where a messenger asks Oedipus how he intends to leave the kingdom, so that he will not curse the house with his presence: ὡς ἐκ χθονὸς ῥίψων ἑαυτόν, οὐδ' ἔτι / μενῶν **δόμοις ἀραῖος ὡς ἠράσατο**, "so to banish himself from the land and **not cast a curse against the house** by staying." In this case, Oedipus himself represents the cursing voice. Finally, in *Medea* 608, Medea herself is the curse on Jason's house: καὶ **σοῖς ἀραία** γ'οὖσα τυγχάνω **δόμοις**, "Yes, and **I am a curse to your house** too." As is well known, the cursing voices of these mythical figures are heard and fulfilled by the gods when predicting misfortune to their own house.[576] It is thus likely that the listener of the prelude, by recognising terms and expression occurring in tragedy, is instantly reminded of the consequences bound up with not paying due honour to his parents and thus refrains from mistreating them.

Shortly thereafter, at 931d7, we find the expression γέγηθεν ὁ θεός, "the god is pleased", which appears to occur mainly in poetic texts. In the prelude, the Athenian claims that the god is pleased when one honours parents and progenitors: οὓς ὅταν ἀγάλλῃ τις τιμαῖς, γέγηθεν ὁ θεός, "when someone worships these (i.e. parents and ancestors) with the respect due, the god is pleased." In this passage, γέγηθεν, in the perfect tense, implies that when someone pays honours to his parents, the god is pleased and will thus be well disposed to listen to his prayers. The idea that a divinity "is pleased" (γηθέω) is found mostly in the *hymni homerici* (eight occurrences).[577] In the *Iliad*, the goddess Athena "is pleased" because Menelaus has prayed to her before all other gods, to give him strength in the fight against Patroclus: Ὣς φάτο, γήθησεν δὲ θεὰ γλαυκῶπις Ἀθήνη, "so he spoke, and the goddess flashing-eyes Athena is pleased" (*Il*. 17.567). In *Prometheus Vinctus*, Prometheus wishes that he were dead so that neither god nor anyone else could rejoice over his suffering: ὡς μήτε θεὸς μήτε τις ἄλλος / τοῖσδ' ἐγεγήθει, "so that neither god

[576] Other similar occurrences are Aesch. *Ag.* 1398, Soph. *Trach*. 1202, for Heracles who, after his death, will have the daemonic force of an ἀρά, cf. Easterling, 1982, 223.

[577] The verb γηθέω occurs also in other poetic texts, such as in the lyric poets and Aristophanes, and it is therefore listed among the verbs of archaic lyric by Fatouros, 1966. As for prose, we find 6 occurrences in Plato (*Phd.* 85a2, *Phdr*. 251d1, 251d7, 258b2; *Leg.* 671b4, 931d7, but only in the present prelude is the verb used to refer to a god), two in Dem. (*De Cor.* 291.6, 323.2) and two in Aristotle (*Rh.* 1362b36 and [*Pr.*] 921a37). It should also be noted that in the Homeric poems the verb is used in the aorist form, while in tragedies (as well as in the present passage of the *Laws*) we find only the perfect, which is always employed with reference to the present time; cf. Griffith, 1983, 118.

nor any other might have rejoiced over this agony" (*PV* 156–157).[578] In Euripides' *Cyclops,* Odysseus persuades the Cyclops to stay home and drink the gift of Dionysus, since that is the joy of all mortals, to which the Cyclops replies, asking how a god can rejoice in a wineskin: **θεὸς** δ' ἐν ἀσκῷ πῶς **γέγηθ'** οἴκους ἔχων; "But how can a **god** with a house **rejoice** in a wine-skin?" (*Cyc*. 525). In the tragedies, the word is used in a more general sense than in the *Iliad*, where the god only rejoices in virtue of prayers. Even though the verb γηθέω also occurs in prose (although only few times), it is mostly employed in the epic poems and in the Homeric hymns.[579]

Finally, the speech ends with the threat of the law for those who are still not persuaded by the prelude:

> εἰ δ'οὖν **τινα κατέχοι φήμη κωφὸν** τῶν τοιούτων προοιμίων, νόμος ὅδε ἐπὶ τούτοις ὀρθῶς κείμενος ἂν εἴη (932a6).
>
> But if **anyone is reported to be deaf** to preludes of this kind, the law on this subject, correctly enacted, would run as follow.[580]

The sense of the passage is clear: if there is a rumour that someone is deaf to, i.e. not convinced by the preludes, a law will be laid down. According to England, for the expression κατέχοι φήμη Plato is consciously quoting Pindar *Olympian* 7.10: ὁ δ'ὄλβιος, **ὃν φᾶμαι κατέχωντ**' ἀγαθαί, "happy the man **whom** good **fame possesses**."[581] In both Pindar and Plato φήμη is represented as an active force that encircles an object. The difference is that for Pindar, φᾶμαι are explicitly ἀγαθαί, while in Plato they refer to those who are reluctant to listen to the prelude. Also, in Pindar's ode, "fame" involves both athletic victories and Pindar's own artistic activity. The φήμη in fact represents the

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[578] The pluperfect ἐγεγήθει is a conjecture by Elmsley and has since been found in two MSS. Page accepts it, while Griffith prints ἐπεγήθει; cf. Griffith, 1983, 119.

[579] For the occurrences in the hymns see: *Hymn Hom. Merc.* 421 Φοῖβος Ἀπόλλων / γηθήσας, 499 Μαιάδος υἱὸς / γηθήσας; *Hymn Hom. Cer.* 232 γεγήθει δὲ φρένα μήτηρ, 370 γήθησεν δὲ περίφρων Περσεφόνεια; *Hymn Hom. Diosc.* 17 οἱ δὲ ἰδόντες// γήθησαν; *Hymn Hom. Ven.* 216 γεγήθει δὲ φρένας ἔνδον (scil. Ζηνὸς ὅ), 279 γηθήσεις ὀρόων; *Hymn Hom. Min.* 16 γήθησε δὲ μητίετα Ζεύς.

[580] Griffith's reading (as well as Schöpsdau's and Diès') is based on England's conjecture to read κωφὸν for the MSS κωφὴ, which England takes to be a scribe's error of assimilation to the previous word (the feminine φήμη), see England, 1921, 552.

[581] England, 1921, 552. The two words occur together only in Pindar; see also *Pyth.* 1.186, where it is stated that "a hateful fame has taken hold" of Phaleris (ἐχθρὰ Φάλαριν κατέχει παντᾷ φάτις), and Eur. *Hipp.* 1466 φῆμαι …κατέχουσιν and for the idea that concerns of greater men have a broader public dimension, cf. Halleran, 1995, 269.

power of poetry that, according to the subsequent verses of the poem, invests now one man, and now another.[582] As for the prelude, through the echoing of Pindar, the Athenian raises his own words to the level of poetic speech and warns the man who will not comply with the laws.

To conclude, in addition to the high rhetorical style typical of the preludes, in this prelude we find words and expressions that point to the poetic tradition: there are allusions to tragedies and hymns (ἀραῖος γὰρ γονεύς 931c2, γέγηθεν ὁ θεός 931d7, ἀπειρηκότες γήρᾳ 931a5), a clear Homeric reminiscence (κεῖνται κειμήλιοι), a reference to the myths of cursing fathers, and, finally, a saying that echoes Pindar's *Olympian* 7.[583] Indeed, by endowing his prelude with ideas and expressions inspired by the poetic tradition (Homer, the tragedians, the hymns), Plato bolsters the persuasive impact of his teachings, that is, that one should honour one's parents.

P10: Prelude on Impiety (10.885b2–907d3)

The prelude on impiety at 885b2–907d3 is the longest and most complex prelude in the *Laws.* The Athenian defines as "exhortation", τὸ παραμύθιον, the speech addressed to those who, "either in words or acts, are disrespectful of the gods", ὅσα δὲ λόγῳ καὶ ὅσα ἔργῳ περὶ θεοὺς ὑβρίζει τις λέγων ἢ πράττων (885b2–3). The Athenian lists here three causes of impious acts: (i) one does not believe that the gods exist (885b5–6), (ii) one thinks that even if the gods did exist, they would not care about human beings (885b7), and (iii) one believes that the gods can be easily appeased[584] by means of prayers and sacrifices (885b8–9).[585] The present analysis is divided in two parts: the first

[582] Willcock, 1995, translates verses 12-13 as "the life-enhancing power of poetry looks now on one man now on another" and notes that: "Pindar returns to this instability of fortune at the end of the ode (95)" (here at 116).

[583] Such as polyptoton (οὐδεὶς οὐδενί; 930e4), assonances (πολλοῖς καὶ πολλάκις 931e9), paralleled sentences (ἀγάλλουσι καίπερ ἀψύχους ὄντας, …ἡγούμεθα τοὺς ἐμψύχους θεοὺς 931a2), homoioteleuton (πατὴρ ..μήτηρ, πατέρες ἢ μητέρες 931a4–5) and a ὕστερον πρότερον (τέλεα καὶ ἐπήκοα 931b6).

[584] As Schöpsdau, 2011, 375, notes, the first occurrence of εὐπαραμύθητος in Plato occurs here at 885b8. It appears twice in this prelude, at 885b8 and 888c6, in relation to gods "appeased" by prayers. It is interesting to note that the prefix παρα– is used in every account of the third form of impiety: 885b8; 885d4; 888c6–7; 901d1; 905d4; 8; 908e4; 909b1; 907b6. At *Il.* 9.500 the verb παρατρωπάω (with the prefix παρα-) conveys the meaning of "appeasing," "turning away" the anger of the gods with prayers and sacrifices.

[585] All three causes, i.e. atheism (gods do not exist), deism (gods do not care about human matters), and traditional theism (gods can be appeased by gifts), are connected with views on poetic texts conveyed in earlier dialogues: (i) simple disbelief in the existence of the gods

part is intended as an introduction to the main arguments against impiety raised by the Athenian. The second part focuses more on the interpretive analysis of such arguments in the perspective of the Athenian's employ of poetic references. It follows that in the present analysis we will for the most discuss the moments in the conversation where earlier poets and mythic "incantations" are taken into account.

In the course of the prelude the Athenian will address the three propositions that lead to impiety, in order to demonstrate both the existence of the gods and their involvement in human affairs. It should first be pointed out that the following prelude is substantially different from other preludes in the *Laws*. The Athenian develops here a dialogical, rational argumentation, which is addressed to a specific and isolated category of people: those who have not already been persuaded by the poets about the existence of the gods. In this case the Athenian, in order to persuade them, needs to recur to a different approach, that is, logical argumentation.

At the beginning of the prelude, the Athenian gives voice to an imaginary spokesman of those found guilty of *asebeia*:

> ἀξιοῦμεν δή, καθάπερ ὑμεῖς ἠξιώκατε περὶ νόμων, πρὶν ἀπειλεῖν ἡμῖν σκληρῶς, ὑμᾶς πρότερον ἐπιχειρεῖν **πείθειν καὶ διδάσκειν** ὡς εἰσὶ θεοί, **τεκμήρια λέγοντες ἱκανά**, καὶ ὅτι βελτίους ἢ παρὰ τὸ δίκαιον ὑπό τινων δώρων παρατρέπεσθαι κηλούμενοι. Νῦν μὲν γὰρ ταῦτα ἀκούοντές τε καὶ τοιαῦθ' ἕτερα τῶν λεγομένων ἀρίστων εἶναι ποιητῶν τε καὶ ῥητόρων καὶ μάντεων καὶ ἱερέων καὶ ἄλλων μυριάκις μυρίων, οὐκ ἐπὶ τὸ μὴ δρᾶν τὰ ἄδικα τρεπόμεθα οἱ πλεῖστοι, δράσαντες δ'ἐξακεῖσθαι πειρώμεθα (885c8–e1).
>
> We claim for ourselves the same entitlement that you claim for your laws, namely that before uttering dire threats you should **try first to persuade us, to teach us, by means of convincing evidence**, that there are gods, and that they are too good to be seduced by gifts and turned aside from the path of justice,[586] since at the moment that (and other things like it) is what we hear from those who are said to be the finest poets, orators, seers, priests, and thousands upon

is induced by theogonies and theomachies, composed by poets, which are neither true nor inspire piety towards the parents (*Leg.* 886bc; *Resp*. II 391c); (ii) the poets, by misusing the term "happy" and attributing it to unjust people convey the idea that the gods do not give ear to human affairs (*Resp*. 363, 366de, 392, *Leg*. 899e); (iii) Homer is considered guilty of inculcating the idea that the gods can be coaxed by prayers and sacrifices (both *Resp.* 364d–e and *Leg.* 906e quote *Il.* 9.499–500). For further similarities of ideas between the *Republic* and the *Laws*, see Tate, 1936, 48–49.

[586] The translation of the phrase beginning at "and that they are too good…" is mine. Griffith, 2006, translates as follows: "and that they are above the lure of gifts, and that they will not turn aside from the path of justice." We prefer a more literal translation of the original.

> thousands of others, which is why most of us do not follow the path of doing no wrong; instead we do wrong and then try to find ourselves some remedy.

The passage is revealing for several reasons. The mention, at the beginning of the prelude, of both πείθειν καὶ διδάσκειν illustrates the dual nature of the prelude, (i) to teach with adequate evidence (τεκμήρια ἱκανά, 885c9) and (ii) to persuade the atheists of the existence of the gods. Even though there is here a mention of "teaching" and "adequate evidence", it cannot be denied that, most of all, the atheists in the speech of the Athenian are asking to be persuaded, as is also clear from the following lines:

> παρὰ δὲ δὴ νομοθετῶν, φασκόντων εἶναι μὴ ἀγρίων ἀλλὰ ἡμέρων ἀξιοῦμεν **πειθοῖ πρῶτον χρῆσθαι πρὸς ἡμᾶς,** εἰ μὴ πολλῷ βελτίω τῶν ἄλλων λέγοντας περὶ θεῶν ὡς εἰσίν, ἀλλ'οὖν βελτίω γε πρὸς ἀλήθειαν, καὶ τάχα πειθοίμεθ' ἂν ἴσως ὑμῖν. ἀλλ'ἐπιχειρεῖτε, εἴ τι μέτριον λέγομεν, εἰπεῖν ἃ προκαλούμεθα (885e1–5).
>
> From lawgivers who are said to be not savage but gentle,[587] we are entitled to expect that **your first resort, in dealing with us, will be to persuasion —** not much better perhaps than what others have to say about the existence of the gods, but at least better in terms of its truth. Who knows, we might even believe you. Do at any rate try, if you think this a reasonable offer, to take up our challenge.

Even if the Athenian might not speak better than others about these matters (i.e. better than the ancient poets, orators, prophets, and priests who persuaded the atheist to make amends rather than avoid unjust acts), he is still expected to speak better than them in relation to the truth. This idea recalls the incipit of the *Apology,* where Socrates accuses his own accusers of having spoken very persuasively, but without saying a word of truth, unlike himself who will say nothing but the truth.[588] Although the issue at stake might require a prelude longer than the law, since they have to persuade the impious of the existence of the gods, the Athenian and Cleinias remind themselves that sometimes it is not necessary to be brief, as they had previously agreed upon.[589] Therefore, Cleinias exhorts the Athenian to speak at length and by means of persuasion

[587] The translation of the phrase is mine. Griffith translates by means of a metaphor: "So when we come upon lawgivers who claim to prefer the velvet glove to the mailed fist".

[588] Pl. *Ap.* 17a–b.

[589] See 641e, 701c, 721e, 857e.

when discussing these matters. In fact, if such guidelines for the legislator were followed, then this would be the best and most beautiful prelude of all the laws:

> διαφέρει δ᾽οὐ σμικρὸν ἁμῶς γέ πως **πιθανότητά τινα** τοὺς λόγους ἡμῶν ἔχειν ὡς θεοί τ᾽εἰσὶν καὶ ἀγαθοί, δίκην τιμῶντες διαφερόντως ἀνθρώπων· **σχεδὸν γὰρ τοῦτο ἡμῖν ὑπὲρ ἁπάν των τῶν νόμων κάλλιστόν τε καὶ ἄριστον προοίμιον ἂν εἴη**. μηδὲν οὖν δυσχεράναντες μηδὲ ἐπειχθέντες, **ἥντινά ποτε ἔχομεν δύναμιν εἰς πειθὼ τῶν τοιούτων λόγων,** μηδὲν ἀποθέμενοι διεξέλθωμεν εἰς τὸ δυνατὸν ἱκανῶς (887b5–c4).
>
> And it is of no little importance that we should, in one way or another, contrive **to carry some conviction** when we argue that there are gods, that they are good, and that they have a higher regard for justice than human beings do, **since that statement could stand as the finest and best prelude to virtually any of our laws**. So, let's not be put off, not feel under any pressure, but devote **whatever power of persuasion we may have in this area to a full discussion**, to the best of our ability, leaving nothing out.

The necessity of persuasion is stressed twice in only a few lines (b6, c4). The second point worth noting in these passages is that, by equating the speeches of earlier poets, orators, diviners, and priests with the speeches of the legislator — which are expected to be true —, the Athenian is taking upon himself the authoritative task of proving the existence of the gods. Also, the Athenian clarifies for Cleinias the real cause of people's impiety: it is ἀμαθία τις μάλα χαλεπή, δοκοῦσα εἶναι μεγίστη φρόνησις, "a form of ignorance, very dangerous, which passes for the height of wisdom" (886b6–7). Such ignorance, disguised as knowledge, is a reference to the religious ideas that one finds both in ancient texts (both prose and poetry speeches, οἱ μὲν ἔν τισι μέτροις, οἱ δὲ καὶ ἄνευ μέτρων λέγοντες περὶ θεῶν 886c1) and in the texts of modern wise men (τὰ δὲ τῶν νέων ἡμῖν καὶ σοφῶν αἰτιαθήτω ὅπη κακῶν αἴτια, "it is the writings of our modern thinkers we have to find fault with, as a damaging influence", 886d2–3).

The ancients have written both about "the natural origins of heaven and everything else," and they also "describe the birth of the gods and how they lived together after birth," οἱ μὲν παλαιότατοι ὡς γέγονεν ἡ πρώτη φύσις οὐρανοῦ τῶν τε ἄλλων, προϊόντες δὲ τῆς ἀρχῆς οὐ πολὺ θεογονίαν διεξέρχονται, γενόμενοί τε ὡς πρὸς ἀλλήλους ὡμίλησαν (886b11–c4). Such texts are difficult to blame, according to the Athenian, because of their ancient character: τοῖς ἀκούουσιν εἰ μὲν εἰς ἄλλο τι καλῶς ἢ μὴ καλῶς ἔχει, οὐ ῥᾴδιον ἐπιτιμᾶν **παλαιοῖς οὖσιν**, "these accounts may or may not be good, in general terms, for the people who listen to them, but because of **their great antiquity**

it is not easy to criticise them" (886c6–7). There is in these words of the Athenian a striking echo of what is said at *Timaeus* 40d–41a, where it is claimed that one should follow the tradition (ἑπομένους τῷ νόμῳ 40e3) and trust the genealogies of the gods, written by ancient poets, even though they do not provide plausible proof (καίπερ ἄνευ τε εἰκότων καὶ ἀναγκαίων ἀποδείξεων λέγουσιν 40e1–2), because they were written by the descendants of the gods.[590] Still, in the *Timaeus* the creation of the gods and of mankind is retold and 'corrected,' in the following lines by the Demiurge (41b–c).[591] At this point of the homonymous dialogue, that is, Timaeus makes clear that the compositions of the ancient cannot be rejected — though lacking 'likely arguments,' — but only superseded.[592]

In the prelude, in regards to the matters of honouring and caring for one's parents, the Athenian points out that he could not "personally recommend them either on grounds of **usefulness or of strict accuracy**", οὐκ ἂν ἔγωγέ ποτε ἐπαινῶν εἴποιμι οὔτε ὡς **ὠφέλιμα οὔτε ὡς τὸ παράπαν ὄντως** εἴρηται (886c7–8).[593] For these reasons, all ancient writings will be left aside under the reasoning of the Athenian.[594] It follows that the Athenian is not worried, at this

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[590] *Ti*. 40d5–e2: περὶ δὲ τῶν ἄλλων δαιμόνων εἰπεῖν καὶ γνῶναι τὴν γένεσιν μεῖζον ἢ καθ' ἡμᾶς, πειστέον δὲ τοῖς εἰρηκόσιν ἔμπροσθεν, **ἐκγόνοις μὲν θεῶν οὖσιν**, ὡς ἔφασαν, σαφῶς δέ που τούς γε αὑτῶν προγόνους εἰδόσιν· ἀδύνατον οὖν θεῶν παισὶν ἀπιστεῖν, καίπερ ἄνευ τε εἰκότων καὶ ἀναγκαίων ἀποδείξεων λέγουσιν, ἀλλ' ὡς οἰκεῖα φασκόντων ἀπαγγέλλειν **ἑπομένους τῷ νόμῳ** πιστευτέον, "Concerning the other divinities, to discover and declare their origin is too great a task for us, and we must trust those who have declared it aforetime, they being, as they affirmed, **descendants of gods** and knowing well, no doubt, their own forefathers. It is, as I say, impossible to disbelieve the children of gods, even though their statements lack either probable or necessary demonstration; and inasmuch as they profess to speak of family matters, we must follow custom and believe them."

[591] On the correction and surmounting of Hesiod's *Theogony* by Timaeus, see Capra, 2009, 210–211.

[592] See Regali, 2009, 273–274 and for the trust in gods as an integral part of Greek παιδεία, cf. Sassi, 1997, 232. We concur with Sedley, 2009, 247 n.3, who notes that "Timaeus is, unlike Socrates, no ironist" and the point here made shows that, on the one hand, Timaeus does not intend to radically exclude the traditional stories but on the other hand he cannot employ any "Timaean-style argument from 'likelihood'" to answer back.

[593] For the "strict accuracy" of the myth of the Demiurge in the *Timaeus*, cf. Gill, 1977 and 1979. The negative influence of the myths in matters of family relationships between the gods is discussed also at *Euthphr*. 5e–6c, *Resp*. 378a–b. Such myths are for instance: Kronos castrates his father Euranus (Hes. *Theog*. 161 ff.); Kronos devours his children and is shackled by his son Zeus (*Theog*. 453 ff.); Hera is shackled by her son Ephaistos (Pind. fr. 283 Maehler), etc. For further evidence of myths dealing with these matters, see Schöpsdau, 2011, 378. On the exiling of the poet from the ideal city, cf. Giuliano 2005 and Naddaff 2002.

[594] As noted by Schöpsdau, 2011, 378, the two major obstacles to true theology are the ancient mythology and the new philosophy. Expressions of ancient writing are for poetry, e.g.

point of the speech, about which traditional stories regarding the gods are (i) in line with his own argumentation, and (ii) beneficial to the city; he makes clear that he is not going to engage in any respect on a discussion with them. Although traditional beliefs, conveyed by earlier poets and myths, are seen as the major cause of traditional theism (i.e. appeasement of the gods through prayers and sacrifices), the Athenian explicitly avoids using terms such as "blame" and "accuse," because such stories deserve to be respected in virtue of their ancient tradition, and are thus beyond criticism.[595]

On the contrary, the Athenian explicitly directs his accusation against the modern wise men, who are deemed responsible for the first two causes of impiety: the beliefs (i) that the gods do not exist, and (ii) that they do not care about human affairs. Those who are persuaded by such thinkers would refuse the evidence (τεκμήρια) adduced by the Athenian that the gods exist and would instead claim that the sun, the moon, the stars, and the earth are not divinities but "earth and stones, with no power to take an interest in human behaviour" (886d8–e1).[596] Also, the wise men would claim that such ideas (i.e. that the natural entities are divinities) "have been somehow decked out with arguments designed to make them more believable," λόγοισι δὲ ταῦτα εὖ πως εἰς τὸ πιθανὸν περιπεπεμμένα (886d8–e2). Now, this last statement is appealing, because the Athenian will soon make clear, at 887d–e, that it is not only advisable but also necessary for the citizens to accept and believe the stories that they are told as children. It follows that the element of persuasiveness in such discourses, which is blamed by some modern wise men, is never condemned but rather encouraged by the Athenian.

An extensive quotation of the passage might be in order here:

> Εὐχήν μοι δοκεῖ παρακαλεῖν ὁ λεγόμενος ὑπὸ σοῦ νῦν λόγος, ἐπειδὴ προθύμως συντείνεις· μέλλειν δὲ οὐκέτι ἐγχωρεῖ λέγειν. φέρε δή, πῶς ἄν τις μὴ θυμῷ λέγοι

Homer's and Hesiod's theogonies and the cosmogonies attributed to the Orphics (T12 a,b,c,d,e, T16 Laks-Most). As for prose-writings, one can refer to the cosmological work of Acusilaos of Argo and Pherecides of Syrus (fr. B1 DK = D5 Laks-Most, B3 DK = D8 Laks-Most, B2 DK = D9 Laks-Most). As regards the new philosophy, Plato is probably referring to the works of naturalist and materialist writers, among whom Anaxagoras (A42 DK = D4 Laks-Most, B17 DK = D15 Laks-Most, B13 DK = D29b Laks-Most, B16 DK = D31 Laks-Most) is probably the main representative.

[595] *Leg*. 886d1–2: τὰ μὲν οὖν δὴ τῶν ἀρχαίων πέρι μεθείσθω καὶ χαιρέτω, καὶ ὅπῃ θεοῖσιν φίλον, λεγέσθω ταύτῃ, "well, those are writings of long ago. We can let them go, forget about them, and allow the stories to be told in whatever way is pleasing the gods." On the different approach used by the Athenian towards the ancient and the more modern texts see also Mayhew, 2008, 66.

[596] According to *Apol*. 26d, such a claim is to be attributed to the teaching of Anaxagoras.

περὶ θεῶν ὡς εἰσίν; ἀνάγκη γὰρ δὴ χαλεπῶς φέρειν καὶ μισεῖν ἐκείνους οἳ τούτων ἡμῖν αἴτιοι τῶν λόγων γεγένηνται καὶ γίγνονται νῦν, **οὐ πειθόμενοι τοῖς μύθοις οὓς ἐκ νέων παίδων ἔτι ἐν γάλαξι τρεφόμενοι τροφῶν τε ἤκουον καὶ μητέρων, οἷον ἐν ἐπῳδαῖς μετά τε παιδιᾶς καὶ μετὰ σπουδῆς λεγομένων καὶ μετὰ θυσιῶν ἐν εὐχαῖς αὐτοὺς ἀκούοντές** τε, καὶ ὄψεις ὁρῶντες ἑπομένας αὐτοῖς ἃς ἥδιστα ὅ γε νέος ὁρᾷ τε καὶ ἀκούει πραττομένας θυόντων, ἐν σπουδῇ τῇ μεγίστῃ τοὺς αὑτῶν γονέας ὑπὲρ αὐτῶν τε καὶ ἐκείνων ἐσπουδακότας, ὡς ὅτι μάλιστα οὖσιν θεοῖς εὐχαῖς προσδιαλεγομένους καὶ ἱκετείαις, ἀνατέλλοντός τε ἡλίου καὶ σελήνης καὶ πρὸς δυσμὰς ἰόντων **προκυλίσεις ἅμα καὶ προσκυνήσεις ἀκούοντές τε καὶ ὁρῶντες Ἑλλήνων τε καὶ βαρβάρων πάντων** ἐν συμφοραῖς παντοίαις ἐχομένων καὶ ἐν εὐπραγίαις, οὐχ ὡς οὐκ ὄντων ἀλλ' ὡς ὅτι μάλιστα ὄντων καὶ οὐδαμῇ ὑποψίαν ἐνδιδόντων ὡς οὐκ εἰσὶν θεοί (887c5–e7).

It calls for a prayer, I think, the discussion you are now proposing. You really do sound determined, and I don't think the discussion can be postponed any further. Very well, how would a person go about discussing the existence of the gods in a dispassionate manner? You can't help getting annoyed, can't help hating the people who have been responsible, and who still are responsible, for inflicting this discussion on us, because they refuse **to believe the stories they've been hearing since their earliest childhood**, **offered them with their mother's or their nurses' milk — in songs (whether playful or serious) which were sung as enchantments**, as it were; **or songs they will have heard in the prayers that accompany sacrifice**; **they will have seen the spectacles** accompanying them which the young so enjoy seeing and hearing performed by those conducting the sacrifice. **They saw their own parents' absolute seriousness**, on their own and their children's behalf, as they addressed prayers and supplications to gods whose existence was not a matter of doubt; as the sun or moon rose, or moved towards their setting, **they heard and saw the prostrations and genuflections of all the Greeks and barbarians, in all manner of adversity, and in prosperity.** Did they believe there were no gods? No, they believed there absolutely were gods, who gave no possible grounds for suspecting there were not.

First, the Athenian embarks on his speech by appealing to a prayer. As Schöpsdau notes, the recourse to prayer characterises the undertaking of difficult subjects, and thus befits the present case.[597] The Athenian here stresses the enchanting effect of myths and ancient tales; he claims that the reason why people do not believe in the existence of the gods lies in the fact that they do not believe (i) the stories they heard when they were very young, (ii) the

[597] Schöpsdau, 2011, 381, refers specifically to *Phlb.* 25b, 61b–c. On the use of prayers in the dialogues, especially prayers asking for divine help in discourse, cf. Jackson, 1971.

prayers they heard and the religious spectacles they saw (as is noted already at *Laws* II 653a5–c9, spectacles of the right kind further the good moral development of children), (iii) they did not take seriously the prayers and supplications that their parents addressed to the gods, and (iv) they neglect the fact that both Greeks and Barbarians treat the sun and moon as though they were definitely gods. Clearly, the prelude only addresses that specific part of the population who has not been persuaded by the traditional tales. They need to be persuaded anew of the existence of the gods. The point at stake in this passage is not whether the stories are beneficial or truthful, but that the character of the child who grows up unaffected by the tales told by his parents becomes, eventually, ineducable.[598] From this perspective, the stories are not to be rejected, but retold in a different manner so that they can persuade the young atheist who has escaped their teaching. [599]

The Athenian defines his speech as πρόρρησις, "a preliminary speech" (888a4). The word literally means "warning, proclamation, introductory statement", and it is debatable whether it defines a prelude to the law.[600] The Athenian intends "to talk civilly, quenching our anger", λέγωμεν πράως, σβέσαντες τὸν θυμόν (888a7). In other words, he intends to use here a

[598] It seems thus that the Athenian will leave it to others to determine the accountability of the ancient stories, which need to be revised or which need to be omitted; he states that the poets sometimes happen to claim the truth also at *Leg.* 682a3–5. For further discussion of Plato's mention of the ancient writings at this point of the prelude, see Mayhew, 2008, 66–67.

[599] As regards Plato's pedagogical aim to educate the young, by moulding their soul with morally correct stories and legends from the first years of life, see *Resp*. II 377b–c: "now, you know, don't you, that the beginning of any job is the most important part, especially when we are dealing with anything young and tender? **For that is when it is especially malleable and best takes on whatever pattern one wishes to impress on it**." AD: "Precisely so." SO: "Shall we carelessly allow our children to hear any old stories made up by just anyone, then, and to take beliefs into their souls that are, for the most part, the opposite of the ones we think they should hold when they are grown up?" AD: "We certainly won't allow that at all." SO: "So our first task, it seems, is to supervise the storytellers: if they make up a good story, we must accept it; if not, we must reject it. We will persuade nurses and mothers to tell the acceptable ones to their children, and to spend far more time shaping their souls with these stories than they do shaping their bodies by handling them. Many of the stories they tell now, however, must be thrown out." For other passages on a similar line see also *Resp*. 2.381e, 3.415c.

[600] England, 1921, 451 argues that πρόρρησις is a variant for προοίμιον but Schöpsdau, 2011, 383, disagrees, since the word occurs only in relation to punishing laws at 871c2, 873b1, 874a6, except for 658b4. The present analysis attempts to demonstrate that the above-mentioned si definitely a prelude, even though sui generis. Schöpsdau, 2011, 383, notes, the word πρόρρησις might be an allusion to the cult of the Mysteries, in which impure persons were exiled from the country. See also Isoc. 4.157, and Burkert, 1977, 428.

persuasive language rather than threats and will develop his argumentation accordingly.

In these matters, the legislator must lead the young soul towards the right opinion: "he who is making the laws for you must try and teach you, both now and in the future, **how matters stand**", πειρατέον γὰρ τῷ τοὺς νόμους σοι τιθέντι νῦν καὶ εἰς αὖθις διδάσκειν **περὶ αὐτῶν τούτων ὡς ἔχει** (888d). The Athenian intends to state the truth about such matters. In order to convince those who are sceptical of the traditional tales, he will apply the dialectic method, a reasoned confutation of arguments. The prelude, which is going to be laid down, is of a different nature from that of previous preludes: at 891d5–e5 the Athenian explains the necessity of showing how impious arguments are thoroughly flawed and states that in this case they would need "to employ some rather out-of-the-way arguments", ἔοικεν τοίνυν ἀηθεστέρων ἀπτέον εἶναι λόγων (891d6). Cleinias agrees, making clear that he understands the necessity of going beyond lawgiving when discussing such matters: οὐκ ὀκνητέον, ὦ ξένε. μανθάνω γὰρ ὡς νομοθεσίας ἐκτὸς οἰήσῃ βαίνειν, ἐὰν τῶν τοιούτων ἁπτώμεθα λόγων (891d7–e1). The discussion is a complex one and the Athenian repeats several times that in case the argument should take a difficult turn, he will try and explain it all over again (892d–893a, 900c).

Thus, the prelude initially takes the form of a dialectic exchange where Cleinias and Megillus participate in the discussion through either assenting to the statements of the Athenian or asking for further explanations. First, the Athenian needs to convince those who do not believe at all in the existence of the gods (891b1–899d3). By means of a metaphor of a very powerful river, that rushes by with questions which Cleinias and Megillus have no practice in answering and which will make them dizzy (μὴ δὴ σκοτοδινίαν ἴλιγγόν τε ὑμῖν ἐμποιήσῃ παραφερόμενός 892e7), the Athenian clarifies that he will proceed alone, by questioning himself. This part of his speech is then a confutative speech between the Athenian and his imaginary alter-ego, in which he will demonstrate that the soul is prior to the body (892d6–893b1).[601] The Athenian demonstrates that all that is related to the soul, that is, opinion, *nous*, thought, art, and the law itself, comes before all that is created by nature and nature itself (892c2–7). The Athenian's conclusion is that since souls have been shown to be the cause of all things and since they are blessed with every excellence, they should be considered as gods, either as living creatures inside

[601] For the comparison of the discussion to a path see 629a3–4, and Schöpsdau's discussion ad loc. Images similar to the one of a running river occur at *Phdr*. 264a5, *Resp*. 441c4, 453d, 457b–c, 472a, 473c. cf. Schöpsdau, 2011, 398.

bodies (i.e. the celestial bodies) or wherever or however they are: "all things are full of gods", θεῶν εἶναι πλήρη πάντα (899b1–9).[602]

After this first part of the speech on proving the existence of the gods, the Athenian is ready to address the second impious charge: that gods do not care about human matters. The logical speech to the atheists has come to an end (τοούτοις … τέλος ἐχέτω, 899d3) and new gentle exhortation is required at this point: παραμυθητέον. Ὦ ἄριστε δὴ φῶμεν, "we must encourage him. O you excellent, we would say"[603] (899d6). The Athenian starts the second speech by employing a logical, reasoned argument, this time, however, in the form of a dialogue together with Cleinias. It is likely that the reason behind this communicative strategy is that the poetic texts have already failed in their task of persuading the young that the gods exist and care about human matters, thus the Athenian needs to employ in this prelude an alternative method, that is, a rigorous dialectic demonstration (ἐνδείξασθαι, 900c8).

The second proposition (gods care about human matters, 899d4–903b2) is based on compelling, logical, reasons (τῷ γε βιάζεσθαι τοῖς λόγοις ὁμολογεῖν αὐτὸν μὴ λέγειν ὀρθῶ, "by compelling him, using rational arguments, to agree that he is wrong," 903a10-b1), but, as we shall see more in detail, the Athenian also clarifies in the same passage that there will be need of some "enchanting tales," ἐπῳδῶν μύθων ἔτι τινῶν for those still disagreeing (903b1–2).

First of all, the Athenian identifies two causes that lead the young to think that the gods do not care about human matters. The first cause is that he is persuaded by the moral authorities of the time, which broadcast and glorify the idea that evil people are happy:

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[602] As pointed out by Schöpsdau, 2011, 410, the phrase does not literally mean that everything is filled by gods, but rather that everything contains a large portion of divinity. In other words, the primary essence and the goodness of souls, which causes the motions of heavens and heavenly bodies, is a proof of the presence of the divinity in them, and will thus demonstrate, against materialistic atheism, that the gods exist. The saying that "all things are full of gods" is referred to Thales (fr. 11A 22 DK = R34a Laks-Most) by Aristotle, *De An.* 411a8, and also quoted in the *Epin.* 991d. However, Thales implies the presence of living and moving forces also in material things, and thus differs from the Athenian. A discussion of the Platonic theory of cause, and on the soul as origin of all movements and as older than the body goes beyong the scope of this work, but cf. Schöpsdau, 2011, 410–415.

[603] Griffith, 2016, translates the period as follows: "we must take him to task. 'no offence intended' let us say … ." Such a translation overlooks the important meaning of παραμυθεῖσθαι, *exhort, encourage*, and not *criticise, or rebuke*. The word occurs in relation to the prelude at 720a, 773e, 854a, 880a. Finally, a similar exhortation was addressed at 888a–d to the representatives of the first group of atheists: those who do not believe in the existence of the gods.

> κακῶν δὲ ἀνθρώπων καὶ ἀδίκων τύχαι ἰδίᾳ καὶ δημοσίᾳ, ἀληθείᾳ μὲν οὐκ εὐδαίμονες, δόξαις δὲ εὐδαιμονιζόμεναι σφόδρα ἀλλ' οὐκ ἐμμελῶς, **ἄγουσί σε πρὸς ἀσέβειαν, ἔν τε μούσαις οὐκ ὀρθῶς ὑμνούμεναι ἅμα καὶ ἐν παντοίοις λόγοις** (899d8–e4).
>
> but when you look at the fortunes — in truth not the good fortune, though so regarded, with great emphasis and little thought, by popular opinion — of evil and unjust people in private life and the public sphere, **wrongly celebrated as it is also the case in poetry[604] and in every kind of discourse, you are drawn to impiety.**

This kind of popular opinion deriving from poets and other writers is dangerous, since it might lead the young to develop the idea that evil people can be happy, and thus he might be persuaded to commit impious acts. The second cause is that the young man is confused when he sees some old people, although from humble origins, leaving their grandchildren in a position of tyrant or some other great power, which was reached by means of crime and injustice (899e4–900a5). As noted by both Mayhew and Schöpsdau, the result of these experiences is best exemplified in the famous fragment from Euripides' *Bellerophon*, where Bellerophon argues against the existence of the gods by claiming that tyrants prosper while small and pious cities are defeated by more powerful, impious ones (fr. 286 Kann.).[605] Furthermore, Schöpsdau refers to two poetic works, which convey similar ideas: [606] one is a fragment attributed to Sophocles[607] that runs as follows:

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[604] Griffith translates ἔν τε μούσαις as "in the arts," however since the people in question here are ὑμνούμεναι, that is, "celebrated, sung in hymns," it is most likely that Plato is referring here to the poetic texts. Similar questions about the relationship of evil and happiness are raised in *Grg*. 471a1–d2, and *Resp*. 2.364a1–365a3. For a discussion on the causal relationship between the two assumptions (i.e. (i) "if the gods supervised human affairs, evil people would never be happy" and (ii) "evil people sometimes are happy" which result in (iii) "therefore, the gods do not supervise human affairs" see Mayhew, 2008, 154—157.

[605] Φησίν τις εἶναι δῆτ' ἐν οὐρανῷ θεούς οὐκ φησίν τις εἶναι δῆτ' ἐν οὐρανῷ θεούς; οὐκ εἰσίν, …. πόλεις τε μικρὰς οἶδα τιμώσας θεούς, / αἳ μειζόνων κλύουσι δυσσεβεστέρων / λόγχης ἀριθμῷ πλείονος κρατούμεναι, "does someone say there are indeed gods in heaven? There are not…I know too of small cities doing honour to the gods, which are subject to larger, impious ones, because they are overcome by a more numerous army." For the reference to the passage, see also Mayhew, 2008, 157.

[606] Schöpsdau, 2011, 428.

[607] The fragment is recognised Sophoclean by Nauck, (TrGF 1889) according to the evidence in Stob. *Flor*. 106.11 that reports the verses as deriving from Σοφοκλέους Ἀλείτης. However, Radt, 1977, deems the fragments 97–103 (Nauck) as *adespota,* following Wilamowitz who does not attribute the play Ἀλείτης to Sophocles (the play appears to be praised only by Stobaeus).

> ... ἐχρῆν γὰρ τοὺς μὲν εὐσεβεῖς βροτῶν / ἔχειν τι κὲρδος ἐμφανὲς θεῶν πάρα, / τοὺς δ᾽ὄντας ἀδίκους τούσδε τὴν ἐναντίαν / δίκην κακῶν τιμωρὸν ἐμφανῆ τίνειν / **κοὐδεὶς ἂν οὕτως ηὐτύχει κακὸς γεγώς** (fr. 103 Nauck).
>
> …it's necessary that the pious ones among the mortals get a visible advantage from the gods, while those who are unjust the opposite. They should pay back a manifest price, avenger of the evils, **and no one, being evil, should prosper.**

This is exactly the type of ethical risk that the Athenian is warning the young against. The second poetic passage which recalls the concern of the Athenian is a passage from Euripides' *Hecuba* (488 ff.):

> ὦ Ζεῦ, τί λέξω; πότερά σ᾽ ἀνθρώπους ὁρᾶν; / ἢ δόξαν ἄλλως τήνδε κεκτῆσθαι μάτην, / [ψευδῆ, δοκοῦντας δαιμόνων εἶναι γένος][608] / τύχην δὲ πάντα τἀν βροτοῖς ἐπισκοπεῖν; (*Hec*. 488–491).
>
> O Zeus, what shall I say? That you watch over men? Or that you have won the false reputation for doing so, [false, supposing that the race of gods exist,] while chance in fact governs all mortal affairs?

Hecuba is, at this point of the tragedy, expressing her moral views on the strange retribution established by the gods in regard to mortals and she mentions the possibility that random chance, rather than gods, controls the life of men.[609] Mayhew also refers to Euripides' *Cyclops*, at the point when Odysseus, who is praying to Hephaestus before he will kill Polyphemus, affirms that in case he dies people will have to admit that Chance, as a spirit, is stronger than other spirits, presumably the traditional gods (*Cyc*. 599–607).[610] Although there is no explicit linguistic correlation between these passages and the text of the prelude, it is clear that the Athenian is addressing religious concerns that were already questioned by the poets.

What is more, the dialectic demonstration argues that the gods, in virtue of their possession of virtues, supervise everything and do not neglect anything. The Athenian explains further: "negligence," ἀμέλεια, "idleness," ἀργία, and "self-indulgence," τρυφή, are to be classified under the opposite of virtue, that is, vice (900e10–901a2), and the gods are far from possessing these evils. In order to elude any doubts regarding the fact that gods also hate people with

[608] The deletion of verse 490 by Nauck is accepted by all editors. Collard, 1991, 157, argues that it is a question of an interpolation by a reader who misunderstood the argument.

[609] For a further analys of this passage, see Collard, 1991, 157.

[610] Mayhew, 2008, 157.

such characteristics, the Athenian refers to a verse by Hesiod, which is supposed to clarify where one finds these vices. Here is the passage in the *Laws*:

> τρυφῶν καὶ ἀμελὴς ἀργός τε, ὃν ὁ ποιητὴς **κηφῆσι κοθούροισι** μάλιστα **εἴκελον** ἔφασκεν εἶναι, γίγνοιτ' ἂν [ὁ] τοιοῦτος πᾶς ἡμῖν (901a4–5).
>
> So, what about this self-indulgent, negligent, idle fellow, '**who most resembles'** as the poet says '**drones that have no stings'**? Would that be how we find anyone of that sort?

Athenian does not indulge in explicating the relationship between the god and "this self-indulgent, negligent, idle fellow"; however, this becomes clear when one recalls the verses from the *Works and Days*:

> Λιμὸς γάρ τοι πάμπαν ἀεργῷ σύμφορος ἀνδρί· / τῷ δὲ θεοὶ νεμεσῶσι καὶ ἀνέρες ὅς κεν ἀεργὸς / ζώῃ, **κηφήνεσσι κοθούροις εἴκελος** ὀργήν (*Op.* 302–304).
>
> For Famine is ever the companion of a man who does not work; and gods and men feel resentment against that man, whoever lives without working, in his temper **like stingless drones**.

In this case the quotation of Hesiod in the course of the rational argumentation serves to conclude the discussion by proving the initial point that gods cannot have anything in common with those kinds of characters: "so when it comes to god, we must not say that he possesses a nature of this kind (which he himself finds hateful," οὐκοῦν τόν γε θεὸν οὐ ῥητέον ἔχειν ἦθος τοιοῦτον, ὅ γέ τοι αὐτὸς μισεῖ (901a7–8).[611] The Athenian refers here to Hesiod in order to strengthen his argument of the god who cannot possibly be lazy. The allusion to "the poet" at this point of the discourse implies that the Athenian is taking Hesiod's words seriously, and moreover as useful to convey his own idea, because deriving from a firm authority.[612]

The poetic reference is, therefore, employed here to give authority to the statements, and it allows the Athenian to move his line of argumentation forwards. What we read at this point appears to be an exchange with the Athenian interrogating Cleinias and (the silent) Megillus on the possibility of

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[611] As Schöpsdau notes, in the *Republic*, the drones function as symbol for idleness and the craving for pleasure, see 554d, 556a, 559d, 564b, 567d.

[612] For Plato as more inclined to appreciate the Hesiod of the *Works and Days* in his last dialogues, rather than in the earlier ones, see Most, 2009, 52–67.

the gods being ignorant. Clearly, they will have to reject this position and the upshot is that gods could not possibly neglect human affairs because of ignorance. The second possible cause for the gods to neglect humans is "indolence," ῥαθυμία (901c). Now, the Athenian bases his conclusion on the previous premise that gods are neither "self-indulgent," nor "negligent," nor "idle": since it has been agreed upon that "the gods are supremely good," ἀγαθούς γε καὶ ἀρίστους ὡμολογήκαμεν (901e1), it cannot be possible that they are guilty of indolence or self-indulgence:

> ἆρ'οὖν οὐ ῥᾳθυμίᾳ μὲν καὶ τρυφῇ ἀδύνατον αὐτοὺς ὁμολογεῖν πράττειν ὁτιοῦν τὸ παράπαν, ὄντας γε οἵους ὁμολογοῦμεν; δειλίας γὰρ ἔκγονος ἔν γε ἡμῖν ἀργία, ῥᾳθυμία δὲ ἀργίας καὶ τρυφῆς (901e4–7).
>
> but in that case, isn't it impossible to accept that they do anything at all out of indolence and self-indulgence — if they really are as we say they are, that is? After all, idleness, we think, is the offspring of cowardice, and indolence the offspring of idleness and self-indulgence.

The demonstration proceeds thus through refutation of arguments, but at the end, the Athenian acknowledges that the young atheist still needs to be persuaded by some "enchanting tales:"

> Αθ. δοκοῦμεν δέ μοι νῦν ἥδη μάλιστα μετρίως διειλέχθαι τῷ φιλαιτίῳ τῆς ἀμελείας πέρι θεῶν.
>
> Κλ. Ναί.
>
> Αθ. Τῷ γε βιάζεσθαι τοῖς λόγοις ὁμολογεῖν αὐτὸν μὴ λέγειν ὀρθῶς· **ἐπῳδῶν** γε μὴν προσδεῖσθαί μοι δοκεῖ **μύθων ἔτι τινῶν** (903a8–b2).
>
> Ath.: Well, I think that makes a very reasonable discussion we have now had with this person who criticises the gods on the grounds of neglect.
>
> Kl.: yes.
>
> Ath.: And done by compelling him, using rational argument, to agree that he is wrong. But we need to find some **enchanting tales as well**.[613]

[613] Griffith, 2016 translates ἐπῳδῶν … μύθων ἔτι τινῶν with "some kind of narrative, I think, which will charm him as well." We interpret ἐπῳδῶν … μύθων as one single expression, i.e. "enchanting tales" since it better clarifies how the adjective denotes the characteristic of the tale.

The type of narrative the Athenian has in mind is the telling of a longer myth on the afterlife. The Athenian now claims the necessity "to persuade the young with arguments," πείθωμεν τὸν νεανίαν τοῖς λόγοις (903b4). The 'arguments' are given in the form of a long tale about the gods who rule the universe: they are compared to rulers, craftsmen, game players, and kings, and are able to move the souls from one incarnation to the other (903db1–905d3). The myth, as Schöpsdau notes, answers two of the main questions left unresolved by the rational argumentation: (i) how the gods care for humans, and (ii) how divine justice works in relation to the welfare of evil men?[614] Furthermore, two elements, which are common to all of Plato's myths of the afterlife, also seem to be present also in this tale: (i) the link between the destiny of the soul after death and the behaviour of it in the present life, and (ii) the idea of the reincarnation of the soul, which, according to Schöpsdau is to be deduced from 903d3–4 (the soul binds itself with different bodies) and 904e7 (a man suffers several deaths). These two elements are not particularly well developed, but they seem to build on the worldview presented in the *Timaeus,* which leads Saunders to define the entire myth as "scientific."[615] The myth outlined in this section can be thus considered as a "likely myth" that is used in virtue of its utility.[616]

Now, the claim that the prelude in book 10 constitutes evidence for a "rational persuasion" is endorsed by Bobonich, who argues that these "enchanting tales" or "mythic encantation" represent a further argument for deism.[617] According to Bobonich, the Athenian aims to give citizens good epistemic reasons for the true beliefs that they are to adopt; as evidence for his claim Bobonich refers in book 10 to (i) 885d2–3, where the person asks to be "taught," (ii) to 885e, where the laws are meant to show that the beliefs they encourage are actually "true," and (iii) to 882a2, where the occurrence of "teaching," διδάσκειν implies that the Athenian intends to give an argument to the citizens so that they can learn.[618] We would argue for a different

[614] Schöpsdau, 2011, 432.

[615] Schöpsdau, 2011, 432; Saunders, 1972, 232 probably offers the best discussion to date of the dense and complex passage at 903e3–904a; he also calls it "mumbo-jumbo." For a detailed discussion of the section 903b1–905d3, including its philosophical implications with other myths of Plato's *corpus*, see Schöpsdau, 2011, 432–444, and Mayhew, 2008, 170–184.

[616] For the usefulness of "likely stories" in relation to political art in the *Laws*, see Balot, 2014, 65–83.

[617] Bobonich, 2000, 375: "note that the 'mythic incantation' that Plato gives is in fact an argument: it is an appeal to the atheist to change his mind on the base of rational considerations."

[618] Bobonich, 2000, 373.

interpretation. There is no doubt that the preludes are meant to teach the correct beliefs, and that the *correct* beliefs are by Platonic definition also *true*; the question addressed in the prelude regards, however, how to best convey these principles.[619] Surely, education is teaching, whether this teaching is more effective by means of rational argumentation or by mythical narratives is left, at the end of the prelude, to the reader to decide: the atheist, in fact, needs both (903a10–b2). In this sense, the unprecedently long prelude on impiety (885b–907b) makes use of rational argumentation as much as it makes use of myth and poetic references.[620] The point is that the tales of the Athenian are rational in their very essence, even though the language in which they are expressed is the enchanting language of poetry and rhetoric.[621]

The enchanting tale (903b4–905c4) addresses the young man who, on the one hand is not able to understand or respond to a serious, philosophical demonstration (659c9–660a8), and on the other hand has not been convinced by the traditional myths and would thus now benefit from hearing a more correct tale. The aim of the myth is to show that the god has put together the universe bearing in mind what is the good, "the safety and virtue" of the whole (903b5). This means that each part is expected to do and to endure not what is best for itself but rather what is best for the universe as a whole (903b6–7). In other words, each part participates in the essence of happiness that is present in the world and acts accordingly. Key terms in the myth are the concepts of "moving," μετατιθέναι — i.e. the moving of individual souls to the place in which they belong (903d3–e1 and 904a2) — and "transformation," μετασχηματίζειν[622] — transformation of the shape of all things (903e5 and 906c4).[623]Also here, as in the previous discussion, the Athenian employs a

[619] That the beliefs that the laws recommend are true is made clear at 662b.

[620] It is hard to know if Bobonich, 2000, 373 (in his argument against Stalley,1994 and Morrow, 1953) refers to these devices when talking of "emotional, effective rhetoric."

[621] For tales that are "made to serve rational ends" see Dodds, 1957, 212.

[622] The word occurs only twice (in the above-mentioned prelude) in Plato's *corpus*.

[623] According to Mayhew, 2008, 175, the core of this passage (903e3–904a4) describes an erroneous view of the kind of universe in which the gods might work in: "for if someone, failing always to look at the whole, were to mould all things by changing their shapes … there would be an unlimited number of transformations in the arrangement of the cosmos," εἰ μὲν γὰρ μὴ πρὸς τὸ ὅλον ἀεὶ βλέπων πλάττοι τις μετασχηματίζων τὰ πάντα, … μετειληφότα πλήθεσιν ἄπειρ' ἂν εἴη τῆς μετατιθεμένης κοσμήσεως (903e3–904a4). Diès prints the negation μὴ, which is the lectio (add. post corr.) transmitted in Laur. LXXXV, 9. Both Schöpsdau, 2011, 437, and Saunders, 1972, 100, disagree on the grounds that it is unlikely that, directly after 903b–c, where the Athenian gave proofs of the gods looking at the whole, the Athenian here raises an hypothtical question that might lead to a slip in the argument. For the contrast of the passage with the view of the world conveyed by Heraclitus

poetic quote in order to reinforce his argument (i.e. the better souls are moved together with the best souls, while those who become worse follow the worse ones):[624] αὕτη τοι δίκη ἐστὶ θεῶν οἳ Ὄλυμπον ἔχουσιν, "this is the justice of the gods who live on high Olympus" (904e3). The allusion is to Homer, *Od.* 19. 43. The quotation of Homer is verbatim and in that section of text at 41–46, Odysseus demands that Telemachus not question their situation any longer, since this is "the custom of the the gods of Olympus."[625] The quote in the prelude is thus modified to serve the Athenian's purpose, since here it means "this is the justice, the right (punishment) of the gods."[626] The young boy to whom the Athenian is addressing these words (ὦ παῖ καὶ νεανίσκε 904e5) is asked to trust them as if it were a poet speaking to him, although the message here conveyed is different.

At this point the Athenian also clarifies that there is no escape from this state of things. The judgement of the gods is "put above any other justice, and its observance is of paramount importance" (905a2–4). More importantly, the Athenian presents a warning that those who accomplish injustice will pay the penalty, and that there is no place where one could hide:

> οὐ γὰρ ἀμεληθήσῃ ποτὲ ὑπ' αὐτῆς· οὐχ οὕτω σμικρὸς ὢν **δύσῃ κατὰ τὸ τῆς γῆς βάθος, οὐδ'ὑψηλὸς γενόμενος εἰς τὸν οὐρανὸν ἀναπτήσῃ**, τείσεις δὲ αὐτῶν τὴν προσήκουσαν τιμωρίαν εἴτ' ἐνθάδε μένων εἴτε καὶ ἐν Ἅιδου διαπορευθεὶς εἴτε καὶ τούτων εἰς ἀπώτερον[627] ἔτι διακομισθεὶς τόπον (905a4–b1).

DK 22B30 and B36 = D85 and D100 Laks-Most, see Mayhew, 2008, 175. For the similarity of the myth with the ideas of an intelligible, orderly world as expressed in the *Philebus*, and in the *Timaeus*, 54b6–d2, see Schöpsdau, 2011, 438–439, and Mayhew, 2008, 176–177.

[624] *Leg*. 904e3–6: κακίω μὲνγιγνόμενον πρὸς τὰς κακίους ψυχάς, ἀμείνω δὲ πρὸς τὰςἀμείνους πορευόμενον, he who becomes worse, joins souls with those who are worse; he who becomes better, joins souls with those who are better.

[625] Cf. Labarbe 1949, 255-256.

[626] Cf. Schöpsdau, 2011, 442, and England, 1921, 497.

[627] We follow here Diès' suggestion ἀπώτερον instead of the variant ἀγριώτερον printed by Burnet. The MSS A and O present the lectio ἁγιώτερον, "more hallowed," which is impossible in this context, since Plato is describing a place worse than Hades. Both variants ἀπώτερον and ἀγριώτερον are suggested in the MSS: ἀγριώτερον is supported by *Phd.* 113b8 τόπον ...ἄγριον, and *Leg*. 908a6 ἀγριώτατος τόπος, but as Schöpsdau, 2011, 443 rightly remarks, it could be taken as reminiscence, while the lectio difficilior ἀπώτερον is not only transmitted in the Armenian translation but also fits the context better, since the Athenian is talking about the remoteness of a place which might offer protection from divine punishment. Saunders, 1972, 103 also accepts ἀπώτερον for its singularity that makes it a better fit for the

> since you will never be of no interest to it, never small enough to hide — **either in the depths of the earth, or soaring aloft into the heavens;** no, you will pay them the appropriate penalty, whether you remain here or travel to Hades, or are taken to some place further away.[628]

The passage states the inescapability of divine punishment. A sinner, no matter how small he is, will never escape the punishment of gods; he will find no place to hide, neither in the heavens, εἰς τὸν οὐρανὸν, nor beneath the earth, κατὰ τὸ τῆς γῆς βάθος. As Schöpsdau and Mayhew notice, the formulation of the passage, i.e. the imagery employed to describe a sinner trying to escape the gods, recalls some similar passages in the tragedies of Euripides, such as: *Hecuba* 1099–1106, where Polymestor, in despair, asks where he should turn, "Shall I fly up to the lofty vault of heaven;"[629] *Heracles* 1157–1158, where Heracles wonders where he should go to escape misfortunes, "to high heaven or sink beneath the earth?;"[630] *Ion* 1238–1243, where the chorus laments what path should be taken to escape death, "what winged flight shall I take, what path to the dark recesses of the earth?;"[631] and lastly, *Medea* 1296–1298, where Jason, who is looking for Medea after she has accomplished her dreadful deeds, exclaims: "she will have to hide herself **beneath the earth or soar aloft to heaven** if she is not going to give satisfaction to the royal house. Does she think that having killed the land's ruling family she will escape from this house unscathed?"[632] There is no hiding from divine punishment. As can be seen from these references, the Athenian is here using a conventional, traditional formula to express the idea of escaping from difficult circumstances, either to the heavens or beneath the heart, δύσῃ **κατὰ τὸ τῆς γῆς βάθος,** οὐδ' ὑψηλὸς γενόμενος **εἰς τὸν οὐρανὸν ἀναπτήσῃ** (905a5–6).[633] In this sense, such poetic

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language of the passage. For further discussion of the textual problem, see also England, 1921, 499.

[628] Griffith 2016, who usually follows the Budè text, in this case seems to adopt Burnet's edition, and translates: "some place more terrible still."

[629] Eur. *Hec.* 1099–1106: ποῖ τράπωμαι, ποῖ πορευθῶ; ἀμπτάμενος **οὐράνιον ὑψιπετὲς ἐς μέλαθρον**, "Where shall I turn, where go? Shall I fly up to the **lofty vault of heaven**?"

[630] Eur. *HF.* 1157–1158: οἴμοι, τί δράσω; ποῖ κακῶν ἐρημίαν εὕρω, **πτερωτὸς ἢ κατὰ χθονὸς μολών**, "Ah, what am I to do? Where must I go to escape misfortune? **Soar to high heaven or sink beneath the earth**?"

[631] Eur. *Ion* 1238–39: τίνα φυγὰν πτερόεσσαν ἢχθονὸς ὑπὸ σκοτίους μυχοὺς πορευθῶ,

[632] Eur. *Med.* 1296–1298: δεῖ γάρ νιν ἤτοι **γῆς γε κρυφθῆναι κάτω ἢ πτηνὸν ἆραι σῶμ**' **ἐς αἰθέρος βάθος**, εἰ μὴ τυράννων δώμασιν δώσει δίκην. πέποιθ' ἀποκτείνασα κοιράνους χθονὸς ἀθῷος αὐτὴ τῶνδε φεύξεσθαι δόμων;

[633] For an analysis of the terms used in the opposition of the escape above-under earth see Barrett, 1964, 398–399, on *Hipp*. 1290–93.

imagery serves not only to clarify the Athenian's view but also to build a bridge, in his telling of a new myth, with the tradition. He uses a poetic and evocative language that, on the one hand, differs from philosophical argumentation and, on the other hand, is strictly linked with the poetic formulations of the tragedians. The "enchanting tales" embedded in this poetic language are thus more likely to stay impressed in the mind of the reader.[634] At the end, the Athenian believes that this myth, together with the logical argumentation that preceded it, should convince the young of the error of their position (905c4–6).[635]

In case the young atheist still needs some persuading and has "an ounce of intelligence," εἰ νοῦν καὶ ὁπωσοῦν ἔχεις (905d1), he will now listen to the objections against the third assumption: "the gods can be placated if they are given gifts by those who do wrong," τὸ δὲ παραιτητοὺς[636] αὖ θεοὺς εἶναι τοῖσιν ἀδικοῦσι, δεχομένους δῶρα (905d3–4). The people holding such a view are defined by Cleinias as the most impious of all (907b2–4).[637] This view has ancient roots, and Plato, previously at *Republic* (364b3–365a3), blames the poets, because they sing that the gods "assign misfortune and a bad life to many good people, and the opposite fate to their opposites" (364b2–4). In the same passage, a few lines later, he alludes to Homer, who is often brought in as witness that gods can be influenced by gifts:

> οἱ δὲ τῆς τῶν θεῶν ὑπ' ἀνθρώπων παραγωγῆς τὸν Ὅμηρον μαρτύρονται, ὅτι καὶ ἐκεῖνος εἶπεν – λιστοὶ δέ τε καὶ θεοὶ αὐτοί, / καὶ τοὺς μὲν θυσίαισι καὶ εὐχωλαῖς

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634 Cf. Capra, 2014, 185–188, for a discussion on enchantment, ἐπῳδή as fundamentally serious step in the constructing of the philosophical discourse. Morrow, 1953, 238, understands ἐπῳδή to be connected with "magic and sorcery" and thus the persuasion deriving from it is inclined to be non-rational. The distinction between rational and non-rational persuasion of the preludes, however, seems irrelevant if we take the "non-rational" enchantments as presenting the highest level of reason. For the rational persuasion, although implying logical argumentation for the education of adults cf. Bobonich, 2000, 374–376.

635 The Athenian mentions here also the council of the elders, who, together with Cleinias, are supposed to have persuaded the young man that he is ignorant about the gods: ταῦτα εἰ μέν σε πείθει **Κλεινίας** ὅδε καὶ σύμπασα ἡμῶν ἥδε ἡ **γερουσία**, περὶ θεῶν ὡς οὐκ οἶσθα ὅτι λέγεις. As Mayhew, 2008, 184, points out, this passage is a rare reminder that the Athenian and his interlocutors are discussing a city in speech and they are assisting Cleinias in the founding of a new colony.

636 The adjective παραιτητός, "to be appeased by, placable," never occurs before Plato; in Plato's *corpus* it occurs only in book 10 in reference to the gods: 901d1; 905d4; 905d8; 906d5; 908e4; 909b1.

637 *Leg*. 907b2–4: ὁ ταύτης τῆς δόξης ἀντεχόμενος πάντων ἂν τῶν ἀσεβῶν κεκρίσθαι δικαιότατα κάκιστός τε εἶναι καὶ ἀσεβέστατος, "anyone holding that view is likely to be judged, quite rightly, to be the worst and most impious of all those impious people."

> ἀγαναῖσιν / λοιβῇ τε κνίσῃ τε παρατρωπῶσ᾽ ἄνθρωποι / λισσόμενοι, ὅτε κέν τις ὑπερβήῃ καὶ ἁμάρτῃ (*Resp.* 364d3–e2).[638]
>
> others quote Homer to bear witness that the gods can be influenced by humans, since he too said: even the gods themselves can be swayed by prayer. And with sacrifices and soothing promises, incense and libation-drinking, human beings turn them from their purpose, when someone has transgressed and sinned.

This is precisely the third mistaken belief that the Athenian condemns in the prelude on impiety. What is more, the main argumentation offered at the end of the prelude lies in the comparison of the gods (i) with watchdogs, at 906d3–5[639], (ii) with captains of ships, at 906e1–2 and (iii) with charioteers, at 906e4–6.[640] First, the image of the gods as watchdogs is new in the prelude and it only occurs in this passage in Plato's *corpus* (since gods are usually portrayed as masters or rulers, both in the *Laws* as in other dialogues).[641] However, such an idea was well established before Plato and has a specific political reference, since it represents politicians simultaneously as "trusty and essential servants of the demos" and as "thieves."[642] These three comparisons in the prelude are indicative for our analysis of the Athenian's employment of poetic references; as shown by Mayhew, in each case the Athenian refers, either by direct quotation or by allusion, to Homer.[643] The first comparison equates gods to watchdogs:

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[638] The Homeric verses quoted here are taken from *Il*. 9.497–501, with minor changes. Part of this passage is also cited later in the prelude, at 906e1–2.

[639] People who are guilty of this third type of impiety are described as *brutish*, θηριώδεις, 906b4.

[640] For animal images, examples and analogies as helpful to characterise and define figures and themes of the dialogues, cf. Bell-Naas, 2015.

[641] *Phaedo* 62b8, 62d3, 63c2, *Polit*. 274b5, *Crit*. 109b7, for other references on the images of gods, see Pender, 2000, Appendix 1, 239.

[642] Brock, 1984, 132–133 quoted in Pender, 2000, 142–143. In her book on Plato's metaphors for the gods and soul, Pender discusses the passage at 906b5–906d6, demonstrating the inherent coherency of the image of the gods as sheepdogs on the one side, and sheep and wolves as innocent and wicked men on the other side. The idea of sheepdogs at 906b5–c7, Pender argues, is introduced to clarify the metaphor of the dogs who allow the wolves to ravage the flock in exchange of a part of the spoil at 906d3–5. Pender writes, 144: "it is only the common canine nature of wolves and dogs that gives the wolves any hope of the dogs accepting their offer of part of spoil (ravaged sheep)." The relationship between wolf, dog, sheep is thus not only entirely consistent but it explains what would happen if gods were venal, since "just as the deal between wolves and dogs depends on their common canine nature, so the deal between venal gods and wicked men would depend on their common evil and unscrupulous nature."

[643] Mayhew, 2008, 190–191. All commentators (England, 1921, Diès, 1956, Schöpsdau, 2011) note the reference, at 906e1–2, to *Il*. 9.500, but do not mention the other two cases.

καθάπερ κυσὶν λύκοι τῶν ἁρπασμάτων σμικρὰ ἀπονέμοιεν, οἱ δὲ ἡμερούμενοι τοῖς δώροις συγχωροῖεν τὰ ποίμνια διαρπάζειν. ἆρ' οὐχ οὗτος ὁ λόγος ὁ τῶν φασκόντων παραιτητοὺς εἶναι θεούς (906d3–5).

it's as if wolves were to give a small share of their prey to dogs, as if the dogs were then placated by the gifts, and allowed them to help themselves with the flocks.

The metaphor of the ravening wolves that harry the flock recalls an image at *Il*. 16.352–5, when the Greek leaders are compared to wolves that fall on and decimate a flock, which a herdsman's folly has allowed to scatter.[644] Although there is no mention of a bribe for the herdsman, both ideas (the wolves as the enemy and the flock as the innocent mass) are certainly present already in Homer. The second comparison sees the gods as helmsmen who, distracted by a bribe, overturn ships and sailors:

πότερον κυβερνήταις, **λοιβῇ τε οἴνου κνίσῃ** τε παρατρεπομένοις αὐτοῖς, ἀνατρέπουσι δὲ ναῦς τε καὶ ναύτας (906e1–2).

(scil. gods can be compared to) to helmsmen who, themselves distracted **by the pouring of wine and the smell of libations**[645], wreck their ships and their sailors?

As regards this comparison, the allusion to Homer is, linguistically speaking, more explicit. At. *Il*. 9.497–501 Phoenix urges Achilles to curb his anger and to go back to battle; Phoenix probably gives the best and the most passionate speech of the three ambassadors (Phoenix, Odysseus and Ajax, son of Telamon). In order to persuade Achilles to forgive Agamemnon and to not see forgiveness as a sign of weakness, he argues that even the gods can be conciliated by sacrifice:

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[644] *Il*. 16.352–355: ὡς δὲ λύκοι ἄρνεσσιν ἐπέχραον ἠὲ ἐρίφοισι / σίνται ὑπ' ἐκ μήλων αἱρεύμενοι, αἵ τ' ἐν ὄρεσσι / ποιμένος ἀφραδίῃσι διέτμαγεν· οἳ δὲ ἰδόντες / αἶψα διαρπάζουσιν ἀνάλκιδα θυμὸν ἐχούσας· "As ravening wolves fall on lambs or kids, taking them from herds that have become separated on the mountains through their herdsman's folly, and the wolves see this, and quickly they carry the beasts off, since they have a timid spirit." The image of the Greeks falling upon the Trojans like wolves upon lambs is a standard image (cfr. *Il*. 4.471, 8.131, 11.72, 13.102, 22.263); for a commentary of the passage, see Kirk, 1992, 361.

[645] Griffith, 2016, translates κνίση with "smell of burning fat," but in order to render the translation more in line with the passage at *Il.* 9.500, we interpret it as "libations."

> στρεπτοὶ δέ τε καὶ θεοὶ αὐτοί, / τῶν περ καὶ μείζων ἀρετὴ τιμή τε βίη τε. / καὶ μὲν τοὺς θυέεσσι καὶ εὐχωλῇς ἀγανῇσι / **λοιβῇ τε κνίσῃ τε παρατρωπῶσ' ἄνθρωποι** / λισσόμενοι, ὅτε κέν τις ὑπερβήῃ καὶ ἁμάρτῃ (*Il*. 9.497–501).
>
> so come, Achilles, master your great spirit; you should not have a pitiless heart — even the gods can be made to bend, though their greatness and honour and power exceed our own. **Men can sway them with sacrifices and propitiating prayers, petitioning them with drink-offerings and the smoke of burnt offerings**, whenever a man has overstepped the mark and done wrong.

The quote of the Homeric passage seems at first somewhat misplaced, since the Athenian quotes lines that were meant to show that gods can be placated, while the entire prelude is intended to disprove precisely this thesis. Now, this comparison tells us that the helmsmen might be bribed in the same way as Homer's gods. The similarity in form, however, serves to emphasise the diference in content. For, whereas in Homer the outcome of the bribe is expected to be a positive one, in the prelude the result is that the helmsmen destroy not only their own ships but also the sailors, ἀνατρέπουσι ναῦς τε καὶ ναύτας (906e2). They are, that is, presented not only as corrupted but also as foolish (they manage to wreck their own ships!). Cleinias, in fact, refuses the comparison because he finds it ridiculous (906e3). As Pender notes, what makes the image ridiculous in the passage is the "development whereby the helmsmen are willing to take a bribe that will result in the destruction of their own ships."[646] The Athenian is not questioning at this point the correctness of the Homeric lines, as he does, for example, in *Republic* book 2 (364d3-e2). Instead, it seems that he adopts and adapts those lines to demonstrate the ridiculous nature, and the nonsense, of believing that the gods can be bribed by offering libations. In other words, by attributing to the traditional verse a new context, and, thus, a new meaning, it is argued here, that the Athenian dislodges the words from their traditional context, deprives them of their earlier meaning, and reuses them to establish the opposite principle.

The last comparison, which should finally persuade the audience of the absurdity of believing that gods can be influenced by gifts, equates gods to "drivers lined up for a chariot-race":

> Ἀλλ'οὔτι μὴν ἡνιόχοισί γε ἐν ἁμίλλῃ συντεταγμένοις, πεισθεῖσιν ὑπὸ δωρεᾶς ἑτέροισι τὴν νίκην ζεύγεσι προδοῦναι (906e5–7).

[646] Pender, 2000, 145.

> well, surely not drivers lined up for a chariot-race, bribed to throw the race for the benefit of the rival teams?

Cleinias defines this comparison an "alarming," "terrible" (δεινὴν … εἰκονα, 906e7). The similarity is not developed at length by the Athenian. However, it is clear that a race is the perfect context for an analogy with bribery.[647] Mayhew, inspired by Lewis' interpretation of the passage, suggests that one can find here a reference to "any case in which the gods help someone win a horse-race — as Athena helps Diomedes and wrecks the chariot of Eumelos at *Iliad*, 23.382-400."[648] That the gods assist their favourite heroes in chariot-races is a standard image in the Homeric poems and to regard them as charioteers, who can be influenced so that their protégé wins the context, might be a plausible interpretation for this metaphor. We agree with Mayhew's refusal to see it as a coincidence that Plato, in all three cases, quotes or alludes to Homer. However, we disagree with his two interpretations of these references: (i) Mayhew claims that Plato might want to show (through the Homeric allusion) that, when attacking the third type of impiety, he actually has the poetic tradition on his side.[649] This reading implies that the Athenian is referring to Homer in order to find an ally for his comparison and, thus, for his own moral statements. This seems unlikely, firstly since the Homeric context describes the opposite of what the Athenian is claiming, and, secondly, since in the two other cases it is a question of remote allusions to images that were probably already perceived as standard images in the mental imagery of the audience; (ii) Mayhew's second interpretation is that we are dealing with irony: "he (scil. Plato) may have enjoyed the irony of using Homer to attack traditional theism."[650]

Now, this second interpretation appears to overlook Plato's conscious, moral and pedagogical intention when quoting the poets. The references to Homer, we would argue, far from being ironic, serve to demonstrate the actual possibility of turning traditional, authoritative poetry into morally correct precepts. As is made clear in different passages of the *Laws*, the laws are to be sung, poeticised, and performed in a way that reminds the audience of

[647] For the internal consistency of the metaphors along the entire passage (905d–907b), see Pender, 2000, 139–148.

[648] Mayhew, 2008, 190–191.

[649] Mayhew, 2008, 190.

[650] Mayhew, 2008, 190.

traditional poetry.[651] When he alludes to Homer by re-contextualising and reinterpreting his words in a completly different setting, the Athenian is carrying out precisely this task: the re-elaboration of earlier, poetic writings into writings that are, besides being beautiful and persuasive, also morally correct. On a similar line, Pender, after the analysis of three significative passages in Plato's use of images and metaphors to portray the gods (*Critias* 109b–c, *Politicus* 269c–273e, and *Laws,* 905d–907), concludes that Plato makes full use of the rhetorical power of imagery: "much of this discourse (i.e. the theological) discourse is concerned not with the speculation about the divine nature but with the exposition, amplification, and defence of certain firmly-held beliefs." The images, that is, are used to strengthen beliefs that Plato already holds.[652]

To sum up, in the long, rational, prelude on impiety, therefore, we do find several rhetorical devices (including quotation and adaptation of poetry). The rhetorical strategy of the Athenian in this prelude is not, after all, so different from his usual practice. Throughout this entire prelude the Athenian has several times appealed to the teachings of the poets, and emphasised the necessity of persuading, in particular, the young atheist. Finally, at 907b5–7, the Athenian sums up his claims made in the prelude: (i) the gods exist, (ii) they care about human matters, and (iii) they cannot be influenced by gifts. He concludes by claiming that, if his words have been of some use to persuade people to embrace new habits of life, then the prelude has been "beautifully expressed":

> εἰ δέ τι καὶ βραχὺ προὔργου πεποιήκαμεν εἰς τὸ πείθειν πῃ τοὺς ἄνδρας ἑαυτοὺς μὲν μισῆσαι, τὰ δ' ἐναντία πως ἤθη στέρξαι, **καλῶς ἡμῖν εἰρημένον ἂν εἴη τὸ προοίμιον ἀσεβείας πέρι νόμων** (907c5-d1).
>
> and if we have made any progress, however slight, towards persuading the men in some way to feel hatred for themselves, and perhaps start loving the character which is the exact opposite, **then we would have told a beautiful prelude to the laws governing impiety**.[653]

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[651] See e.g. *Leg.* 668a6; b10; 669c; 802c-d; 803 a-b; 854b. And on these passages see also Naddaf, 2000.

[652] Pender, 2000, 147–148.

[653] Griffith translates the last phrase with "we would be well satisfied with our way of expressing this prelude to the laws governing impiety." However, the Greek καλῶς ἡμῖν εἰρημένον ἂν εἴη τὸ προοίμιον puts the accent on the prelude itself, which is "beautifully said." We believe this point should not be overlooked in the translation.

The prelude has been said beautifully. But how does the Athenian succeed in telling a prelude καλῶς, "beautifully"? As we have seen, in all three sections of the discussion the Athenian makes use of poetic references and vocabulary. We find the Athenian (i) challenging precepts that are already questioned by the poets, (ii) adapting poetic quotations as an appeal to authority, (iii) rationally elaborating on poetic references, (vi) using mythical tales (and thus poetic vocabulary) and (v) alluding to several Homeric images.

On the basis of this evidence, we can conclude that although the prelude is meant to convince by "adequate proofs," the Athenian not only does not exclude the employment of poetic references, but he uses them time and again, either as further proof of his arguments or as an appeal to authority, either as an imaginary opponent who needs correction or as a further means of persuasion after the dialogical argumentation. The prelude on impiety is undoubtedly different from all other preludes: while the usual prelude is quite short, concise, and completely devoid of logical, philosophical argumentation, the prelude on impiety, is — for a considerable part — based on philosophical and rational argumentation. However, the poetic works of Hesiod, Homer and the tragic authors are still employed, as we have seen, as corollaries of the logical demonstrations. It should also be noted the peculiar status of the Hesiodic quotation (*Op.* 302–304), that is not submitted to further elaborations and modifications by the Athenian but is rather evoked in the discourse as an authority thanks to his correct knowledge about the gods. It follows that only the general structure of the prelude is different. The most obvious reason for this change of structure is the fact that the topic of *asebeia* needed to be tackled with a different approach. The Athenian challenges the citizens' conception of the gods and the divine, and he makes use of all his available means to persuade the citizens of his own ideas: where traditional stories and myths are not sufficient, he makes use of the philosophical, dialogical argumentation; where this formula is not enough or is too complex for the audience, he proceeds either with the telling of a new myth, or with the re-appropriation of traditional sayings, in a language which is frequently poetic and evocative.

P14: Prelude on Orphans (11.926e10–927e8)

The prelude discusses the education of the orphans, and, more specifically, it addresses the guardians, who will have the obligation of taking care of them.[654]

[654] *Leg*. 926e5–9: πρῶτον μὲν δή [φαμεν] νομοθετεῖν αὐτοῖς τοὺς νομοφύλακας ἀντὶ γεννητόρων πατέρας οὐ χείρους, καὶ δὴ καὶ <τρεῖς> καθ'ἕκαστον ἐνιαυτὸν ὡς οἰκείων ἐπιμελεῖσθαι προστάττομεν, ἐμμελῆ τούτοις τε αὐτοῖς περὶ τροφῆς ὀρφανῶν

The Athenian also reminds his audience that the souls of the departed have a certain power of interfering with human things (927a1–2). Since the discourses about this belief are true but long, one should rather believe both the ancient, widespread stories on such matters (φήμαι περὶ τοιαῦτα), and the legislator's word (927a3–8). As things are determined by nature, the guardians of the laws should first fear the superior gods, which are sensitive to the loneliness of the orphans, and secondly fear the souls of the departed (927a8–b5).[655] Such souls will, after death, watch with particular care over their sons and are, on the one hand, "benevolent to those who respect them and hostile to those who disrespect them," τιμῶσίν τε αὐτοὺς εὐμενεῖς εἶναι καὶ ἀτιμάζουσιν δυσμενεῖς (927b4). Also, they should fear the honourable elders who hold orphans in high regard and will soon show their displeasure if the position of an orphan is abused (927b8–c3). A guardian or a legislator will give close attention to all such warnings and he would take care of the orphan just as if they were contributing to the good of their own self and family (927c6–7).

In the prelude, the orphans are said to be under the protection of four powers: (i) the gods above (927a8–b2), (ii) the departed parents (b2–4), (iii) the honourable elders (b5–c3), and (iv) the legislator (c8–d1). The guardian in charge of taking care of the orphan should then fear their anger in case he does not follow the guidelines of the legislator, and thus of the prelude: ὁ μὲν δὴ πεισθεὶς τῷ πρὸ τοῦ νόμου μύθῳ καὶ μηδὲν εἰς ὀρφανὸν ὑβρίσας οὐκ εἴσεται ἐναργῶς τὴν περὶ τὰ τοιαῦτα ὀργὴν νομοθέτου, "he, who obeys the speech preceding the law and does no harm to the orphan, will not know the anger of the legislator regarding such matters," 927c8–d1. In the traditional tales, Zeus is usually the one in charge of shielding orphans (as much as guests and

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προοιμιασάμενοι καὶ τοῖς ἐπιτρόποις, "For a start, then, we say the laws we make must give them the guardians of the law to be fathers in no way inferior to their natural fathers; on top of that, each year we instruct three of them to take care of the children, as if they were their own, having first given both them and the children's guardians a suitable prelude relating to the bringing up of orphans." We follow here Diès' text: [φαμεν] is not present neither in A nor O; it is the result of a late hand in the margin of A. However, both England, Diès and Schöpsdau accept the insertion in the text. According to England, 1921, 541, such insertion improves the construction. Also, all three commentators accept Susemihl's addition of <τρεῖς> at 926e7, in reference to 924c, where *three* Guardians are mentioned as responsible of the orphans.

[655] As Dover, 1974, 244, puts it: "the presence of the dead was felt, even though it could not be demonstrated, their goodwill was valued, and their hostility or contempt was feared." The argument of the fear of the dead, who are still perceived as having an active part in the life of the descendants is discussed in a more detailed way in the prelude on the honours due to the parents, 930e5–932a8.

suppliants) from injury, as it is said in *Works and Days*.[656] Also, in the prelude it is said that the gods "perceive" the solitude of orphans: οἳ τῶν ὀρφανῶν τῆς ἐρημίας **αἰσθήσεις ἔχουσιν**, 927b2. As noted by Schöpsdau, the expression αἰσθήσεις ἔχειν, "**have perceptions**, feelings," is usually attributed to the departed who still have feelings for the events on earth, but the Athenian alters such traditional meaning and employs the expression in relation, not the souls of the departed, but rather to the gods above.[657]

P17: Prelude on Theft (12.941b2–c3)

In the following prelude, at 941b2–c3, the lawgiver tries to convince his audience that to steal money is ἀνελεύθερον, "an act servile," and to rob is ἀναίσχυντον, "shameful." The prelude on theft is rather brief (only ten lines of Burnet's text), and consists of an implicit warning against poets and storytellers, who, through their works, propagate the idea that there is nothing shameful in stealing and committing violence, since the gods themselves have committed such deeds.[658] The Athenian needs to make sure that no-one is deceived by such stories:

> **μηδεὶς οὖν ὑπὸ ποιητῶν μηδ' ἄλλως ὑπό τινων μυθολόγων πλημμελῶν[659] περὶ τὰ τοιαῦτα ἐξαπατώμενος ἀναπειθέσθω,** καὶ κλέπτων ἢ βιαζόμενος οἰέσθω μηδὲν αἰσχρὸν ποιεῖν ἀλλ' ἅπερ αὐτοὶ θεοὶ δρῶσιν · οὔτε γὰρ ἀληθὲς οὔτ' εἰκός (941b4–8).
>
> therefore, let nobody, striking the wrong note in this connection, **be deceived by poets or mischief-making storytellers, or misled into thinking** that if he

---

[656] Hes. *Op.* 330–334: "or if, in his folly, he sins against orphaned children, or if he rebukes his aged father upon the evil threshold of old age, attacking him with grievous words: against such a man, Zeus himself is enraged and in the end he imposes a grievous return for unjust works."

[657] See Schöpsdau, 2011, 496. For the traditional use of the expression see *Menex.* 248b7, Isoc. 9.2, 19.42, Lycurg. *Leoc.* 136, Dem. 20.87.

[658] In a brief and concise manner, the Athenian condemns both theft (of a small amount of money by using tricks, δόλοις b3) and robbery (of larger goods, using violence, βίᾳ b3, βιαζόμενος b7) as morally base actions, see England, 1921, 569.

[659] It should be noted that we follow Diès, Lisi, Brisson in reading πλημμελῶν (lesson in the MSS) as adjective to μυθολόγων, while both Schöpsdau, 2011, 527, and England, 1921, 569, prefer to take it as a participle (they adopt Baiter's conjecture πλημμελεῖν), in analogy with κλέπτων, on the ground that πλημμελής is never used by Plato in reference to a person.

> steals or uses violence he is not doing anything he is to be ashamed of, but only what god themselves do. That is neither true nor plausible.

The citizens of Magnesia should not be persuaded by the poets or by the story-tellers, since they would be deceived. The idea that poets offer a false and misleading image of the gods, besides being the centre of Plato's criticism towards the poets in the *Republic* (377e–383c; book 10), had also been previously argued by earlier poets, such as Xenophanes:

> πάντα θεοῖσ' ἀνέθηκαν Ὅμηρός θ' Ἡσίοδός τε, / ὅσσα παρ' ἀνθρώποισιν ὀνείδεα καὶ ψόγος ἐστίν, / κλέπτειν μοιχεύειν τε καὶ ἀλλήλους ἀπατεύειν (21 B11 = D8 Laks-Most).
>
> Homer and Hesiod attributed to the gods all things that are shameful and blameable among men: stealing, committing adultery, and deceiving one another.

Xenophanes states that men have ascribed to the gods flaws that in reality belong to humankind. The Athenian, as Xenophanes before him, reacts to these popular beliefs and clearly states that these stories are neither true nor plausible and thus "anyone who acts illegally in this kind of way is not for one moment either a god or the child of gods," ὅς τι δρᾷ τοιοῦτον παρανόμως, οὔτε θεὸς οὔτε παῖς ἐστίν ποτε θεῶν (941b8–9).[660] What is more, the Athenian clarifies that the legislator has better knowledge about these facts than all the poets: ταῦτα δὲ νομοθέτῃ μᾶλλον προσήκει γιγνώσκειν ἢ ποιηταῖς σύμπασιν, "This is something a lawgiver is far more likely to know about than all the poets put together" (941c1–2). At the end, the Athenian states that the man who is going to be happy in the future is the one who is persuaded by the legislator's speech, while for the others a law will be applied (941c2–4).

In this prelude, the Athenian is claiming for the legislator a stronger authority than the one that poets are traiditonally considered to possess in these matters. The main argument of the Athenian is grounded on the fact that none of the gods would commit such base actions. At 941b3, he states that: "none of the sons of Zeus has practiced either of these, through delighting in fraud or violence," τῶν Διὸς δὲ ὑέων οὐδεὶς οὔτε δόλοις οὔτε βίᾳ χαίρων ἐπιτετήδευκεν τούτοιν οὐδέτερον (941b3–4). As both England and Schöpsdau note, the allusion probably refers to Hermes, who is often represented by the poets as

[660] Shöpsdau, 2011, 527, also refers to fragment 226, 4 Nauck, attributed to Sophocles: αἰσχρὸν ...οὐδὲν ὧν ὑφηγοῦνται θεοί, "nothing, on which the gods instruct, is shameful."

triumphant in fraud and even theft.[661] All the stories that represent a divinity accomplishing this kind of deeds are, according to the Athenian, neither true nor likely, and, more importatnly, the legislator should be the one in charge of deciding on these matters. Plato expresses this view on the subject in previous dialogues and especially in the *Republic*, book II, III and X, where Homer, and more in general traditional poetry, is explicitly condemned because it conveys wrong moral precepts and ideas. In this prelude, thus the Athenian demands a position of authority in the matters, to the detriment of his moral authoritative predecessors, the poets.

P20: Prelude on Funerals (12.959a4–d2)

The prelude on funerals regards the simplification of funeral ceremonies. According to the Athenian, the reason for requiring a decrease in expenses is anthropological: the material expenses devoted to the corpse do not benefit the real person, that is, the soul, which already belongs to the other gods, but only the body itself (959a4–b5). It would be more beneficial if, instead of the material expense, the family members had helped the deceased to live a morally correct life, so that he would escape the punishments of Hades (959b6–c2).[662] As regards the main argument of the exhortation, it seems that the Athenian is opposing his view of the dead (with the body being only an image of the real self, i.e. the soul) with the traditional view expressed by Homer, where the soul is an image of the deceased body.

As Schöpsdau notes, according to the Homeric representation, the soul goes to Hades after death, where it lives on as a shadowy image of the deceased (*Od*. 11.476, 10.495), while the "selves", i.e. the bodies, are destroyed (*Il*. 1.3–5). On the contrary, in the prelude the Athenian implies that the bodies are only semblances and images of the dead, whose true self is the soul (*Phd.* 115–d) which rushes to the underworld where it meets and confronts "the other gods,"

[661] See *Il.* 5.390, and *Resp*. II 377e–383c, for a list of all frauds wrongly attributed to the divinities. Hermes is said to have stolen fifty oxes from Apollo (as the story goes in the *Hom. Hymn Herm.*). In the present prelude, Hermes is mentioned few lines earlier at 941a6, in relation to the law against those who violate public embassies: they will be punished as if they had altered the orders of Hermes and Zeus, and thus they would be accused of sacrilege (941a1–b2).

[662] Laws against luxurious funerals were not uncommon in the Greco-Roman antiquity; for an overview, see Reverdin, 1945, Frisone, 2000, and Bernhardt, 2003; cf. Schöpsdau, 2011.

(scil. ἀθάνατον ψυχὴν) παρὰ θεοὺς ἄλλους ἀπιέναι δώσοντα λόγον (959b4–5).[663]

As regards the style of the passage, chiasmus, and parallel phrasing are not lacking (959c1; 959b5–6). The Athenian also resorts to a proverbial phrase at 959c7: τὸ δὲ παρὸν δεῖν εὖ ποιεῖν, "one should make the best of the present circumstances."[664] Furthermore, we would argue that the speech is made more persuasive by the use rhetorical appeals to authority, e.g. "it is rightly said that" (λέγεσθαι καλῶς, 959b2) and "so the ancestral law declares" (καθάπερ ὁ νόμος ὁ πάτριος λέγει, 959b5). These expressions suggest that the Athenian is resorting to a lore of knowledge shared with and well-known by his audience, and the the legislator intends to link the principle of the law to this shared lore of values.

Concluding Remarks

In book 2 of the *Laws*, where the Athenian lays down the legislator's criteria and guidelines for the three choruses (of the Muses, of Apollo, and of Dyonisus) in the ideal city, it is clearly stated that the legislator has to find out what type of story the community needs to believe in, so that the citizens might enjoy the greatest good from it. Once this story is found, then the city must be concordant in its opinion towards it:

> ΑΘ. τὸ μὲν τοῦ Σιδωνίου μυθολόγημα ῥᾴδιον ἐγένετο πείθειν, οὕτως ἀπίθανον ὄν, καὶ ἄλλα μυρία;
>
> ΚΛ. Ποῖα;
>
> ΑΘ. Τὸ σπαρέντων ποτὲ ὀδόντων ὁπλίτας ἐξ αὐτῶν φῦναι. καίτοι μέγα γ' ἐστὶ νομοθέτῃ παράδειγμα τοῦ πείσειν ὅτι ἂν ἐπιχειρῇ τις πείθειν τὰς τῶν νέων ψυχάς, ὥστε οὐδὲν ἄλλο αὐτὸν δεῖ σκοποῦντα ἀνευρίσκειν ἢ τί πείσας μέγιστον ἀγαθὸν ἐργάσαιτο ἂν πόλιν, τούτου δὲ πέρι πᾶσαν μηχανὴν εὑρίσκειν ὅντινά

[663] At *Phd.* 115c–d, Socrates reassures Crito that, after he has drunk the poison, they will only bury his body, while he himself will depart "for some happy state of the blessed", εἰς μακάρων δή τινας εὐδαιμονίας (115d4). At *Phd.* 63c1–4, Socrates claims to be ready to insist on the fact that, once he departs from this life, he will find gods who are perfectly good: ὅτι μέντοι **παρὰ θεοὺς δεσπότας πάνυ ἀγαθοὺς** ἥξειν, εὖ ἴστε ὅτι εἴπερ τι ἄλλο τῶν τοιούτων διισχυρισαίμην ἄν καὶ τοῦτο. Already Aeschylus, in the *Suppliants*, names another Zeus who, among the dead, decrees the last judgement for misdeeds: κἀκεῖ δικάζει τἀμπλακήμαθ', ὡς λόγος, / Ζεὺς ἄλλος ἐν καμοῦσιν ὑστάτας δίκας.

[664] For the attribution of the saying to Pittacus or Epicharmus, see *Grg.* 499c5; cf. Dodds, 1959, 317,

ποτε τρόπον ἡ τοιαύτη συνοικία πᾶσα περὶ τούτων ἓν καὶ ταὐτὸν ὅτι μάλιστα φθέγγοιτ᾽ ἀεὶ διὰ βίου παντὸς ἔν τε ᾠδαῖς καὶ μύθοις καὶ λόγοις (664a1–7).

Ath. And yet there was no difficulty getting people to believe the legend of the Sidonian, implausible as it is, or any number of other stories.

Cl. Such as?

Ath. That once upon a time teeth were sown, and armed men sprang into life from them. The only question the lawgiver has to ask himself — and answer — is what story, supposing he did persuade them, would bring about the greatest good for the city; to this end he must devise any mechanism he can to see that a community of this kind, in its entirety, speaks about these things with one voice, one language, their whole lives through, in their songs, and stories, and discussions.

It appears that the most important quality for the "likely stories" told by the Athenian is that they bring about the "greatest good" (μέγιστον ἀγαθὸν) for the city, and that the city, in turn, accepts the songs, the stories, and the discourses unanimously; this is, it is here argued, the aim and function of the mythical stories that occur in the preludes of this third group.

The third group of preludes includes those in which the Athenian either elaborates on traditional mythical tales (e.g. P18 on theft) or invents new ones that fit the ethical principle of the prelude (e.g. P7 on murders). Regarding this group, it is fundamental to bear in mind Plato's approval of fictive stories, when they are used for a greater good. In the *Laws* the Athenian encourages the employment of useful lies (ψεῦδος λυσιτελέστερον, 663d9) and in the *Republic* the noble lie is indeed accepted in Kallipolis (*Resp*. 414b-415c; 459c). As long as they do so in the interest of the city, rulers are allowed to resort to falsehood (*Resp*. 389b-d). Regarding both traditional myths and newly invented stories, the question of their acceptance is pragmatic: it depends on whether or not they promote virtuous behaviour, i.e. behaviour that complies with the laws. In this respect, the lawgiver is expected to have both a broader and a deeper knowledge about moral matters than the poets (cf. 941b–c).[665]

There is a general consensus among scholars that all of the preludes are meant to instil a desire for good behaviour in the audience. Generally speaking, the preludes in this group achieve this aim through the employment of dreadful "likely stories" that induce in the citizens a fear of divine retribution. For

[665] 941c1: "this is something a lawgiver is far more likely to know about than all the poets put together."

instance, in the prelude on the murder of kinsmen (P7 870a1–871a1 and 872d5–873a4) "watchful justice" will make sure that the murderer of a kinsman will reincarnate in the sex of the victim and then be killed by a family member of the opposite sex. The fear of this divine punishment functions as a deterrent for the audience. The two different levels from which prelude and law cooperate — i.e. the prelude on an abstract and "emotional" level, the law on a more concrete and practical level — are especially clear in the case of the prelude on murder, since the concrete punishment inflicted by the magistrates is conveyed only a few lines after the threat of divine retribution in the next life. The idea is that the Athenian operates on both a horizontal and a vertical level: the divine punishment is fundamental in the major plan of the lawgiver because it makes sure that the murderer knows that his infraction breaks not only the earthly rule of Magnesia, but also the all-encompassing scheme of divine justice that governs the entire universe. Thus, the threat of divine vengeance serves not only to underline the wickedness of the crime, but also to threaten the transgressor with an extra — or, in case he should escape punishment in this life, delayed — punishment in his next life.

As has been demonstrated, the stories about divine retribution (P14 926e10–927e8, P10 885b2–907d3, P15 930e5–932a8) and demonic impulses (P6 853d5–854c8) that we find mostly towards the end of the *Laws* are to be regarded as more useful than true; they appeal to irrational factors, such as fear of the gods.[666] Indeed, their truth value is not the significant point of these stories. The main point, it is here argued, is that they fit in into the Athenian's narrative. The tale of Patroclus' loss of his armour is not useful in itself, but becomes useful when the Athenian employs it to illustrate the problems linked with a specific type of poetic narration. A certain type of behaviour described by the poets can be dangerous for the young. The danger is that the young citizen, through the identification of himself with the character in question, might be led to imitate wrong behaviour (cf. *Resp*. 388a–b). Still, the solution envisioned by the Athenian is not the banishment of such myths, but rather a revision of the deceitful stories (941b4–c2). As discussed in section 1.2.3, the legislator, in contrary to the poets, have to remain unambiguous when judging moral behaviour (719e3–4). In the fictive stories in this group of preludes, the Athenian adopts and adapts the language and lore of the poetic tradition, so that they become appropriate to the laws. In this sense, the stories function as a medium between citizens and laws: they illustrate the core of those

[666] Cf. Balot, 2014, 74–75 and Annas, 2017, 97–99. Stalley, 1983, 148 notes that the Athenian, although he officially regards vengeance as irrational, employs stories about the vengeance of the gods and of the souls of the dead, (729e, 865d–e, 870d–e, 872e–873a).

"unwritten laws" (838b1) that lie at the base of the good behaviour of the citizen.[667] The well-known language of mythical stories is used as a communicative tool at the service of the city. Negative representations of gods are deemed deceitful and revised (e.g. P18 on theft, 941b2–c3), so that the citizens of Magnesia will not foster in themselves the wrong opinion that gods perform evil deeds.[668]

The young need to be led down the path of virtue and the ultimate aim of the legislation is to foster virtue (παιδεύειν τε καὶ πλάττειν, 671c1–2; cf. 718c8–10). Like the preludes in the other groups, these preludes too are characterised by a solemn and formal diction. The effects of the rhetorical language perform a correct enchantment of the citizens: through representation of the behaviour of the best citizen, the Athenian attempts to persuade the young to embrace and imitate such behaviour.

The legal punishments meted out by the human institutions, even though "real" in a practical sense, are unlikely to have the same "dreadful" effect on the young as the fear of divine punishment.[669] Moreover, these frightening "likely stories" are employed for the education of non-philosophers: they pass over any philosophical argumentation (the prelude on impiety in book 10 is the great exception to this claim: there, the myth of the god who has made the entire cosmos and looks at its submission to justice and virtue elaborates on the logical argumentation that occurs earlier in the same prelude). However, more importantly, the mythical tales of vengeful gods and souls of the dead comply with the ruling principle of the legislator and should thus be regarded as useful tools to persuade citizens to live in harmony and moderation, so that even the "toughest nature" is curbed towards what is considered best for the city (880d–e).

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[667] Panno, 2007, 78 points out that in order to understand the definition of Magnesia as the "most beautiful tragedy" the status of "myth" in the *Laws* should be taken into account. In Panno's interpretation, the myth become expressions of a state religion, that is, as elements of political theology on which the foundation and the history of the city is based.

[668] Cf. *Resp*. 379c2–d2, and 391d3–5; on the ethical criteria for the selection of Homer in book 3 of the *Laws*, see Tulli, 2003, 227–231.

[669] On punishment in the Laws, including its role not only as a deterrent but also as a form of education, in that it publicly shows that a certain conduct is wrong and should not be pursued, see Stalley, 1983, 137–150, and 1995, 469–487.

4 Epilogue

The aim of this study has been to analyse how Plato, in the preludes of the *Laws*, engages with the earlier poetic tradition, that is, how he appropriates poetic expressions and motifs in order to convey the correct principles that lie at the base of the new legislation of Magnesia.

The epilogue is divided into three parts: firstly, the main findings of the study are restated (section 4.1); secondly, the persuasive techniques employed by the Athenian are discussed in light of these findings as well as the dichotomy between rational and irrational persuasion (section 4.2); and thirdly, the poetic style of the preludes is connected with the Athenian's claim that the πολιτεία of Magnesia represents "the truest tragedy (section 4.3).

4.1 Praise and blame, jussive paraenesis, and myth as poetic rationale

The study has shown that the preludes are conspicuously lacking in strictly logical argumentation (with the important exception of P10 on impiety). They do not persuade by means of rational argumentation based on the elenctic method. Instead, the Athenian aims to provoke an emotional surrender to the law. This, however, does not imply that the type of persuasion offered by the preludes should be considered as a secondary kind of persuasion. As mentioned in sections 1.1.2 and 1.2.2, the Athenian, through the preludes, targets especially new and young citizens of Magnesia and is therefore obliged to start their education from the very first steps. The general aim of the legislator is to shape virtuous citizens, that is, citizens who will spontaneously adopt a virtuous behaviour and thus obey the laws already established; a logical type of persuasion would not be able to perform such a function. Instead, the Athenian leans on the earlier poetic tradition in order to enclose his own, new principles in a poetic vocabulary and in a mode of speaking that was recognised and perceived as morally influential.

The preludes have been categorised in three main groups based on their different persuasive techniques. In the first group ("Praise and Blame"; cf. section 3.1), four preludes have been included (P1a-b, P2, P4, P19a). These preludes appear to respond to the Athenian's idea of sketching for Magnesia a

type of "good" poetry that is able to foster virtue in the citizens, especially in those areas of the private life where the law itself cannot issue orders (630c2-4, 631b–d). By employing a language that fits his own principles, the Athenian elaborates on the poetic song of praise and turns it into a tool for the moulding of a model citizen, a civic hero who is able, through temperance and courage, to withstand not only the envy of his fellow citizens, but also the desires that are inappropriate to the character of a well-raised citizen of Magnesia.

The second group ("Jussive Paraenesis"; cf. section 3.2) gathers preludes that are more strictly linked to the appropriate behaviour to be held, e.g. in the domains of trade (P12), trials (P17), and foreign relations (P20). Unsurprisingly, all the preludes in this group — with the exception of P4 on the acceptance of the land lot (book 5) — occur in the last four books of the *Laws* (9–12), since it is only at the end of the dialogue that the Athenian commits himself to the establishment of the actual laws. The previous books are devoted to considerations on the meaning of the legislation and on the theoretical preliminaries regarding the good functioning of the city, including choral practices (especially books 1–3). It has been demonstrated how the solemn and tragic language of the preludes, even though at times very prescriptive, aims to influence the deepest beliefs of the citizens, so that, through awareness of the divine consequences of their mischiefs, they will not yield to them.

The preludes in the third group ("Myth as Poetic Rationale"; cf. section 3.3) show how the Athenian, in accordance with what he states regarding the employment of fictive stories in book 2 (664a1–7), employs mythical stories to induce fear in the citizens and persuade them to live in harmony with the civic values promoted in the text (880d–e). For example, in the prelude on temple-robbery (P6) the fictive story of the evil gadfly that flies around looking for destruction is likely meant to arouse a sense of danger in the citizens so that they are able to master their impulses. Similarly, in the prelude on murder (P7) the story of reincarnation in the opposite sex as a punishment for manslaughter serves to induce fright in those who consider such a crime. In fact, as is made explicit in the prelude on sexual matters, what a lawgiver needs, in order to make citizens spontaneously refrain from blameful actions, is a traditional story that is made sacred for the entire city.[670] In other words, once a well-

[670] *Leg*. 838d6–e1: ὅτι καθιερώσας ταύτην τὴν φήμην παρὰ πᾶσι, δούλοις τε καὶ ἐλευθέροις καὶ παισὶ καὶ γυναιξὶ καὶ ὅλῃ τῇ πόλει κατὰ τὰ αὐτά, οὕτω τὸ βεβαιότατον ἀπειργασμένος ἔσται περὶ τοῦτον τὸν νόμον, "if, in the eyes of everyone, slave and free, child and woman, and the city as a whole, he gives divine backing to this traditional belief, then he will have created the firmest possible foundation for his law."

known story is supported by divine authority, it will affect the minds and thus also the behaviour of the citizens (cf. e.g. the Athenian's use of the stories of Thyestes, Oedipus, and Macareus to prevent incest in P5).

In short, it has been shown that poetic references and poetic devices abound in the preludes and that they perform a fundamental function in the education of the young. In the following two sections, the persuasive techniques employed in the preludes (section 4.2) and their connection with the Athenian's claim at 817b4–5 that the πολιτεία is the representation of the "most beautiful and best life" and thus "the truest tragedy" (section 4.3) are further explored in order to place this study within a more general scholarly interpretation of the dialogue.[671]

4.2 The preludes and the education of the young through theatrical performances

Scholarly interest in the preludes has traditionally revolved around the question of whether they make use of rational or irrational persuasion.[672] Laks has probably reached the best compromise, claiming that the preludes can be rational in their content (in that they express how things are or how they, rationally, ought to be) and irrational in their form (since the principle of the law is reduced to a persuasive, mostly rhetorical, discourse).[673] Still, this reading may be both corroborated and nuanced.

Surely, everyone agrees that the preludes have a very rhetorical form. Are they also prescriptive? Definitely not all preludes are prescriptive, only those who warn against behaviours that are most likely to put at risk the fundamental institutions of Magnesia. For instance, failed acceptance of the land-lot (at P3) would jeopardise the maintenance of a well-regulated society, mistreatment of elders (at P7) would endanger the basic idea of obedience and reverence of authority (a cornerstone in Plato's civic project), and fraudulent behaviour in trade (at P11) would threaten both the pact between citizens and, again, the respect for authority. All of these actions are therefore warned against in highly prescriptive terms. In general, however, the preludes appear to be solemn

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[671] Recently the passage has been the object of an increasing interest in relation to the literary interpretation of the *Laws*; cf. Laks, 2010, 218–231, Mouze, 2005, 332–354, and Folch, 2015, 205–215. Folch, examining the use of the mimetic mode and the features of elevated tragic diction at 817a2–e3, concludes that in the passage Plato creates "a microcosm of the tragic genre, a compressed reenactment of tragedy's defining performative mode" (p. 209).

[672] On rational persuasion in the preludes, see especially Bobonich, 1991 and 2002; on irrational persuasion, see Morrow, 1953 and Stalley, 1994; cf. my discussion in section 1.3.3.

[673] Laks, 2000, 285–290, 2005, 71–77, 125, and 2010, 230–231.

exhortations to live life in accordance with a law which is conceived of as true and beneficial for the entire state.

In the introduction (cf. section 1.1.2), the relationship between the Platonic dialogues and theatre was briefly discussed, especially whether the absence of the dialogical exchange between characters in the preludes (a feature of all other Platonic dialogues) might constitute a reason for the Athenian to refer more consistently to the poetic tradition. In the words of the Athenian, the legislators are rivals of the poets in the creation of "the most beautiful drama", a drama that can only be achieved by means of the "true law": ὑμῖν ἀντίτεχνοί τε καὶ ἀνταγωνισταὶ τοῦ καλλίστου δράματος, ὃ δὴ νόμος ἀληθὴς μόνος ἀποτελεῖν πέφυκεν (817b7–8). The Athenian thus defines himself, Cleinias and Megillus as ἀντίτεχνοι, "rivals in art", because, like poets, they are depicting models of behaviour meant to be assimilated by the citizens. Unlike poets, however, the Athenian frames his discussion of such behaviour in the language of law. The idea of divine punishment, frequent in poetry, is conceived of both as a parallel to and as a back-up for the human law of the city. Through the preludes, the Athenian represents models of behaviour that are stable, in contrast to the representations given by the poets, who, because of their own art, might sometimes offer ambiguous models of behaviour (cf. e.g the ambiguity raised by the poets' representation of the "throwing of the armour" in P19b, at 943d5–944c4).

What is more, in the preludes, the Athenian preserves the dramatic mechanism of dialogue by establishing a dialogue with the young citizens. This enables him to exhort them to conform to the right models of action. By directly addressing the young and the ordinary citizens, the Athenian invites them to reply to the exhortations. In other words, the Athenian does not give, in the preludes, one-directional orders, but rather offers exhortations designed to awaken an emotional response from the reader and engage him in the moral issues that lie at the heart of a virtuous life.

In Plato's view, theatrical performances are deemed dangerous because citizens tend to identify themselves with the characters on stage (cf. *Resp*. books 2 and 3, and *Laws* books 2 and 7) and thus assimilate incorrect behaviour.[674] The upshot will be that the citizens are likely to reproduce their tragic failures and consequent falls. In contrast, in the preludes, the Athenian describes the best type of life, including what happens when one diverges from it. This is done in a form of discourse that, on the one hand, draws on the poetic

[674] Cf. *Resp*. 376e–392c, and Halliwell, 2002, 72–97.

tradition, but, on the other hand, is shaped as a conversation, even though imaginary, with the audience which is thus able to make a choice.

4.3 The preludes and the truest tragedy

In this third part of the epilogue, the poetic diction of the preludes will be related to the famous claim made by the Athenian in book 7 that the πολιτεία of Magnesia represents "the truest tragedy", τραγῳδίαν τὴν ἀληθεστάτην (817b5).

For reasons of clarity, the claim is quoted within its context:

> Ὦ ἄριστοι," φάναι, "τῶν ξένων, ἡμεῖς ἐσμὲν τραγῳδίας αὐτοὶ ποιηταὶ κατὰ δύναμιν ὅτι καλλίστης ἅμα καὶ ἀρίστης· πᾶσα οὖν ἡμῖν ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου, ὃ δή φαμεν ἡμεῖς γε ὄντως εἶναι τραγῳδίαν τὴν ἀληθεστάτην. ποιηταὶ μὲν οὖν ὑμεῖς, ποιηταὶ δὲ καὶ ἡμεῖς ἐσμὲν τῶν αὐτῶν, ὑμῖν ἀντίτεχνοί τε καὶ ἀνταγωνισταὶ τοῦ καλλίστου δράματος, ὃ δὴ νόμος ἀληθὴς μόνος ἀποτελεῖν πέφυκεν, ὡς ἡ παρ' ἡμῶν ἐστιν ἐλπίς" (817b1–c1).
>
> We would say: "you excellent among strangers, we are ourselves poets of a tragedy, which, as far as it is in our power, is the fairest and the best one; our entire constitution consists of a representation of the fairest and best life, which truly is the truest tragedy. You are poets yourselves, but we too are poets of the same matters, rivals in skills and adversaries in the most beautiful drama, which only true law can bring to completion; as this is our hope.[675]

The Athenian here juxtaposes with the poets himself, Cleinias, and Megillus, calling the three of them "poets of the fairest and best tragedy." Since he claims to be practising the same genre as the tragic poets, it is useful to briefly sketch the nature, significance, and role of tragedy in the Athenian polis of the fourth century BC. As shown by Halliwell, ancient Greek tragedy is to be conceived of as a "medium of a whole view of the world."[676] Tragedies were performed during public religious festivals in Athens and drew visitors from all around the Greek world; tragedy served, that is, as a vehicle of values for the entire community, and never as mere entertainment.[677] As noted by Halliwell, by inciting the audience to grieve or mourn over certain values, tragedy was

[675] Translation is mine.

[676] Halliwell, 2002, 98.

[677] See Pickard-Cambridge, 1988, and Sauvé Meyer, 2011, 389–390.

considered guilty, by philosophy, of instructing people on what is worth having or preserving in life.[678]

A detour via Plato's definition of tragedy in the *Republic* and Aristotle's definition in the *Poetics* will make the picture clearer. In *Republic* book III, tragedy and comedy are defined as "that sort of poetry and storytelling that employs only imitation" (394b9–c2), and in book 10, Socrates claims that the tragedians (with Homer as their leader) are expected to know "everything relevant to human virtue and vice and even all about divine matters" (598d7-2e).[679] From this perspective, the ethical and psychological objections raised against tragedy (and the "tragic" Homeric epics) stem from the ability of tragic authors to make people abandon themselves to the sufferance and lamentations of the tragic hero, as though they felt the same emotions. The upshot of this uncritical absorption of emotions is that the spectator assimilates in his own persona the evaluation of life represented on stage, and thus embraces a wrong (from Plato's philosophical standpoint) world view (605c–606d).

Moreover, the problem is that tragedy deals with the "most serious matter", as emerges from Aristotle's definition of tragedy in the *Poetics*: ἔστιν οὖν τραγῳδία μίμησις **πράξεως σπουδαίας** καὶ τελείας μέγεθος ἐχούσης, "tragedy is the imitation of a **serious action** which is completed and has a certain magnitude" (1449b24–25).[680] As noted by Laks, such a definition is close to the Athenian's description of the πολιτεία at 817b: according to Aristotle, tragedy is "the representation of a serious action" (and a representation of "life" later at 1450a15); according to the Athenian, the πολιτεία of Magnesia corresponds to the "representation of the fairest and best life", and this representation of the fairest life is the "truest tragedy".[681] It should be kept in mind that πολιτεία does not simply refer to a political and legal system, but

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[678] Halliwell, 2002, 106.

[679] *Resp*. 3.394b9–c2: ὅτι τῆς ποιήσεώς τε καὶ μυθολογίας ἡ μὲν διὰ μιμήσεως ὅλη ἐστίν, ὥσπερ σὺ λέγεις, τραγῳδία τε καὶ κωμῳδία. *Resp.* 10.598d7–e2: Οὐκοῦν, ἦν δ' ἐγώ, μετὰ τοῦτο ἐπισκεπτέον τήν τε τραγῳδίαν καὶ τὸν ἡγεμόνα αὐτῆς Ὅμηρον, ἐπειδή τινων ἀκούομεν ὅτι οὗτοι πάσας μὲν τέχνας ἐπίστανται, πάντα δὲ τὰ ἀνθρώπεια τὰ πρὸς ἀρετὴν καὶ κακίαν, καὶ τά γε θεῖα. Tragedy is also concerned with the representation of the hero (605c10-d1), a feature shared with Homer (who is therefore considered the "most poetic and first of the tragedians" at 607a1); cf. Arist. *Poet*. 1448a10-18.

[680] Plato's and Aristotle's views on tragedy are usually compared in order to pinpoint their differences. For an analysis which focuses instead on their philosophical similarities, see Halliwell, 1984, 49–71.

[681] We concur with Mouze, 2005, 334 n.188, that the relative pronoun ὅ at b4 designates the entire expression "representation of the fairest life" as "the truest tragedy."

implies also the way citizens live their lives.[682] A second point of contact, noted by Mouze, is that Aristotle talks about a "completed action". The idea of completion is present in our passage when the Athenian explains that it is "the true law that, by nature, brings the most beautiful drama to its completion", τοῦ καλλίστου δράματος, ὃ δὴ νόμος ἀληθὴς μόνος ἀποτελεῖν πέφυκεν (817c1).[683] The true law is thus required for the action to be completed.[684]

To sum up, tragedy brings on stage nothing less than life itself and the values to which one's own life should be devoted. From this perspective, the problem for Plato is that the new literary genre of the preludes must offer an alternative to the system of values proposed by tragedies. The Athenian, by representing in his constitution "the fairest life", aims to overcome traditional tragedy.[685] The constitution represents "the fairest life" not because it promotes the philosophical life, as proposed by Halliwell, but because it promotes the life of an ordinary civic hero (and his law-based actions).[686]

As soon as Plato's mimetic representation is recognised as a tool used to shape and modify patterns of behavior, one may appreciate how the Athenian's πολιτεία, through the detailed regulation of performance, especially in the preludes, shapes "the finest and best life."[687] As noted by Socrates in the *Republic*, tragedy often conveys wrong beliefs about the most important matters: poets do not relate justice with happiness, so they sing about prosperous unjust people and just people reduced to misery (*Resp*. 392a12–b6). This is at the heart of the worldview with which the Athenian negotiates and which he aims to transform.[688]

As mentioned earlier, tragedy instills implicit values in the audience by eliciting specific emotional reactions. By means of the preludes, the Athenian

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[682] Cf. Laks, 2010, 218.

[683] Laks, 2010, 223–224, and Mouze, 2005, 345–351.

[684] On the preludes as an ideal and on the necessity taking into consideration the deficiencies of human nature in the promulgation of laws, see Annas, 2000, 98. On the political project of the *Laws* as a "legislative utopia", where laws are required because "the transformation of the legislation into philosophy is out of reach of common humanity, if not of humanity as such", see Laks, 2001, 113.

[685] On Plato re-writing Euripides' *Antiopes* in the *Gorgias*, see Tulli, 2007, 72–77.

[686] Halliwell, 1984, 58 and 1996, 338–339. As rightly pointed out by Laks, 2010, 218 and Sauvé-Meyer, 2011, 388, it is the legislator, not the philosopher, who is competing for the title of tragedian; and it is the πολιτεία, the body of legislation advised for Magnesia that is classified as a tragedy; cf. also Mouze, 2005, 332–333.

[687] On life in Magnesia orchestrated as a performance see Prauscello, 2014, and Folch, 2015.

[688] On the just order that the Athenian tries to establish as an image of the cosmic order, see Mouze, 2005, 344–345.

attempts to educate the young and make them embrace the right impulses. The young are thus required to absorb and internalise the precepts of the preludes; only gradually do they develop the actual virtues (especially moderation) and become aware that the life structured by the laws in Magnesia is a good one.[689] In tragedy, as noted by Halliwell, the chorus tends to make tragic heroes "models" of universal behaviour; in Sophocles' *Oedipus the King*, for instance, the chorus, at the end of the play, infuses the audience with an encompassing pessimism, a feeling of hopelessness regarding their possibilities to be happy in this life:[690]

> Ἰὼ γενεαὶ βροτῶν, / ὡς ὑμᾶς ἴσα καὶ τὸ / μηδὲν ζώσας ἐναριθμῶ. / Τίς γάρ, τίς ἀνὴρ πλέον / τᾶς εὐδαιμονίας φέρειἢ τοσοῦτον ὅσον δοκεῖν / καὶ δόξαντ' ἀποκλῖναι; / Τὸν σόν τοι παράδειγμ' ἔχων, / τὸν σὸν δαίμονα, τὸν σόν, ὦ / τλᾶμον Οἰδιπόδα, βροτῶν / οὐδὲν μακαρίζω (*OT* 1186–95).
>
> Alas, generations of mortals, how mere a shadow I count your life! Where, where is the mortal who attains a happiness which is more than apparent and doomed to fall away to nothing? Your fate warns me — yours, unhappy Oedipus — to call no earthly creature blessed.

This feeling of hopelessness is substituted, in the preludes, by precise indications that illustrate men's cause of unhappiness: according to an all-encompassing principle of justice, the gods will punish only those who commit mischief, and thus only the unjust man will live unhappily. In this sense, the tragic idea of the hero failing to understand the reason of his punishment is "solved" by the Athenian, who instead illustrates how suffering hits only those who disobey the laws. In other words, the Athenian's claim at 817b that the constitution of Magnesia is "the representation of the best life" should be taken literally. Moreover, an interpretation of the claim should take into account the formal tragic style of the preludes; how they engage with the most serious Platonic questions, namely those of virtue and education.

This conclusion would seem to undermine the interpretation proposed by Sauvé Meyer (cf. section 1.1.1), who sees (i) "the proposal at *Laws* VII, 811c8-10, that the dialogue *Laws* is a poetic composition" as "clearly ironic", and (ii) claims that "the Athenian's claim in Book 7 that the *politeia* articulated in the *Laws* is an instance of 'the truest tragedy'" is "similarly ironic, or at any rate

[689] On the development of virtues in Magnesia and the idea of taking ownership of our own obedience, see Annas, 2017, 92–99 and 150–161.

[690] Halliwell, 2002, 115.

deliberately provocative."[691] Even though Sauvé Meyer affirms that "the prelude to a properly formulated statute will be not unlike a chorus' commentary on the actions of a tragic protagonist", she rejects the idea that the Athenian is referring to the *Laws* itself when defining the πολιτεία as tragedy (817b2). On the one hand, Sauvé Meyer affirms that the legislative project of the three legislators offers a detailed script for the lives of the citizens of Magnesia (almost every single milestone of the life of a Magnesian citizen is accompanied by the words of the legislator) and that, "in this respect, the body of legislation is like the script of a theatrical drama." On the other hand, however, Sauvé Meyer also claims that a "choral performer who recited the text of legislation would be imitating not the life of a citizen but the activity of legislation."

Sauvé Meyer's interpretation may be challenged on a number of points: firstly, the preludes do not describe the activity of legislating as such but rather offer useful suggestions and illustrative comments depicting what the legislator considers the best life. By commenting on what is to be praised and what is to be blamed, the preludes give instructions about which actions are to be performed in the city. There is no meta-legislative discussion in the preludes, nor are the preludes commands in the strict sense of the word. Surely, the type of *mimesis* discussed at 7.817b differs from the type of *mimesis* discussed in *Republic* book 3 (392d5-393c9), where Socrates notes that it is a form of "impersonation" or "enactment" (in contrast to *diegesis*, a third person narrative). In *Laws* book 7, however, *mimesis* is used in the sense "representation", more specifically a "narrative of the best life."[692] Secondly, although the *Laws* is one of Plato's least poetic works, Sauvé Meyer's claim that "the *Laws* is avowedly lacking the order and adornment characteristic of music: rhythm, diction, and melody" is unconvincing. Her interpretation of the dialogue in its entirety is based on her reading of the passage at 811d6–e5, where the Athenian defines the speeches of the three protagonists as similar to poetry and designates them as the best παράδειγμα for the young to learn (d6).

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[691] Sauvé Meyer, 2011, 398–399; the subsequent quotes appear on pages 395 and 396.

[692] For the idea of correct representation, see *Resp*. 2.668b6–7: "an imitation is correct … if it completely captures (ἀποτελοῖτο, b7) the proportions and qualities of its model." On the idea of "transitivity" between object-model-representation in the Athenian's conception of the *politeia* as the truest tragedy, see Mouze, 2005, 342–346. Sauvé Meyer, 2011, 396, rightly points out that the first-person criterion of *mimesis* is never evoked in the Laws. For some clarity on these semantic issues, see Laks, 2010, 222, who takes *mimesis* in *Resp*. 3 as "performance or enactment", in *Resp*. 10 as "reproduction" and in *Laws* 7, as "representation".

Here Sauvé Meyer translates the terms χύδην (d3) and ψιλῶς (e3) as synonyms of "plain speech". A careful look at the passage is in order:

> Τοῦ μὴ παντάπασι παραδείγματος ἀπορεῖν. νῦν γὰρ ἀποβλέψας πρὸς τοὺς λόγους οὓς ἐξ ἕω μέχρι δεῦρο δὴ διεληλύθαμεν ἡμεῖς – ὡς μὲν ἐμοὶ φαινόμεθα, οὐκ ἄνευ τινὸς ἐπιπνοίας θεῶν – ἔδοξαν δ' οὖν μοι παντάπασι ποιήσει τινὶ προσομοίως εἰρῆσθαι. καί μοι ἴσως οὐδὲν θαυμαστὸν πάθος ἐπῆλθε, λόγους οἰκείους οἷον ἀθρόους ἐπιβλέψαντι μάλα ἡσθῆναι· τῶν γὰρ δὴ πλείστων λόγων οὓς ἐν ποιήμασιν **ἢ χύδην οὕτως εἰρημένους** μεμάθηκα καὶ ἀκήκοα, πάντων μοι μετριώτατοί γε εἶναι κατεφάνησαν καὶ προσήκοντες τὰ μάλιστα ἀκούειν νέοις (811c6–d5).
>
> We are definitely not lacking a model. Looking back at the discourses we have been carrying out from dawn to now – it seems to me not without a divine inspiration – they appear altogether to be said in a manner similar to poetry. And a feeling not at all surprising has seized me, as I felt pleasure at the familiar discourses all assembled. In fact, of all the many discourses which I have learned and heard, in poetry or said like this in **free-flowing prose,** of all of these, these ones seem to be the most appropriate and the most convenient for the young to hear.[693]

The model mentioned by the Athenian appears to consist of the speeches delivered by the three interlocutors. Such discourses are deemed pleasant to hear (ἡσθῆναι, d2), taken as examples (παράδειγμα, 811c6), and, later in the same passage, the Athenian also claims that teachers should be forced to learn and praise (μανθάνειν καὶ ἐπαινεῖν, e6) them and that the young should be taught about them (τῷ δὴ νομοφύλακί τε καὶ παιδευτῇ παράδειγμα οὐκ ἂν ἔχοιμι, ὡς οἶμαι, τούτου βέλτιον φράζειν ταῦτά τε διδάσκειν παρακελεύεσθαι τοῖσι διδασκάλοις τοὺς παῖδας, 811d7–e1). We concur with Laks that the Athenian is here inviting schoolmasters to read parts of the *Laws* to their students.[694] The idea is rejected by Sauvé-Meyer, who claims instead that the *Laws* lacks "the beauties of rhythm, meter, diction, and melody" necessary to be interpreted as school-material. She interprets the expression οὕτως εἰρημένους **χύδην** (811d3) as "**the plain** speech I'm now using" and refers it specifically to the speeches of the Athenian. However, there seems to be no compelling reason to take χύδην as defining specifically the speeches of the Athenian, especially considering that the discussion is a continuation of what the Athenian said a few lines earlier (at 810e6–811a7) regarding the necessity

[693] Translation is mine.

[694] Laks, 2000, 266. The idea is also promoted by Görgemanns, 1960, and Folch, 2015.

of the young to be made "great listeners" (πολυηκόους) and "very wise" (πολυμαθεῖς) by means of learning by heart "entire poets", ὅλους ποιητὰς ἐκμανθάνοντας (811a1).[695] In other words, it seems more plausible that the Athenian is here (811c6–d5) simply referring to the numerous discourses that one should learn either in poetry or in "free-flowing prose" (χύδην, d3); and, among the latter, the Athenian regards his own discourses as the best model.

The second term translated as "plain speech" by Sauvé Meyer is ψιλῶς (811e3): "The Athenian aptly classifies its diction [scil. the diction of the *Laws*]. as 'plain speech' (*L*. VII, 811e3)—that is, 'written down in the manner of ordinary speech unadorned by rhythm and melody' (*L*. VII, 810b6–7)."[696] However, at this point (811d5–e5) the Athenian is not talking about his own speeches; he is exhorting the guardian of the *Laws* to examine in detail (διέξειμι, 811e2) other speeches, i.e. the poems by poets (ποιητῶν τε ποιήματα, e2), the discourses written in prose (καὶ γεγραμμένα καταλογάδην, e3), and those **in mere speech** and not in written form (ἢ καὶ **ψιλῶς** οὕτως ἄνευ τοῦ γεγράφθαι **λεγόμενα**, e3), in order to see if they are "brothers", that is, if they are analogous to the discourses that he and his interlocutors have carried out since dawn (ἀδελφά που τούτων τῶν λόγων, e4). Thus, it is here argued that ψιλῶς at 811e3 defines the opposition between speeches in oral and written form, not between "plain" and "adorned" speeches.

What is more, ψιλῶς at 811e3 ought not to be linked and explained in relation to the earlier passage at 810b, since the two contexts are clearly different: at 810b4–7 the Athenian discusses doctrines of other poets which, although not put into music (μαθήματα ἄλυρα ποιητῶν, b4–5), are still considered "dangerous" (σφαλερά, b6) for the young and should therefore be examined first by the legislator (810c2–3). At 811e1–5 the Athenian indicates speeches similar to his own, which should therefore be learned and taught to the young (811e5–812a1). From this perspective, ψιλῶς λέγειν (λεγόμενα at 811e3) can simply indicate discourses that are said in abstract, that is, "without alleging proofs" (as is in fact the case for at least some of the speeches in the *Laws*).[697]

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[695] *Leg*. 810e9–811a1: φασι δεῖν οἱ πολλάκις μυρίοι τοὺς ὀρθῶς παιδευομένους τῶν νέων τρέφειν καὶ διακορεῖς ποιεῖν, πολυηκόους τ' ἐν ταῖς ἀναγνώσεσιν ποιοῦντας καὶ πολυμαθεῖς, ὅλους ποιητὰς ἐκμανθάνοντας.

[696] Sauvé Meyer, 2011, 398.

[697] The expression ψιλῶς λέγειν is used only one other time in the Platonic corpus, at *Phdr*. 262c8, where Socrates, in relation to the speech of Lysias and those uttered by himself and Phaedrus, affirms that they have been talking "in abstract, without sufficient examples", ὡς νῦν γε ψιλῶς πως λέγομεν, οὐκ ἔχοντες ἱκανὰ παραδείγματα (262c8–9). The closest parallel to ψιλῶς λέγειν in the *Laws* occurs at 669d6–e1, where the Athenian claims that poets

In short, the alleged employment of "plain speech" by the Athenian is taken by Sauvé Meyer as proof of the non-poetic nature of the dialogue. Thus, bearing in mind the Athenian's recognition of rhythm and melody as primary vehicles of παιδεία (cf. *Leg*. 659a4-660a8, 673a3–5), the main point of the Athenian in the passage, according to Sauvé Meyer, is not that the *Laws* itself should be read to the young, but rather that "its message or content (the *logoi* it contains, 811d2) is what they should hear in the works of the poet."[698] According to Sauvé Meyer, then, it is only the doctrine, the content and not the form of the discourses in the *Laws* that should be taken as a model for all other compositions to be learned. It follows that Sauvé Meyer, since she considers the text deprived of the aesthetic elements of tragedy, interprets the Athenian's conception of tragic at 7.817b–d only in relation to the "core message" of the *Laws* as an account of the best life.

The examination of the preludes carried out in this study has demonstrated that the "aesthetic elements of tragic compositions" are held in high regard by the Athenian. The poetic elements identified in the preludes — their high and solemn style, their adaptation of the language of praise and blame, their re-appropriation of the tragic motif of divine punishment, and their recourse to mythical stories to convey and illustrate moral precepts — suggest that, in the passage at 811c-e, the Athenian is not only referring to the *Laws* as the most appropriate model for other compositions aimed at educating the young, but also claiming that the preludes should be regarded as compositions that, because of their affinity to the poetic tradition, are fit to carry out the educational task traditionally assigned to poetry.[699]

To conclude, in the passage at *Laws* 7.817b–d the law code (especially the preludes) is considered capable of withstanding — and overcoming — the authority of the poetic tradition, because it is in possession of the artistic resources that can replace it: on the one hand, the πολιτεία of Magnesia adapts the aesthetically pleasant features of tragedy as a literary genre, but, on the other hand, it also implements a new ethical content that is in line with the moral values of the legislator. In short, while the analyses have engaged in

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distinguish rhythm (ῥυθμὸν and σχήματα) from "melody" (μέλους) and put "bare speech in verses" (λόγους ψιλοὺς εἰς μέτρα τιθέντες), while also composing "melodies and rhythm without words" (μέλος δ' αὖ καὶ ῥυθμὸν ἄνευ ῥημάτων). However, the Athenian refers here to speeches written in verses which, although not accompanied by melody, still present rhythm. In other words, the speech is ψιλός because it lacks the accompaniment of the μέλος and is thus "plain speech".

[698] Sauvé Meyer, 2011, 398.

[699] For the suggestion that the entire law code of Magnesia is meant to occupy the same status as epic poetry in elite education and sympotic culture, see Folch, 2015, 312–313.

uncovering poetic references and poetic influences in the preludes, further research is needed to uncover the literary strategies employed throughout the dialogue, as well as to explore the implications of these literary choices.

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