Literary and Poetic Performance in Plato's Laws

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Despite Plato’s strong critique of the written word (notably in the *Phaedrus* and *Letter 7*), the importance of writing for Plato is generally underestimated. While some would argue that Plato’s attitude toward writing is in fact ambiguous, the norm is to argue that Plato’s preference is for oral discourse. Yet, Plato’s attitude toward the poets, and thus oral discourse, is no less ambiguous than his attitude toward writing. Indeed, while Plato may be the most famous enemy of poetry, he borrowed a great deal from the poetic/oral tradition and employs “music” prominently in education in the *Republic*. I shall explore the roles Plato gives in the *Laws* to the written word and to poetic performance. I argue that both are indispensable for political and moral salvation in the city of Magnesia. More importantly, I show that the laws themselves are to be versified and performed as songs in order to be as effective as possible. This will explain why both writing and poetic performance are compulsory for the entire citizen body. This thesis has been rarely considered, let alone defended.

At the outset of *Laws* iii (683b), the Athenian Stranger states that his aim is to discover what conditions tend to preserve or destroy a constitution. He begins his analysis with a description of the development of society after a legendary flood. The survivors of the flood were illiterate (ágrammata) and uncivilized mountain dwellers (677b) who lived a simple existence for thousands of years (muriakis muria etê, 677d1; cf 781e-782d and *Timaeus* 23a-b and *Critias* 109d). In fact, the only arts which they possessed were pottery and weaving, which Plato associates with elementary forms of cooking and clothing (679a), any form of metallurgy and the tools associated with it having disappeared (678d-e; 679d). Because of their simplicity (euëtheia), these people were not only good (agathos), but they believed whatever they heard (ëkouon). They lived, however, without sophia (679c).

Plato describes the political system associated with these mountain dwellers, or Cyclopes, as an autocracy (politeia dunasteia, 680b); the inhabitants lived in separate, scattered households ruled by the eldest member of the family (680d-e). Each household lived according to customs (ethê), that is, traditional laws (patrioi nomoi), because writing (grammata) and thus legislators (nomothetai) did not yet exist (680a). At some point in time, several households came together in the foothills, developed agriculture, and surrounded themselves with a stone wall to protect themselves from the wild animals (680e-681a; see also 781e-782d). At first each household lived according to its respective customs (nomoi, 681c1), but eventually representatives were chosen among the households to propose customs (nomima, 681c9) that were in the common interest (eis to koinon, 681d1). Plato calls these representatives “lawgivers” (nomothetai, 681d2) and contends
that this is the origin of legislation (nomothesia, 681c). This strongly suggests the use of writing since it was universally acknowledged in ancient Greece that a formal legal code presupposes writing and Plato was well aware, as we will see below, that writing was around for some time. In this new situation, the former leaders (archai, 681d2) will constitute a sort of aristocracy, or even a kingship (681d). The next stage in this gradual evolution occurs when a number of these societies settled on the plains and built cities (poleis, 681d). This resulted, over time, in the appearance of all forms (panta eide) of political systems (politeiai, 681d). Plato believes that this could only have occurred well after the flood had been forgotten (682b), and he situates the famous seige of Troy and its aftermath in this period which, of course, lasted for sometime (681e-682e; 683a).

Now when Plato refers to the seige of Troy and, in particular, its aftermath, he describes it as if it were historical fact, although he employs the word muthos (682a8). The story originates, of course, with the poets and, with the help of the Muses, "they often hit on how things really happen" (682a). But it is only in the fourth and final stage of his description -- that is, his discussion of the Dorian League -- that he explicitly states that he is now dealing with "historical fact" (hōste ou peri kenon ti zëtësomen [ton auton logon], alla peri gegonos te kai echon alētheian., 683e11-684a1; cf 683a8-b1). One would expect, because legislation and thus writing have been around for some time (aristocracy at the end of the second stage already owes its existence to legislation and thus writing according to Plato's analysis), that written documents on the Trojan war would have been available. He does mention that one of the first discoveries was by Palamedes, who is often associated with the invention of writing (677d). Of course, Plato is well aware that writing existed in Egypt for thousands of years, and, given that he sees the various stages as lasting for vast periods of time, it is not impossible that he believed in the diffusion of writing (cf. Phaedrus 274d). Plato may have thought that writing was initially employed for codifying laws and only later for recording oral tradition. On the other hand, in the Timaeus the Egyptian priest tells Solon that the Greeks, contrary to the Egyptians, are always young (aei paides) because no sooner does their civilization reach a certain point than it is destroyed by natural catastrophes (Timaeus 22b). The Egyptian priest could back up his claim with written records, whereas the Greeks were incapable of this. Indeed, he explicitly associates writing with one of the basic necessities of civilization (Timaeus 23a).

It is only in the fourth and final stage of his analysis of the development of society that Plato proposes as a model for his "second best" (timia deuteros) constitution the same principle of metriotēs, moderation, that he demonstrates to have been behind the success of Sparta, Persia, and Athens at diverse moments of their histories (691c-692a, 694a-b, 698bff). But this principle of metriotēs can only be maintained in the context of a mixed constitution, that is, where there is a judicious balance between the warp and the woof, between the authority of the ruler and the liberty of the subjects: in sum, a combination of what Plato calls the two mother-constitutions of monarchy and democracy, of which Persia and Athens were the best examples (693d-e; see also756e, 759b). Since both the rulers and subjects must see the political metrion as distinct from their personal wishes, the nomoi or laws ("written" well understood) will be the real sovereign of such a state, for they express the conditions of the to koinon, that is, the "common good"7 -- whence Plato's remark that all the citizens will be slaves or servants to the laws (715c-d, cf. Crito 50a-c).
Although Plato considers *nous* as superior to a code of laws (875c), he contends that such knowledge is nonexistent — at least in a pure form — in human nature (875d), whence *nomos* or “written law” as the second best alternative (875d). The *nomothetēs* or legislator thus becomes the real hero in this affair (even when the well-behaved *turannōs* was in power, the legislator was to be his guide, 710c-711a). And since legislation entails writing, it is not surprising that the Athenian Stranger considers the legislator as the writer par excellence (858c). Indeed, the written compositions (*grammata logoi*) of the legislator should be the yardstick for all other compositions, in particular those that purport to give advice on the conduct of life (858e-859a). Of course, the legislator is not a ruler since he abdicates after formulating a general code of laws (although he will remain available for consultation as long as he is alive, 772b). The future administrators of the laws will then work out the details through experience (apo tēs chreias, 772b2). After every detail is thought to have been worked out, the laws must become immutable (*akineta*, 772c5; see also 798b1; 846c7; 890a-891b; 957b4), like the cosmic principle governing the movements of the heavenly bodies (822a). Without writing, therefore, what Plato sees as political salvation, a code of “written laws,” would have been impossible. It is not then surprising that Plato insists that the future citizens of the state must learn to read and to write when they are children (810b). Reading and writing will help them to “memorize” the code of “written laws” (cf. *Protagoras* 325e ff). In sum, they assure that there is no room for “improvisation” (772c; 798a-c). Indeed, Plato insists that the written laws must be set to music — a music that, like the laws themselves, must *never* be changed — and not only sung, but also danced in chorus with the accompaniment of the lyre, which is compulsory for all (812a-e). In other words, the written laws must be poetized and set to music and therefore “performed” in a fashion reminiscent of Homeric oral poetry. It is this aspect in particular which I would now like to develop in the context of the *Laws*..

According to Plato, history and experience demonstrate that improvisation is one of the primary sources of instability — in particular, in musical matters (700a-701a). If musical matters connect with law and education, instability is problematic. Plato informs us that the inspiration behind his “innovation” of setting law to music is Egypt, where political and moral stability are intimately connected with the fact that the Egyptians displayed (*apephē nan* 656d9) in their temples the musical *and* political laws (*nomoi*) to which the citizens had to adhere. Plato clearly wants to follow the Egyptian model (see 657b). He was convinced that there is an intimate connection between the laws of a people *and* the songs that it sings (722d-e; 799e). At *Laws* 800a the Athenian says: “So let’s assume we’ve agreed on the paradox: our songs have turned into ‘nomes’ .... let’s adopt this as our agreed policy, no one shall sing a note, or perform dance-movements, other than those in the canon of public songs, sacred music, and the general body of chorus performances of the young -- any more than he would violate any other ‘nome’ or law.”

Now according to Pseudo-Plutarch musical compositions were originally called *nomoi* because it was not permitted to deviate from the tuning established as canonical for each of them (*De musica* 6.1133b). Although each *nomos* was provided with its own name according to certain standards, one, in particular, the *kitharōidikos*, was actually called *nomos*. Plato, of course, was well aware of this (*Laws* 700b5; 722d6). He is also well aware that music was initially tied to the poetic text and thus the sequence of words and thoughts. The so-called “new music” to which Plato refers
(700a-701b) is liberated from the text and thus, in Plato’s eyes, from its educational function. Plato clearly wants to return to this in the Laws.

There is, however, another correlation that Plato sees between music and law that is important for the present thesis. At Laws 722d6 Plato states that just as the musical nomoi have “preludes” or introductions, so should the “real” nomoi, that is, the administrative laws of state, be preceded by prooimia or preambles. Since Plato is opposed to improvisation in general, when he refers to music, he means that the aim of musical preluding is to prepare both the musician and the audience/hearers for what is to come, that is, the prelude in music prepares the mood. And since Plato clearly believes that the words/context will determine the appropriate rhythm and melody (Laws 802e; see also Republic 3.400a), it is the words/context which will determine the mood. In sum, for Plato the accent is more on preparing the mood rather than on a tentative exploration strictly speaking, for he is well aware of what he hopes to achieve. In conjunction with this, it is interesting to note that the term prooimion can designate either music or words or both whence “prelude” or “preamble” as a fitting translation. Prooimion thus appears to match well with nomos. Moreover, this may explain why the prooimia or preambles are associated with paramuthia or “exhortations.” (Laws 720a1; 773e5; 880a7; 885b1; 923c2; 927c7-8; see also 858d-e). Now if Plato strongly supports preambles this is because he strongly believes that the citizens can be motivated to accept the “rational principles” on which the laws are based. Indeed, Plato believes that “legislation” is a science and that the “non-rational” element in man’s mortal or human nature (thnëtëphusis, 875b) can be tamed. This deserves a closer examination.

According to Plato, in human nature there is a non-rational tendency to seek pleasure and avoid pain at any cost (875b). Consequently, pleasure and pain can mold the heart (and thus our character) like wax (633d). Legislators, in particular, are well aware of this. In fact, Plato contends that “when men investigate legislation, they investigate almost exclusively pleasures and pains as they affect society and the character of the individual” (636d). And in the famous puppet (thauma) analogy which comes shortly after this observation, pleasure and pain are seen as rugged and inflexible iron-like cords that pull us in all directions (644-645b; 803c). However, there is also the “golden cord” of reason (logismos), which Plato identifies with the “common law” (koinos nomos) of the city. Since the “golden cord” is gentle and nonviolent rather than tough and inflexible, it needs assistants or servants (hupëretai) so that “the gold in us may prevail over the other substances.” (645a). These assistants are later identified with the persuasive, enchanting, magical effect of the preambles.

The whole notion of persuasion leads us to return to the notion of education since it is clear that the “rule of law” can only be achieved through moral instruction and the persuasive molding of character (it is only if this fails that physical force enters into the picture). Now according to Plato, the earliest sensations that a child feels are those of pleasure and pain and this is the route by which virtue and vice first enter the soul (653a). It is thus no surprise that Plato considers education (paideia) to involve the implantation of the correct attitude to the feelings of pleasure and pain from infancy, so that, children learn to love what is good and hate what is bad (that is, to love what the nomos commands and to hate what it forbids: 643e; 659d), before reason (logos) has been awakened.
In sum, the training in feelings must come first. But how does Plato propose to do this?

He contends that the best way to inculcate the right attitude to pleasure and pain is through song and dance (653e f), that is, through a choral performance which is a combination of singing and dancing. In fact, at 672d Plato states that “singing and dancing taken together amount to education as a whole.” All young things find it virtually impossible, Plato notes, to keep their bodies still and tongues quiet. However, contrary to other animals, humans can translate this natural restlessness into a sense of order through rhythm and harmony, which he sees as gift of the gods. Song and dance are thus “natural” To be well-educated is to be able to sing and dance well: not only to represent successfully in song and dance what goodness is, but also, and more importantly, to have the correct feelings of pleasure and pain toward what is good and bad (654c-d). Performances by choruses are thus representations of character (mimenata tropo, 665d5). This explains Plato’s concern to regulate poets and musicians. And it is here that he cites the example of Egypt (656d) and asserts that their legendary traditions and political stability are intimately connected with the fact that they initially compiled a list (a “written list”) of the only songs and dances which could be performed and displayed in their temples. Consequently, poets and musicians can only offer for imitation by the young representations of good character and conduct as they are enunciated by nomos or law (659d).

Most of what I have described thus far with respect to education appears in Laws 1 and 2, but it is corroborated in particular in Laws 7, where Plato recommends a program for the education of youth -- a program that relies, first, on the close connection between paideia (education) and paidia (game), and second, on the further connection between games and music (as if by games, he understands song and dance). Rather unsurprisingly, the first step in education occurs when a mother comforts a distressed child by rocking him in her arms and crooning to him (790e; 791b=c). Then, at the age of 3, children begin to fall under public control; they now play games which must be rigorously legislated (796e-798d) with other boys and girls in village sanctuaries, under the watchful eyes of their supervisors (793e). At the age of 6 (794c), the sexes are to be separated and sent to their respective schools and gymnasia for their formal lessons (mathemata, 795d). These lessons are divided into two categories: physical training (including dancing) for the body, and music (or cultural education generally) for the soul. These lessons in dancing and music, according to Plato, ought to be fixed by legislation and, through religious consecration, shielded from innovation (799a).

From the age of 10 to 13, children are to be exposed to grammata (809e). Some translate
grammata as letters (e.g., Taylor) and others as literature (Saunders), but it seems unlikely that Plato would wait until 10 to introduce children to the fundamentals of reading and writing (810b), just as it is clear from the previous passages that it is unlikely that mathêmata, that is, musical education and/or gymnastics, terminate at the age of 10, or then again that Athenians would wait until the children were 16 before exposing them to numbers (817e). After all, he states that the Egyptians, whom he purports to follow closely, devised ways of teaching calculation to children when they were still toddlers (819b). He does say, however, that grammata should not continue beyond the age of 13 (809e sq). But again, it seems unlikely -- indeed, absurd -- to think that the future citizens would be forbidden to read and/or write after this short period. Indeed, it is directly after introducing grammata that Plato discusses, for the first time, the various kinds of written works not set to music, although some are said to be in meter and some not (810b 5-c3). However, he focuses immediately on poetic works composed in meter in general (810e). In conjunction with this, Plato states that there are two contemporary schools of thought with regard to educating the young in the matter of poetry: one school contends that they should listen to “written recitations” (anagnôsesin) of the great poets over and over until they are memorized; the other school argues that only the most outstanding passages should be committed to memory and learned by rote. In both cases, such memorization is what constitutes, according to the two schools of thought, the sine qua non for becoming a sound and sensible citizen (811a). Following this, Plato states that the poets must follow models, and that the most appropriate models (indeed, the mandatory paradigm of a “literary composition” for children in particular and citizens in general of the new state) would be the Laws themselves as they are now being composed/written (811c-e). However, should the guardian of the laws come across something similar to these laws, then it should be committed to “writing” (graphesthai 811e5; see also 858c f). If they are to be committed to writing, it is safe to assume that they are to be learned by rote. In sum, reading and writing appear indispensable to the “memorization” of the code of “written laws.” At the end of this passage (812a), the Athenian Stranger states that this is his position on literature and its teachers.

However, there is much more to this. Immediately after this passage, Plato returns to music and in particular the study of the lyre (812a-813a). The study of the lyre is to be mandatory for all citizens between the age of 13 and 16. Now the child has already had experience in singing and dancing, and he must now learn to accompany his songs and recitations (we must think of the laws here) as well as the movements of dance with the notes of the lyre (the only instrument allowed, or so it seems, in the new state, since it will not prevent one from singing). This period of study will cultivate and increase his knowledge of rhythm and harmony and expand his sensitivity to the charms of artistic song. And Plato is emphatic that the notes of the lyre must be identical in pitch to the words sung (812d). There must be no innovation: only the notes of the composer of the song (the legislator or someone approved by the legislator) must be played (812d). He then returns to the relation between gymnastics and dancing (813b-816c) and states that the correct style of dancing is the style expected from men nurtured under good laws (eunomoi, 815b6). We must remember that singing and dancing, as noted above, go hand in hand. And, of course, the religious dimension associated with the act of singing and dancing is overwhelming (799a-b). As Louis Séchan puts it, dance becomes a form of corporeal prayer in accordance with
which the sentiments of the songs and the music are translated into postures and movements of both the body and the soul permeated with religious feeling.33

Finally, prior to discussing the study of mathematics, Plato turns to comic and tragic compositions. Comedy is completely dismissed since it represents or mimics the ridiculous in words, song and dance (816d-e). Tragedy, on the other hand, is serious34 What is interesting for the case at hand is that Plato characterizes the tragedians as poiêtai, poets, and then states that the current legislators (notably, the Athenian) are themselves tragedians (and thus poets) and that “the entire state has been constructed so as to be a mimēsis (or representation) of the finest and noblest life” (817a-b). This strongly suggests that the entire code of laws is to be set to music, that is, adapted to rhythm and harmony and sung in chorus with the accompaniment of the lyre either collectively or individually.35 In sum, if we consider both the setting and the evidence it is clear that the Athenian Stranger does not only intend songs and dances to embody the spirit of the laws and thus to have ethical content in accord with the laws but also, and more importantly, he intends the laws themselves to be put into verse and performed as songs and dances.

It is equally clear, as we already saw, that Plato is only confident in a “written code of laws.” Indeed, the good man is one who “has given a lifetime of unswerving obedience to the written words of the legislator” (tois tou nomothetou grammmasin, 822e9-823a1), that is, both the written laws and their respective written preambles or exhortations (822e4-5).36 This is reiterated further on when he states that “a city’s writings on legal topics (ta peri tous nomous gegrannmata) should turn out, on being opened, to be the finest and best of all those it has in circulation” (858e; see also 81lb on the lawcode as paradigm). In sum, the “writing” of the legislator in comparison with those of his main competitors receives a status akin to “formhood.”37 It is thus legitimate to conclude that the political and moral salvation of Magnesia is contingent on the collaboration of literacy and poetic performance, although it is obvious that the legislator’s rational insight and experience are behind this formulation. It is not by chance that Apollo is the patron both of music and legislation.38

The fact that Plato thought that the written laws of Magnesia should be performed in a manner reminiscent of the poetic tradition in order to be effective is not without precedence. Aelian (Historical Miscellany 2.39) informs us that “the Cretans ordered the children of free citizens to learn the laws with a musical accompaniment (manthanein ekeleuon tous nomous meta tinos melōdais) so that they should receive pleasure from the music and register the laws in the memory more easily, and if they committed some forbidden act they would not be able to plead ignorance.” For the case at hand, it is of little importance that Aelian (AD170-235) is a later source; what is important is that he is well aware that something analogous to what we find in Plato’s Laws did in fact transpire. This is confirmed somewhat by the first-century BC geographer Strabo (Geography 10.4.18) when he states that a number of Spartan institutions are called “Cretan” among the Lacedaemonians as though they originated in Crete. And among these he includes not only dancing but also the rhythms and paeans “that are sung according to law” (tous kata nomon aidomenous). In a similar manner, the second-century BC historian Polybius tells us in his Histories (4.20-21) that
it is a well-known fact that in Arcadia the boys from their earliest years “are accustomed to sing the hymns and paeans according to law” (aidein ethizontai kata nomous tous humnous kai paianas). In conjunction with this, there is the well-known assertion from the third-century BC biographer Hermippus that “the laws of Charondas were sung (hoi Charõndou ëidonto nomoi) at banquets in Athens.” Strabo, for his part, states that the Mazakenoi also use the laws (nomoi) of Charondas, but choose a nomöidos or “law-chanter” as an exëgëtës or “expounder” of the nomoi. It is thus difficult not to see the affinity between the nomoi (laws) of Charondas and nomoi (songs) of Aleman, both of whom moreover lived around the same period. However, this affinity is not restricted to the fact that their respective nomoi are “orally diffused,” as noted above. In both cases the nomoi are put into verse and performed. It seems that Spartan lawgiver Lycurgus was equally aware of this. Plutarch (Lycurgus 4.2.3) says that the songs which Lycurgus composed were “exhortations to obedience and concord [and] had a great influence on the minds of the listeners.” The songs in question are (or concern), of course, his famous rhetras or “oral laws.”

But the most important example is assuredly that of Solon. According to Plutarch (Solon 3.5 = frag. 17), “some say that he [Solon] endeavored to publish his laws in hexameter verse.” In fact, Plutarch also quotes the first two lines which, unsurprisingly, contain an exhortation to Zeus: “First, let’s pray to King Zeus, son of Cronos, that he grant good luck and glory to these ordinances” (pröta men euchômêstha Dii Kronidëi Basilëi / thesmois toisde tuchên agathên kai kudos opassai). Meanwhile, by committing his laws both to verse and to graphein, Solon would be doubly confident that they would be both memorized and transmitted. Of course, song, dance, and musical accompaniment are all part, as noted above, of the interpretative component of the poem. Plutarch (Solon 8.2) gives us a first description of this in the context of Solon’s famous poem: Salamis. He tells us that Solon first secretly composed the poem for a specific occasion, then committed it to memory, and, finally, disguised himself as a herald and recited his poem in the agora before an audience summoned for the occasion. In sum, he fully performed his elegiac exhortation, and this included, no doubt, not just acting but also dancing. Moreover, we are told that it had its desired affect.

Plato, for his part, presents Solon as both a poet and a writer and, in both instances, a poet and a writer working in the area of legislation. He seems to confirm this at Timaeus 21b, when Critias says that he and his comrades sang Solon’s poems (ta [poiêmata] Solônos polloi tôn paidôn ēsamen) in their youth. In fact, he contends that Solon would have been the greatest poet of all (tôn poiêtôn pantôn eleutheriôtaton, 21c1-2) and remembered as such had he published the Atlantis story in poetic form (tê poiêsei, 21c4), and this would most certainly have been the case had he not been confronted with civil unrest on his return from Egypt, where he “heard” the story. In fact, if Solon’s laws, as those of Plato’s Magnesia, were meant to be performed, then there is no reason to believe that Plato did not intend the Atlantis story to be poetized and thus performed along the same lines as the Homeric epic tradition. Indeed, Plato seems to want it to compete directly with Homer’s great epic. After all, the occasion for the meeting between Socrates and his interlocutors is a poetic competition, albeit not just any competition, but the Great Panathenaia, that is, religious festivals (at Athens!) in honor of Athena that had a long history in connection with the performance of the
Homeric epics, a competition which, according to Diogenes Laerces (I, 57), was apparently codified by Solon himself. But this is another song!

ENDNOTES


2. The accent here is not on the notion of oral discourse across time and great space, but oral discourse as the most effective way of engaging in philosophical discussion and communicating knowledge. For possible interpretations of the Platonic dialogue, see Joanne Waugh “Neither Published Nor Perished: The Dialogues As Speech, Not Text,” in The Third Way: new Directions in Platonic Studies (ed by Francisco Gonzalez), Lanham: Rowman & Littlefield, 1995, 61-77. While no one doubts the great pains that Plato took in writing the dialogues, some argue that in light of his strong critique of writing, the reports we have concerning his “oral teachings” as reflecting his deepest thought about reality must be taken seriously. For a succinct summary of the controversy regarding Plato and the oral tradition, see Richard Kraut “Introduction to the Study of Plato,” in The Cambridge Companion to Plato, Cambridge: Cambridge University Press, 1992, 20-24.

3. Laws 625a we are told that the general discussion is about “constitutions and laws.”

4. It is tempting to see this as the aftermath of the flood which destroyed Atlantis. However, in Critias 111a, we are told that several occurred since the one which destroyed Atlantis. Indeed, for Plato there have always been floods and other natural disasters which periodically destroy humanity (Laws 3. 677a).

5. Further on (682e), Plato employs the verb muthologeō with respect of how the events connected with the return of the Dorians unfolded according to Spartan tradition. This may be just one of several versions connected with oral tradition before they were recorded in writing.

6. For an interesting discussion on Palamedes as the inventor of the alphabeth, see Barry Powell, “Homer and Writing,” in A New Companion to Homer ed. Ian Morris and Barry Powell (Leiden : Brill, 1997), 25-26. In the passage in question: Laws 3.677 d, Plato also mentions a number of other inventors: Daedalus, Orpheus, Marsyas, Olympus and Amphion. For their respective functions and corresponding references, see Timothy Gantz, Early Greek Myth (Baltimore: John
Hopkins University Press, 1993) and Warren D. Anderson, Music and Musicians in Ancient Greece (Ithaca: Cornell University Press, 1994). It is worth noting that most of these “inventors” are associated, albeit not solely (e.g., Daedalus), with music, that is, song (Orpheus and Amphion), dance (Daedalus) and musical instruments (Orpheus, Marsylus, Olympus and Amphion) all of which act like drugs or charms and will be the primary vehicles through which the “written laws” will be learned/conveyed, as we will see below. Plato states that these arts were rediscovered a thousand or two years ago (chilia de aph’ ou gegonen é dis tosauta etê, 677d2).

7. The essence of the best state is contingent on everything being in common en koinōi. The term koinon is employed in this context 5 times in 739c. See also 875a.

8. There seems to be no provision for oral law. Plato is thus following Athenian law practice at the end of the fifth century insofar as the magistrates were forbidden to enforce any law that was not properly enacted (see Robb 1994, 120).

9. In the Statesman, Plato similarly contends that written prescriptions (sugggramma) are inferior to the unhampered expertise (technē) of the “perfect” ruler (297a). Nonetheless, he acknowledges that people are generally unwilling to grant absolute power to any man, for they doubt whether any man possesses either the desire or ability to rule wisely and with complete impartiality (301d). Consequently, the society would endorse a code of “written laws,” if the code were founded on experience and public approval (300b). Such a constitution is also characterized as “second best” (297e).

10. This, of course, is reminiscent of Solon who went abroad while the citizens worked out the provisions of his laws (see Aristotle, Athenian Constitution 11.1). Plato makes a similar point in the Statesman 295b-e.

11. Steiner 1994, 234 contends that the devised nomoi are presented to the supervisors of the laws who can “modify them as they see fit without public debate”. This is certainly contrary to what Plato states. Should even a single detail be altered the entire citizen body must be consulted (772c).

12. Even the spatial organization of Magnesia will be modeled on that of the universe. Indeed, there is every indication that Plato intends his city to be circular. See, in particular, 745b-747b; 778c; 848c-849a. For a synopsis of some recent proposals, see Anissa Castel-Bouchouchi, Platon: Les Lois (Paris: Gallimard, 1997), 244-253.

13. As Kevin Robb, Literacy and Paideia in Ancient Greece (Oxford: Oxford University Press, 1994, 238), correctly notes, the Laws is the first work in which there is a finalized alliance between literacy and paideia. Moreover “the mechanics of instruction involve a direct reliance on the written word and so on a text as the shared medium of instruction of teacher and pupil.” It is not mentioned in the Republic that any class learns letters. In fact, the term grammata is rarely employed in the context of letters (one interesting passage is 368d) and the verb graphein
is employed essentially in the sense of “to paint.”

14. Dances and songs are so important as an instrument of education, that Plato defines the educated man (ho kalós pepaideumenos) as one who has learned to sing and dance well and an uneducated man as one who is achoreutos, that is, untrained in choral performance (654b).

15. Since the entire code of laws must be performed, this entails that even the argument for the existence of the gods in Laws 10, the most beautiful and important preamble of all (887c1), must be put into a suitable form so that it can be memorized and performed. If one considers that Parmenides managed to put something as abstract as a treatise on “Being” in verse (and there is no reason to believe that it wasn’t performed), why not the theology of the Laws?

16. Of course, in the monarchial political systems of the east, and this includes Egypt, public decrees (and thus “public display”) transcribe or rearticulate (indeed assert) the voice of king. Plato, as we saw above, argues that all the citizens must be slaves to the laws (see 715c-d). The laws are not, as in Egypt, at the service of an individual and, in this respect, are closer to the Greek, and in particular, the Athenian tradition.

17. In fact, the first occurrence of nomos in the poetic or musical sense is found in the seventh century poet Alcman when he states: “I know the nomoi of all the birds.” (Alcman frag. 40 Page = Athenaeus 9.374d). Of course, birds have “fixed songs” and this is what enables us to identify them. The laws (nomoi) of Charondas from around the same period were also said to have been sung. I will discuss this in more detail below. Hesiod’s Theogony also has an interesting example for the case at hand: melpointai pantōn te nomous kai ēthea kedra athanatōn kleiausin : “They [the Muses] sing the nomoi and celebrate the joyful ways of all the immortals” 66-67. The Muses thus orally distribute the divine ordinances through song. This may support Jesper Svenbro (Phrasikleia. An Anthropology of Reading in Ancient Greece trans. Janet Lloyd, Ithaca: Cornell University Press, 1993, 109-122) contention that the original meaning of nemein from which nomos is derived, is “to dispense orally” and that the original meaning of nomos is thus “oral dispensation,” that is, “oral dispensation.” Svenbro does not seem aware of Plato’s discussion in the Laws.

18. Bruno Gentili (Poetry and its Public in Ancient Greece, trans. Janet Cole: Baltimore/London: John Hopkins University Press, 1988, 26) appears to miss the positive effect of music for Plato in the Laws. He sees the triumph of the “new music” as closely connected with the definitive establishment of prose writing which, of course, liberated music from the verbal text (30). If such is the case, then this would be another argument in favour of my position that Plato wanted to set the laws to music. Of course, Plato already recognized the problem in the Republic.

19. Like the spirit of raga, as Kurt Sachs notes, there must be a careful balance between freedom and law (The Rise of Music in the Ancient World, New York: Norton, 1943, 191)

20. For a discussion on the Greek terms for preluding in music, see Anderson, 1994, 107-108.
21. As Glenn Morrow (Plato's Cretan City. An Historical Interpretation of the Laws, Princeton: Princeton University Press, 1960, 558) correctly notes, the preambles are "intelligently persuasive; they are persuasion at the high level of rational insight suffused with emotion."

22. This is reiterated at Laws 664e and 789c-d. This is also found in the Timaeus (42a-b; 43a-d; 44a-b) where the same theme is again related to pleasures and pains. The initial state of an child's soul is not unlike the state of the universe before the intervention of the demiurge.

23. The word phuchagôgein was first employed for the magical ritual of summoning the dead -- something Plato appears well aware of for he employs the word in this context at Laws 10. 909b3 in his critique of charlatans. In the Phaedrus, the term is employed in the context of rhetoric: magic and rhetoric (and poetry, for that matter) go hand in hand; they both employ words to beguile the listener's soul. Gorgias who is well aware of this, employs it as his most effective device. For an excellent discussion of this, see Jacqueline de Romilly, Magic and Rhetoric in Ancient Greece, Cambridge Mass: Havard University Press, 1975.

24. Kevin Robb, 1994, 237, appears to think that it is "nonemotive prose" [sic] which will be the guiding light in the Laws. I fail to see how he arrives at this conclusion.

25. Laws 823a: "the real job of the legislator is not only to write his laws, but to blend into them an explanation of what he regards as respectable and of what he does not, and the perfect citizen must be bound by these standards no less than those backed by legal sanctions." These explanations are in fact the preambles.

26. But in the description which follows, Plato confounds the two. This is perhaps not surprising since gymasia is in view of military exercises (814e) and thus it entails the correct motions to represent in military manoeuvres and dances which are also of a choral nature and thus described in choral terms. In fact, Plato's description is one of the most detailed to have come down to us (814d sq).

27. Of course, Plato's point here (as in the Phaedrus and Letter 7) is that this is not learning; one does not learn by simply memorizing (and performing).

28. In both cases Plato includes the preambles to the laws as well as the laws strictly speaking (823c-d).

29. Plato, for his part, explicitly states that he himself has been using a free prose style (811d; and at 811e2 = katalogadē).


31. As Deborah Steiner, The Tyrant's Writ: Myths and Images of Writing in Ancient Greece (Princeton: Princeton University Press, 1994), 194 n.28: "In Apollo's own Hymn, the god's lyre
sets the Muses singing and dancing (188f)" And in conjunction with this, she notes (n.29) that just as “the mythical Amphion uses his lyre to build the walls of Thebes (Od 11.262-265), the nomothetēs in Plato’s Laws designs the city’s laws like the bricklayer its walls (Laws 858b).

32. Of the four brief statements which have come down to us from Damon, Plato’s friend and musical advisor, three of these have to do with musical ethos and its fostering of moral behaviour in society. Moreover, according to Damon (DK 37B10), if the ‘ways’ (tropoi) of the music changed, the nomoi changed too and this homology between politics and music, as Svenbro notes, certainly seems less strange when seen from the point of view of the practices.

33. Louis Séchan, La Danse grecque antique (Paris: E. De Boccard, 1930), 240. It is worth noting that Plato completely endorses the Greek love of festivals (and the leisure associated with it) by his contention that every day of the year was to be a festival (Laws 828b). For Plato, of course, the religious and political component will be fused as will work and play.

34. Tragedy, as Christian Meier notes (The Political Art of Greek Tragedy, Cambridge: Polity Press, 1993, 3), engages the received mythical way of thing and with new rationality. However, the gods were often portrayed as travesties of divine nature, and this is what so offended Plato, as we see in the Republic 2.380a; 381d, 383b. Tragedy is, of course, intensely political, that is, the religious dimension is fused with the political. Plato has no intention of abandoning this. In fact, Plato borrows a great deal from the Athenian tradition, including the tradition whereby the chorus and actors would be taken from the citizen body.

35. Although Warren Anderson (Ethos and Education, Cambridge Mass.: Harvard University Press, 1966, 90 but also 82, 99) maintains that songs are laws for Plato, he contends that Plato never intended any laws actually to be sung. He finds support for his claim in England’s contention that choreia is a “mental process” rather than a “bodily performance.” (90 n.45). I see no valid argument for his contention. I will discuss this in more detail below.

36. The importance of the “written words of the legislator” is stressed again at 823a1; and, more importantly, at 859a; but Plato also notes that the “written laws” of the legislator must be blended with a “written explanation” of what he regards as respectable and what he does not and that the perfect citizen must be bound by these standards (as they are outlined in the preambles) as much as by the legal sanctions: 823a. He thus appears to be referring here to the preambles as preliminaries with an explanation or exhortation.

37. See Laws 957d and note 32 above. Andrea Nightingale (“A Literary Interpretation of Plato’s Laws,” Classical Philology 88 (1993), 289) appears to hold a similar position when she states that Plato’s law code in the Laws “is accorded almost scriptural status.”

38. For Apollo as the patron of music, see Laws 653d-654a; 665a; 673c; of legislation, see Laws 624a; 632d; 634a; 662c; 686a. See also Morrow, 1960, 427.
39. Atheneaus, The Deipnosophists 14. 619b according to whom this was found in the sixth book of Hermippus work on lawgivers (Peri nomothetôn). This has not gone uncontested. For example Michael Gagarin in his Early Greek Law (Berkeley: University of California Press, 1986), 54 n.10.

40. Strabo 12.2.9. Plato also makes a provision for exegetes in his Laws. On their role, see Glenn Morrow, 1960, 419f

41. For the case at hand, it is unimportant whether or not (contra Gagarin) Lycurgus refused to reduce his laws to writing (see Plutarch, Lycurgus 6.2). It is worth noting in passing that Pausanius (3.11.9) says that the Spartans called the agora the choros because it was the place where lads performed dances [sic] in honor of Apollo. Plato, meanwhile, at Laws 817c has the actors set up stage in the agora for choral performances. And at Laws 633c where lads perform dances in honor of Apollo.

42. There is an interesting analogy in Plato’s Phaedo (60b-61b) where Socrates while waiting for his execution, composes poems by adapting Aesop’s stories (among others) to verse (enteinas). Socrates is thus acting as a poëtës or poet (see Banquet 205c). Here as in the passage from Plutarch, the verb enteinq is the equivalent to en metró, “in verse.” For a detailed discussion of this passage in the present context, see Luc Brisson, Plato the Myth Maker, translated, edited, and with an introduction by Gerard Naddaf (Chicago: University of Chicago Press, 1999), 43-47.

43. Ivan M. Linforth, Solon the Athenian (Berkeley: University of California Press, 1919), 12, 151, 214 considers this fragment (18) as one of the two forgeries that must be rejected precisely because since it introduces “a metrical version of the laws.” See also his commentary on fragment 18, p. 214. Michael Gagarin, 1986, 54n.10, concurs with Linforth. He argues that laws in Greece are always in prose form and that “it is hard to imagine any true law, no matter how gracelessly versified, being sung at a party.” Moreover, Gagarin contends (contra Luigi Piccirilli, “‘Nomoi’ cantati e ‘nomoi’ scritti,” Civiltà classica e cristiana 2: 7-14) that any of the evidence assembled for sung nomoi in ancient Greece is too late and thus unreliable. From my own perspective, the evidence seems overwhelming in favour of sung nomoi. If nomoi were meant to be diffused orally, then why could they not be put into verse? For we know how effective poetic performance could be. Even Gagarin and Linforth contend that Solon was first and foremost a poet and a poet who believed in a written code of nomoi as the sine qua non to political salvation. Moreover, even if the evidence is late, the fact remains that several commentators are aware of the existence of this phenomenon.

44. According to Nicole Loraux, putting the laws in heroic verse would assure that the laws, despite their secular origin, would have a religious authority and that there is thus strong evidence that legislation was, at least initially, put into verse to make it more effective. Nicole Loraux, “Solon et la voix de l’écrit,” in Savoirs de l’écriture en Grèce ancienne (ed. by Marcel Detienne), Lille, 1988, 116-17.
45. Bernard Knox, “Books and Readers in the Ancient World,” in *Cambridge History of Classical Literature* I, ed. by P. Easterling and B. Knox (Cambridge: Cambridge University Press 1985), 106 gives us a useful reminder of the conditions of publication of the period: “This episode...is a vivid reminder of the fact that in the archaic age poetry was not a written text to be read but a performance to be watched and heard...[Solon’s performance] is also, with its assumed identity (a herald) and a disguise (the cap of the invalid), a fully dramatic performance.” I owe this observation to Robb, 1994, 133.

46. *Timaeus* 21c-d. Plutarch (*Lives Solon*), for his part, believes that Solon actually heard such a story from the Egyptian priests, but abandoned writing because of his age.


48. The reference is found in Diogenes Laerce I, 57.