

The Analysis of Constitutions in Plato's *Statesman*

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1. The ranking of constitutions

The *Statesman* includes an important discussion of non-ideal constitutions—actual constitutions rather than constitutions set up by an idealized legislator. As part of this discussion, the Eleatic Visitor (the main speaker in the dialogue) ranks constitutions as follows (302e10–303b5):

- I. Constitution in which a political expert (*politikos*) rules;
- II. Lawful monarchy;
- III. Lawful oligarchy;
- IV. Lawful democracy;
- V. Lawless democracy;
- VI. Lawless oligarchy;
- VII. Lawless monarchy (tyranny).

This constitutional ranking in the *Statesman* is arguably the central text for political theorists interested in determining Plato's non-ideal political philosophy and what constitutions he would recommend in less-than-utopian circumstances.¹ But the ranking of constitutions is not well explained in the text, and scholars need to answer three questions to understand it adequately. These questions emerge because we lack a clear criterion by which the full ranking is generated. The first question concerns the general structure of the rankings:

- (1) Why are lawful constitutions superior to lawless constitutions?

The other two questions concern the fine-grained rankings:

- (2) Within lawful constitutions, why are monarchies better than oligarchies and democracies?
- (3) Within lawless constitutions, why are democracies better than oligarchies and tyrannies?

¹ This ranking is especially important insofar as it is not informed by the city-soul analogy of the *Republic* and so we needn't worry about Plato's ethical goals influencing the political views (see Annas, 1981, p. 294–305 for this criticism). I take Plato's views to be expressed primarily by the Eleatic Visitor in the *Statesman*, by the Athenian Visitor in the *Laws*, and by Socrates in the other dialogues considered here. Readers who object should substitute 'Plato' for the relevant character in the dialogue throughout this article. Ultimately I am trying to explain the arguments in the texts, and I take the arguments to be Plato's.

In my view, scholars have not answered all of these questions adequately, though many have made plausible suggestions that can be incorporated into our final analysis.²

This paper provides a framework for understanding how nonideal constitutions are better or worse imitations of the ideal constitution. My suggestion is that the nonideal constitutions imitate the *skill* of the political expert, which includes an epistemic component (their political knowledge) and two teleological components (the benefit to the citizens on the one hand, and the unity of the city on the other). I then show how some constitutions better imitate the political expert's skill across these dimensions, as higher-ranked constitutions are in a better epistemic condition, better benefit the citizens, and better foster unity in the city than lower-ranked constitutions. A major upshot of my reading will be to show that Plato recognizes the value of some nonideal constitutions while making clear how they still fall short of the ideal (cf. Rowe, 2001, especially p. 73).

But in order to justify the claim that more work needs to be done on this passage, we need to consider why the easy answers to those three questions won't work, which will in turn motivate the idea that there's a puzzle here to be solved.

It might be thought that the lawful constitutions are superior to the lawless constitutions because the lawful constitutions use the laws that the political expert laid down for their own constitution (see especially Rowe, 2001, p. 72). On this reading, the laws are established by somebody with political knowledge, and they benefit that city and its citizens. So if another city adopted the same laws, then that city would also have a generally beneficial legal framework even though they would be missing the political expert's real-time judgment of particulars. Thus, the lawful constitutions are generally better than the lawless constitutions because they follow a political expert's laws. After this initial move has been made, the other two questions may be thought to be answered quickly: within this constitutional framework, fewer rulers are better than more rulers, as this arrangement better approximates governance by a single political expert or by a philosopher-ruler. Thus lawful rule-by-few constitutions are better imitations of the ideal than lawful rule-by-many constitutions. As to why lawless democracies are superior to other lawless constitutions, democracies are better because

We may suppose [rule by the many] to be weak in all respects and capable of nothing of any importance either for good or for bad... because under it offices are distributed in small portions among many people.³ (303a4–7)

² Meyer, 2006, p. 378–379 comes closest to answering all of these questions specifically. I aim to build on her suggestions. See also Márquez, 2012, p. 298–300, though he takes the logic of the analysis to be “quite simple”. It is also worth noting that others prefer the translations ‘law-governed’ or ‘law-abiding’, rather than ‘lawful’; I am fine with either translation, but I take ‘lawful’ to entail both that the constitution is law-governed and that the citizens (especially the office-holders) are law-abiding.

³ Translations are by Rowe in Cooper, 1999, with modifications.

Thus, lawless democracies are less bad than lawless tyrannies because lawless democracies are capable of less harm and error. So the ranking is explained.

But I think this explanation is too quick. With respect to the lawful constitutions, why should we think that what a political expert would prescribe for one city would work equally well in another? In the *Laws* especially, Plato is sensitive to a number of particulars that affect legislation. To name a few considerations: how close the city is to the sea and its economic potential to profit from agriculture and natural resources (704d3–705d1); the cultural and ethnic background of the colonists (707e1–708d7); and the size of the population (737e1, 740d4). Aristotle goes into much more detail here than Plato does, but Plato is still sensitive to how legislation and constitutional design that would be beneficial for one city might be damaging for another.

Somebody might reply that the laws in question are those a political expert *would* prescribe for the particular city. On this reading, cities should hire a political expert as a legislative consultant: although the cities know that a political expert won't be able to rule, he can at least give them a lawcode to follow in his absence (see Rowe, 2001, p. 72–73, and 2013, p. 40–43). But one might worry that this isn't very helpful advice if political experts are hard to find

In response, some commentators have argued that the laws that the lawful constitutions are to follow are not hypothetical, idealized lawcodes, but their *actual* lawcodes. Evidence for this reading includes comes from the fact that the Visitor speaks of “laws that have been established from much experience [ἐκ πείρας πολλῆς]” (300b1–2), whereas the laws of a political expert are the product of knowledge—not mere experience. In addition, the Visitor specifies that his prescriptions apply to those people “who establish laws and written rules about anything whatever” (300c1–2), and he says that “any individual whatever or any large collection of people whatever, for whom there are actually written laws established” (300d4–5) are to follow the laws. The Visitor then summarizes the practical upshot of this discussion as follows:

The requirement, then, as it seems, for all constitutions of this sort, if they are going to produce a good imitation of that true constitution of one man ruling with expertise, so far as they can, is that – given that they have their laws – they must never do anything contrary to what is written or to ancestral customs. (300e11–301a4)

Finally, in a later passage, people come together to write down written laws *without knowledge* (301e6–302b3), and it is hard to see how such laws would be the laws that a political expert would prescribe. Thus while it is better for a city to follow the laws a political expert would lay down rather than whatever laws they might happen to have, there is good reason for thinking that the non-ideal constitutions in this part of the dialogue have ordinary laws and not the ideal laws of a political expert.

If the Visitor is talking about the actual laws that cities have, then we need to be able to explain why Plato would claim that it is good for citizens to follow and become habituated to a nonideal set of laws. But it has been argued that nonideal laws will inculcate bad habits in the

citizens, thus harming them with respect to their virtue and happiness.⁴ From that perspective, suddenly a little anarchy and lawlessness doesn't seem so bad. So we need an explanation as to why Plato might have thought that lawfulness *in general* is better than lawlessness, even when the laws are not ideal laws.

Turning now to the fine-grained rankings, things are also more complicated here than they first appear. While it's true that Plato in the *Republic* and *Statesman* seems drawn to the ideal of an enlightened monarchy, noticing this just pushes the question back: why is it better for fewer people to rule than many? If they're all knowledgeable and virtuous, then they should all agree, so there shouldn't be any difference in the quality of rule between constitutions. It may be less efficient to have all the best people attending meetings where only one of them needed to be present, but why would the *quality of rule* be improved by having fewer knowledgeable people rule?⁵ On the other hand, if the rulers are *not* all knowledgeable and virtuous, then there's no guarantee that having fewer rulers will better avoid error. So even if we grant that Plato generally prefers rule-by-few to rule-by-many, we still need to explain why he thinks this. More importantly, though, in the lawful constitutions, the primary function of the office-holders would be to enforce and implement the existing laws, and to issue orders to others on matters relevant to their official duties. The relevant question, then, is why fewer rulers should be any better than many rulers at this task. Regardless of whether the laws of the lawful constitutions are ideal or nonideal, we are still missing an important piece of Plato's political theory that would explain the constitutional ranking.

With respect to the lawless constitutions, similar questions arise: what is it about distributing offices in small portions that makes the constitution less bad? Does Plato think that democracies are less likely to be able to pass harmful decrees? Are democratic office-holders less able to abuse the power of their positions? If these suggestions about power being divided in democracies are on the right track, then how should we square that idea with passages in the *Gorgias* and *Republic* which describe democratic mob dynamics (e.g. *Republic* 492e2–493e1, 564c10–565c4; *Gorgias* 512d8–513c2), or the passage from *Laws* IV that suggests that it is harder to pass beneficial constitutional changes in oligarchies than in democracies because oligarchies have more in-fighting than democracies, which would make lawless oligarchies worse than lawless democracies (710e3–7)? So with respect to the lawless constitutions, even though we have more textual help from Plato, we are still missing an explanation as to the *standard by which* we are to judge that lawless democracies are better than tyrannies, and we are missing an account of *how* the division of offices in democracies makes it weak and thus less bad to live under than the other lawless alternatives. Thus, the reasoning behind the constitutional ranking needs to be made clear.

⁴ This criticism has been recently pressed by Horn, 2021, p. 186: "The imitation of a legal order is good only insofar as the imitating legal order is a *good* one, not insofar it is a *legal* order. Mere legalism is certainly something that Plato rejects" (emphasis original). See also his harsh criticisms on p. 188.

⁵ Consider especially the fact that in the *Laws*, there are 37 Guardians of the Law, who are supposed to be some of the most virtuous and law-abiding people in the city. But why are there 37? That's much smaller than an oligarchic council but a much larger committee than a monarchy—so it can't just be that Plato's view is that it's better to have fewer rulers than many rulers in relatively good circumstances.

2. Imitating the political expert's skill: knowledge, benefit, unity

That the political expert's skill is partly constituted by political knowledge and aims at the benefit of the citizens and the unity of the city is widely recognized, so I shall briefly review the evidence supporting this interpretation, and then use this wider conception of the political expert's skill to explain the constitutional rankings—i.e. the sense in which some constitutions are better or worse imitations of that skill.

The key text for my reading is 293c5–293e6:

It must then be the case, it seems, that of constitutions too the one that is correct in comparison with the rest, and alone a constitution is the one in which the rulers would be found truly possessing expert knowledge, and not merely seeming to do so, whether they rule according to laws or without laws, over willing or unwilling subjects, and whether the rulers are poor or wealthy – there is no principle of correctness according to which any of these must be taken into any account at all.... And whether they purge the city for its benefit by putting some people to death or else by exiling them, or whether again they make it smaller by sending out colonies somewhere like swarms of bees, or build it up by introducing people from somewhere outside and making them citizens – so long as they act to preserve it on the basis of expert knowledge and what is just, making it better than it was so far as they can, this is the constitution which alone we must say is correct, under these conditions and in accordance with criteria of this sort. All the others that we generally say are constitutions we must say are not genuine, and are not really constitutions at all, but imitations of this one; those we say are 'law-abiding' have imitated it for the better, the others for the worse.

Here the criteria for correctness in constitutions are (a) that the constitution is ruled by people with political knowledge, and (b) that this knowledge is directed at what is beneficial for the citizens and the city.⁶

⁶ Benefit is emphasized at a number of points in the dialogue, especially as part of the skill analogy. The Visitor mentions a doctor who does extreme things but "acts for our bodies' good, making them *better* than they were, and so *preserves* what is in their care" (293b7–c1); he then mentions an expert trainer who gives instructions "appropriate to the physical condition of each" making "prescriptions about what will bring physical benefit" (294d12–e2); finally, the Visitor speaks of a steersman or ship-captain who "always watching out for what is to the benefit of the ship and the sailors, preserves his fellow sailors" (296e4–297a1). A final passage is especially illuminating in that it explicitly emphasizes the connection between the correct exercise of skill and the necessary benefit to the object: "And there is no mistake, is there, for wise rulers, whatever they do, provided that they watch for one great thing, that by always distributing to those in the city what is most just, as judged by the intelligent application of their expertise, they are able both to *preserve* them and so far as they can to bring it about that they are *better* than they were?" (297a5–b3). There seems to be an exception to the benefit condition at 296e1 – but the text is especially problematic. Here is how the relevant section could be translated: "But if the person using force is rich, then is that just, or if he is poor, are the things forced then unjust? Or if some should persuade or not persuade, or be rich or poor, or in accordance with what is written down or contrary to it, [version one: reading δὲ ἂν σύμφορα or δὲ ἂν τὰ σύμφορα with Hermann, Stephanus, Ficino, and the OCT] if he does something beneficial, should this be our gold standard of rightness concerning these things about the administration of cities, which the wise and good man will [reading διοικήσει as indicative] administer to the ruled?" This reading is particularly congenial to the connection between a skill (or a subset of skills: *therapeiai*) and the necessary benefit of the object. Alternatively, however, the text may read: "But if the person using force is rich, then is that just, or if he is poor, are the things forced then unjust? Or if some should persuade or not persuade, or be rich or poor, or in accordance with what is written down or contrary to it [version two: reading δὲ ἂν μὴ σύμφορα ἢ σύμφορα with manuscripts BTW] or if he should not benefit or benefit, should this

We are told how the political expert's rule benefits the city and its citizens at 305e8 ff., a passage where the Visitor divides humans into naturally courageous and naturally temperate types, explaining how these psychological differences give rise to a kind of disagreement, described as "a disease which is the most hateful of all for cities" (307d7–8; Kamtekar, 2021). Against this natural tendency towards hostility, the political expert uses his knowledge and power to foster unity in the city, "bringing all of this—both like and unlike—together into one, and so producing some single kind of thing with a single capacity" (308c1–7; Kamtekar & Singpurwalla, 2022, p. 529–536). The political expert brings about unity through two kinds of bond, the divine and the human (309c1–8). The human bond is biological and is forged through properly arranged marriages between the psychological types (310b2–5); the divine bond is forged through law and education, and consists in shared true opinions about what is fine, just and good (309c5–7). Thus although benefit to the citizens is primarily a matter of improving their virtue,⁷ there are also benefits to the city as a whole: the sharing of beliefs about what is fine, just, and good; agreement between citizens; friendship and community—in short, civic unity (311b7–c7).

While there is an important connection between the virtue of the citizens and the overall unity of the city (and thus a way to understand the political expert's skill as having a *single* goal),⁸ it seems plausible that these dimensions could come apart in practice. For example, totalitarian states might achieve a kind of unity at the expense of the citizens' ability to reason virtuously, by forcing them to agree rather than by persuading them. It may be useful, then, to consider the civic and private dimensions of benefit separately: one kind of benefit of skilled rule is the cultivation of individual virtue, and another kind of benefit is the fostering of interpersonal agreement and civic unity.

be our gold standard of rightness concerning these things about the administration of cities: that which the wise and good man would [reading διοικήσει as subjunctive] administer to the ruled?" Such a reading would imply that benefit is incidental to whether something counts as the proper use of the skill. I note this as a possible interpretation, but it seems to me at odds with the clearer analogies which emphasize that skills benefit their objects. If this second reading is correct, it could still be argued that Plato's point is that even if you *happen* to benefit, this is not yet sufficient for ruling well, as somebody might benefit by accident rather than benefit from knowledge (like the poets who say many fine things but without understanding). In that case, what the Visitor would be saying is that those who claim to rule well because they happen to benefit the citizens are still not ruling correctly because they don't have knowledge.

⁷ I say 'primarily' because I think *Laws* 631b–d makes it clear that while virtue is the most important and most divine good (and is arguably responsible for other things being good), Plato is happy to talk about things like health and wealth as secondary or human goods. To be fair, the value of these secondary goods is conditional on the agents *also* having virtue or the goods being well used (thanks to Thomas Slabon for this objection). A full discussion of secondary goods in Platonic political philosophy is beyond of the scope of this paper, but what I can say here is that nonideal political philosophy often requires working with the beliefs of actual people, in which case we needn't worry too much about the paradoxical details of Platonic axiology because what would matter is that people *think* they are being harmed, which is in turn de-stabilizing; alternatively, we could point to the fact that true belief can produce correct use too (though less reliably than knowledge), in which case decent-but-not-fully-virtuous citizens would still be harmed by the deprivation of the human goods. Thus (per Slabon's suggestion) we could *first* consider whether a constitution instils this level of virtue in its citizens, and *then* consider whether it also supplies them with secondary goods.

⁸ Thanks to Melissa Lane for this point.

We therefore have a conception of the political expert's skill that can act as the standard for imitation in nonideal constitutions. Nonideal constitutions should be evaluated along all three dimensions:

- To what extent does the constitution approximate the political expert's knowledge?
- To what extent does the constitution benefit the citizens?
- To what extent does the constitution foster civic unity?

With these criteria in place, we can now apply them to the analysis of constitutions, focusing here on why lawful constitutions—even those with imperfect laws—better meet these criteria than lawless constitutions.

3. Lawful constitutions

The goal of this section is to explain why lawful constitutions better imitate the political expert's skill than lawless constitutions.

As a preliminary, let me highlight what I think is a misleading trend in political theorizing. When we ask whether a constitution or lawcode is *just*, it is easy to infer that any departures from justice are *therefore* unjust and *therefore* harmful. In other words, it is tempting to think of justice and injustice as binary options. But that's not the only way to evaluate constitutions: we could think of constitutions as *better* or *worse*. If that's the question we ask, then we are invited to answer not in terms of a binary, but in terms of a relative position on a continuum.

The binary way of thinking about constitutions is certainly present in Plato. We've already seen that the only correct constitution is the constitution ruled by a political expert (293c5–293e6). There is also a parallel passage in *Laws* IV where what are called 'constitutions' aren't worthy of the name, as they do not manifest a concern for the common good so much as factional interest and unjust subjugation of whole parts of the city (712e10–713a2, 715a8–d6).⁹

But these more provocative passages need to be balanced by the qualified praise that Plato gives to various historical constitutions, especially those of Sparta, Crete, and Solon's Athens. Although *some* constitutions are not worthy of the name, the Athenian Visitor in the *Laws* says that the constitutions of his interlocutors—i.e. Sparta and Crete—are real constitutions (712e9–10). There are plenty of other examples: in the *Crito*, Sparta and Crete are called well-governed (52e5–53a1); in the *Protagoras*, Socrates attributes the superiority of Sparta and Crete to their wisdom, secret philosophizing, and dedication to education (342a6–343b3); in the *Republic*, Homer is chastized for being *unlike* Lycurgus, Solon, and Charondas, all of whom benefitted their cities because of their

⁹ See also Aristotle, *EE* I.5, 1216a23–27: "the majority of politicians do not really deserve the name; they are not politicians in strict truth. The politician is one with the propensity to decide on fine actions for their own sake, but most people take to this kind of life because of money and greed." The difference between the true constitution and the imitations is also well emphasized by El Murr, 2014, p. 223–261.

laws (599b3–e6);¹⁰ in the *Symposium*, Diotima describes Lycurgus’ laws as “saviors of Sparta and virtually all of Greece” (209d4–6); in the *Hippias Major*, Socrates praises Sparta for being law-abiding and prizing virtue most of all (283e2–284b5).¹¹ Elsewhere in the *Laws*, the Athenian Visitor approves of institutions from Crete, Sparta, Egypt, and Solon’s Athens and incorporates their good ideas into the constitution of Magnesia, while also criticizing aspects of their legislation that he thinks could be improved (e.g. 630c1–4, 634d4–635a2, 657a4–b8, 798e4–799b8, 836b4–8).¹² An especially clear example is in *Laws* III where the Spartan constitution is praised for its stability and division of powers (691c1–692c8), and Athens during the Persian wars is used as a case-study of a well-mixed constitution (698a9–699e6).

Plato surely noticed that these constitutions do not meet his more demanding standards of legislation, but this doesn’t prevent him from allowing that those cities got a lot right (cf. Rowe, 2013, p. 47). So I propose we understand Plato’s political thought in a similar way to the Stoic understanding of virtue (Cicero, *De finibus* III.48): nobody is virtuous, but there are degrees of progress towards virtue; the political analogue of this view is that no actual constitution is worthy of the name, but there are degrees of imitation, where some (so-called) constitutions imitate better and others imitate worse (recall *Statesman* 293e5–6). We can thus grant that Plato has demanding standards for a constitution to be called a true constitution while also recognizing that he has ways of evaluating political systems that do not meet these standards.

Most importantly, Plato’s discussion of nonideal constitutions should help us to notice that a constitution that fails to approximate the political expert’s knowledge is not thereby ignorant, and a constitution that fails to be maximally beneficial is not thereby harmful.¹³ This interpretative possibility is clearest in the discussion of private property in the *Laws*, where the Athenian Visitor is explicit that it would be better to have the property arrangement of the *Republic*, but the second-best property arrangements are still conducive to the virtue, happiness, and the unity of the city (*Laws* 739a1–e7, 743c5–6). So Kallipolis and the constitution ruled by the political expert in the *Statesman* are at the high end of the benefit continuum, being the most beneficial constitutions; Magnesia is then further down, insofar as it is less beneficial than Kallipolis; and the lawful constitutions from

¹⁰ Lycurgus was the legendary lawgiver to Sparta, Solon to Athens, and Charondas to Catania in Sicily.

¹¹ More controversial textual evidence includes Pausanias in the *Symposium*, who claims that the laws of Athens and Sparta are superior to other cities in their customs about erotic relations, especially insofar as they promote the cultivation of virtue (182a7–185c3), and the *Minos* (302b). Note also that in the *Hippias Major*, Hippias says that, “an ancestral tradition of the Spartans, Socrates, forbids them to change their laws, or to give their sons any education contrary to established customs” (284b6–7)—an important parallel passage for the advice the Eleatic Visitor gives for non-ideal states in the *Statesman* (300e11–301a4). Irvine, 2020, argues at length for a straightforward reading of Socrates as law-abiding, emphasizing especially Xenophon, *Hellenica*, I.7.15: “He [sc. Socrates] said that he would do nothing at all that was contrary to the law” [οὗτος δ’ οὐκ ἔφη ἀλλ’ ἢ κατὰ νόμον πάντα ποιήσειν], though there is more to be said about Socrates and civil disobedience, especially in Plato, so I take this to be evidence—not question-settling.

¹² That the *Laws* builds on existing constitutional arrangements, especially Solon’s Athens, has been argued for at length by scholars, most thoroughly by Morrow, 1960, but more recently by Annas, 2017.

¹³ This is analogous to the error at *Symposium* 201a8–b5.

the *Statesman* should fall in the next segment after that, being more beneficial than lawless constitutions yet less beneficial than Plato's own proposals.

Let us now return to our main task and apply the three dimensions of the Statesman's skill—political knowledge, benefit to the citizens, and civic unity—to see how those dimensions could be imitated by nonideal constitutions.

a. Political knowledge

Nonideal constitutions will not manifest the particularized, dynamic knowledge of a political expert. But there are two respects in which they imitate the epistemic condition of the political expert: first, they don't change the laws when they lack political knowledge, i.e. they don't change their laws from a condition of ignorance; second, their laws and ancestral customs are the products of the political experience of communities.

Not changing the laws from a condition of ignorance can be considered a kind of Socratic imitation. When rulers realize that they don't have political knowledge about some law and its effects, they don't change the law. This is analogous to Socrates' knowing what he knows and doesn't know, which is described as human wisdom (*Apology* 20d8, 22c9–23c1), even though it would be better to have the kind of divine wisdom the political expert has (Lane, 1998, p. 158–159).¹⁴ In addition, nonideal states do what good skeptics do when they have to act but don't have knowledge: they defer to the ancestral customs and laws, the *nomoi*.¹⁵ While the analogy with Socrates' epistemic condition is imperfect (and in fact a high bar for political communities to attain), what's important is that there is value in a community being humble enough to recognize that they don't know which law is best. If Plato thinks that many political errors happen because politicians think that they know how to improve things when they don't, then it makes sense that Plato would rank the more humble constitutions over the more confident or arrogant constitutions.

We can also consider the extent to which some communities might rise above the level of ignorance while failing to attaining the heights of knowledge. In the *Statesman*, the Eleatic Visitor also speaks of "laws that have been established on the basis of much experience, with some advisers or other having given advice on each subject in an attractive way, and having persuaded the majority to pass them" (300b1–2). Stable true belief formed on the basis of experience is a less reliable epistemic condition than knowledge, but it's certainly better than ignorance, particularly insofar as it preserves memory (*Gorgias* 501a7–b1), and has predictive power (*Theaetetus* 178a5–e6).¹⁶

¹⁴ Lane's reading is widely endorsed, though in conversation she has noted that a more detailed account of imitation is required. See also Rowe, 2013, p. 47.

¹⁵ The importance of ancestral constitutions in the *Statesman* has been argued for at length in Sørensen, 2016, p. 63–99, and 2022, p. 14–22. See especially p. 22: "While a community of non-experts will never be able to rival the statesman's unique capacity for scientific accuracy, its ancestral laws and customs live up to the requirements for expertise in legislation in that they manage to get it right most of the time."

¹⁶ Thanks to Clerk Shaw for this point. Moreover, at *Laws* 653a–c, knowledge and stable true belief are taken to be substantial achievements. See also Sørensen, 2016, p. 63, and 2022, p. 5–6; Márquez, 2012, p. 276–277; Horn, 2021, p.

So while we should worry that laws formed on the basis of experience might not be sufficiently good guides across time and circumstance, following ancestral customs and longstanding laws are plausibly the best bet in the absence of a political expert.

Therefore, if lawful constitutions do not change the laws from ignorance and their laws are the products of shared political experience, then they imitate the epistemic condition of the political expert. Such constitutions fall short of the ideal of ruling with knowledge, but they are better than ruling with ignorance. So, lawful constitutions better imitate the epistemic condition of the best constitution when compared with lawless constitutions.

b. Benefit to the citizens

A political expert's knowledge is directed in large part towards benefitting the citizens. So what are some ways in which lawful constitutions might benefit their citizens and protect them from being harmed?

The first consideration is that legislation protects citizens from self-serving, vicious, and ignorant rulers.¹⁷ At 298a1–300c3, it is the perceived abuse of power that explains how laws and accountability mechanisms arose, and that justifies why those institutions are superior to the lawless alternatives. Similarly, the laws about how particular skills are to be practiced establishes codes of behavior that are generally beneficial even if they are not as beneficial as unbridled skill would be. So laws establish generally beneficial norms and prohibit harms, especially harms committed for the sake of personal gain (298a1–b7). Of course, many existing constitutions (in Plato's time and our own) include laws that do not aim at the general benefit of the citizens. But remember that the lawful regimes are considered in comparison to a constitution where rulers violate the established customs because they are ignorant and vicious. With this contrast in mind, it is reasonable that being bound by established norms is better than lawless profiteering by the rulers, even though some lawful regimes will be more beneficial than others depending on the content of the laws that are being followed (*Laws* 715c2–d6).

While the rule of law protects citizens from abuses of power, there are also a number of ethical benefits that a stable legal framework provides. What these benefits have in common is that they limit and order the souls of the citizens. Having a limit put on otherwise unlimited desires is a benefit noted in the *Philebus*, where Socrates claims that, "it is the goddess herself... who recognises how excess and the overabundance of our wickedness allow for no limit in our pleasures and their fulfillment, and she therefore imposes law and order as a limit on them" (*Philebus* 26b7-10; Duke, forthcoming). Even relatively bad lawcodes straightforwardly prohibit impulses that might otherwise be acted on—murder, theft, and violence being obvious examples—and many laws

183–185, 190–191 (citing *Laws* 653a8, 688b2–4, 968b6–8, and *Republic* 484d6 as parallels); and Kamtekar & Singpurwalla, 2022, p. 534.

¹⁷ See Cherry, 2012, p. 80–86; Trivigno, 2021. Sørensen, 2016, p. 70–81, makes a compelling case that the harms are merely apparent; for a contrast, see Klosko, 2006, p. 204, who claims that laws in the *Statesman* "are not considered in connection with the need to restrain rulers and protect subjects."

encourage citizens to set aside private interest for the common good (*Laws* 874e7–875c3). So either limiting naturally unlimited desires is itself a good, or the substantive limits laws provide are good, or both.

In addition, a number of Platonic texts emphasize a close connection between order and goodness (especially *Gorgias* 504a7–d4, 506d2–507a3). Insofar as a stable system of law provides a mold for ethical development, law is responsible for producing order in souls (*Gorgias* 504d1–3; *Republic* 380c8, esp. 590c7–591a3; Slabon, m.s.). We can fill out this picture by considering the benefits of long-term habituation that stable lawfulness provides. It is well established that law is an important source of habituation for Plato and Aristotle, with Aristotle praising Plato for claiming that people need to be brought up from early childhood to enjoy the right things (*EN* II.3, 1104b10–15). Plato is also hostile to certain kinds of change, rallying especially against innovation and tendencies to prize novelty; moreover, avoiding legal change in education—like they do in Egypt—is very important for habituation to be effective (*Laws* 797d9–798c4; Reid 2021a; Nightingale 1999, Meyer, 2015, p. 284–285). Finally, deference is an important part of virtue for Plato, and deference is trained in part by teaching people to respect the law. In the decline of Athens passage in *Laws* III, the Athenians erred by thinking that they were wise in an increasingly large number of domains, and this in turn led them to ignore legitimate authorities, overturning the hierarchies that they should have recognized (*Laws* 700e5–701c2; Reid 2021b; Meyer 2021; De Nicolay, 2021). Respect and reverence for the law is an important disposition to be cultivated in the citizens and is arguably a mark of progression towards virtue (e.g. *Laws* 715c2–d6, 751c4–d2, 752b9–c8; Annas 2017, especially p. 80–85). The lawfulness to be a valuable trait, the relevant laws will still have to be good enough, but on my reading of the textual evidence this standard might not be as high as many scholars seem to have assumed.

So although it is of course true that better laws better achieve the political and ethical goals that Plato endorses, citizens may nevertheless be benefitted from a stable system of laws—especially by comparison to the lawless alternatives. We should also remember the arguments Socrates makes as the Laws of Athens in the *Crito* about how Athens benefitted Socrates and is owed the respect of a parent (50a6–52d7; Meyer, 2006, p. 378). This analogy is the right one: nobody’s parents were perfect and there are surely things we (and they) wish they would have done differently, but most people are better off with their parents than without them, most parents benefit more than they harm, and even imperfect parents are owed their share of filial piety. So too, I claim, with some nonideal constitutions and ancestral customs: they are imperfect, but they benefit. Lawless constitutions miss out on or achieve less effectively this kind of benefit, and thus they are worse imitations of the political expert’s skill insofar as that skill aims to benefit citizens.

c. *Unity and the stability of the city*

An explicit goal of the political expert’s activities is to weave together the citizens with the human bonds of intermarriage and the divine bonds of shared opinion about what’s fine, just and good.

While it's possible that lawful constitutions produce these human bonds, the main way in which lawful constitutions imitate the political expert's skill is by providing a version of the divine bonds to the citizens. The laws of a political expert would promote the ideal of shared opinions about justice and goodness, but lawful constitutions still act as a basis for agreement between the citizens. This is a clear way in which lawful constitutions are superior to lawless constitutions: in lawless constitutions there is no basis for social unity and nothing that systematically binds the city together; in lawful constitutions, however, there is a basis for public agreement about what's just and good provided by the law, and these standards are recognized by the citizens and office-holders. Once again, a political expert would provide *better* standards than ancestral laws about these matters in various respects, but for the purposes of unity often what is important is not *what* the coordination point is but *that there is* a coordination point (Kamtekar & Singpurwalla, 2022, p. 544). Consider for example a law that gives the public assembly a veto over decrees made by an oligarchic council. It might be that such a law is excessively democratic, but having shared agreement that this is the process for the city will be important in avoiding faction and in providing mechanisms for conflict resolution. So although lawful constitutions will not be as good at forging the divine bonds as a political expert and will likely not hit the mean with respect to a number of issues, nonetheless there is a clear way in which lawful constitutions do imitate the political expert's skill in aiming at and producing unity among the citizens.

Considering this unifying aspect of law also helps us to see how lawful constitutions provide a better basis for stability than lawless constitutions. Just as knowledge is the top epistemic category and true belief from experience a grade lower, so too is social unity a high grade of interpersonal relations and mere stability is a grade lower.¹⁸ Thus insofar as it stabilizes cities, lawfulness provides a lesser version of the social good at which the political expert aims (Márquez, 2012, p. 277–280. Cf. Sørensen, 2022, p. 4 and those he quotes in n11). Even though Plato provides a less detailed analysis of stability than Aristotle does in *Politics V*, the dynamics of political stability are a clear concern in the *Laws* (e.g. 690d1–693c5, 744d3–7) and are alluded to in the *Statesman* (302a3–b3).

So we should think that stability is a good, and that lawful constitutions promote stability better than lawless constitutions. The mention of endurance through time is significant here too. If over the long course of history, certain laws have worked for particular communities and have caused them to remain strong, then there's probably *something* about that set of laws that is working well and that should be deferred to in the absence of a knowledgeable political expert.¹⁹ Thus even if

¹⁸ I say *mere* stability because I assume that cities with civic unity are also stable. What I have in mind is a city that achieves a kind of Rawlsian *modus vivendi*: it does not rise to the level of civic unity, but it is certainly better than *stasis*.

¹⁹ This is a standard move in more conservative political writers like Burke, Oakeshott, and Hayek: laws and conventions are the products of complex social forces that we don't understand but insofar as they withstand the challenges of times, we should be careful in thinking that we can evaluate them and replace them with better alternatives. Their point is not that we *cannot* understand the function of our collective norms, but rather that understanding the many functions our traditions fulfill is *much more difficult* than many people assume and so we should instigate change carefully. Márquez, 2012, p. 290 rightly notes that we shouldn't assimilate Plato to these conservative thinkers, but my point is that Plato could still have acknowledged a part of politics that other thinkers

nonideal lawful constitutions do not produce social unity, they may nonetheless provide social stability.

It is plausible, then, to see the lawful constitutions as imitating the political expert's skill insofar as lawful constitutions are in a better epistemic position than lawless constitutions, better benefit the citizens and protect them from harm, and provide a better basis for social cohesion.

4. The fine-grained rankings

Let us now turn to the Visitor's rankings of constitutions ruled by one, few, and many in their lawful and lawless varieties. Because there is very little textual evidence to go on, any explanation will be speculative. The goal, then, is to provide an account that is consistent with the *Statesman* as a whole and with points made elsewhere in the Platonic corpus.

My contention is that the specific rankings of the non-ideal constitutions are determined primarily by considerations of harm and benefit, similar to those considered in the previous section. In addition, a plausible secondary concern is the likelihood that a political expert will arise and be able to direct the constitution. This raises the interesting possibility that in non-ideal circumstances these two considerations might pull in different directions: a political structure that better protects citizens from being harmed might also make it less likely for a political expert to arise and exercise their skill.

a. The ranking of the lawless constitutions

The key passage for the ranking of non-ideal constitutions is as follows:

Well then, when monarchy is yoked in good written rules, which we call laws, it is best of all six [constitutions]; but if it is without laws, it is difficult and heaviest to live with. And as for the rule of those who are not many, just as few is in the middle between one and a large number, let's suppose it to be middling in both ways; while that of the mass, in its turn, we may suppose to be weak in all respects and capable of nothing of any importance either for good or for bad as judged in relation to the others, because under it offices are distributed in small portions among many people. For this reason, if all the types of constitution are law-abiding, it turns out to be the worst of them, but if all are contrary to law, the best; and if all are uncontrolled, living in a democracy takes the prize, but if they are ordered, life in it is least liveable, and in first place and best by far will be life in the first, except for the seventh.

made central, especially in a culture that generally venerated what is old and was suspicious of what is new. Exactly *why* stable traditions are good is a complex question, as they could be good because (a) they preserve the correct judgment about what ought to be done, (b) because they *in fact* benefit citizens, (c) because the citizens *think* they are being benefitted, or (d) because a stable constitution is a prerequisite to individual flourishing. Thanks to John Proios for getting me to clarify this.

For of all of them, that one we must separate out from the other constitutions, like a god from men. (302e10–303b5)

This passage provides an account of which constitutions are better or worse—or at least which constitutions are more or less liveable.²⁰

The explicit justification for why lawless democracies are superior to lawless oligarchies and lawless monarchies is that democracy is weak and thus its government lacks a capacity for either doing good or evil to the citizens, and that this is a result of dividing offices and distributing them among many people. Here we have an effect described in the first part of the justification (capacity for good or evil) and a cause in the second part (divided offices, held by many different people). Each point requires further analysis as the logic is underexplained.

I think the most plausible explanation of this passage is that Plato is making an assumption about how the scope of a ruler's jurisdiction is related to their ability to direct a part of a citizen's life well or badly. A wider jurisdiction—i.e. a larger number of areas of life in which to give orders—provides greater opportunities to benefit or harm. To take an example from *Republic III*, if the health of the body depends in part on the health of the soul, somebody who has the authority to direct someone's life in matters of bodily health but *not* in matters of character will have their ability to benefit the ruled curtailed (405c7–407a2). A doctor might have authority to prescribe the correct diet, but not to prescribe more far-reaching prescriptions for habit formation and self-discipline. Thus a wise ruler who is given authority over a person's whole way of life from birth to death has enormous potential to shape them holistically so that they have the best chance at living a good life and becoming a good person.²¹

But the flipside of this is that when the rulers are not wise, a wide jurisdiction gives the ruler the ability to *ruin* the person's whole life, directing them badly at every stage, and ruining not just a part of the city but the whole of it. So, making some modest assumptions about the distribution of virtue and political competence among a population, it's plausible that in conditions where there isn't a knowledgeable and virtuous political expert, the best thing to do is to divide up jurisdictions

²⁰ My thanks to Christopher Rowe for emphasizing in discussion the more pessimistic reading of this passage. It is certainly worth clarifying that among non-ideal constitutions that are better or worse, all might be *very bad* in comparison with the ideal. But rankings of bad options are still rankings of better and worse. Again, the parallel to the Stoic position on virtue is fruitful: Cicero is not virtuous, and he is too troubled by mental distress and too ignorant to count as happy, but he's still much better than Phalaris. Note also Aristotle's criticism of Plato here: "For he judged that when all these constitutions are decent (for example, when an oligarchy is good, and also the others), democracy is the worst of them, but that when they are bad, it is the best. But we say that these constitutions are wholly in error, and that it is not correct to speak of one kind of oligarchy as better than another, but as less bad" (*Politics IV.2*, 1289b5–10). So Rowe is in very good company in thinking that Plato shouldn't have called non-ideal constitutions good or decent in any respect—but for Aristotle's criticism to make sense, Aristotle must have understood Plato's analysis of constitutions in the *Statesman* in the way that I understand it.

²¹ For support for the idea that education needs to be holistic and life-long, see e.g. *Republic* 374b6–e3, 395b9–d3, 403d1–404b3, 424c8–426a4, 492a1–e4, and especially *Laws* 807c1–e2. The skill of ruling includes knowing when an intervention is required and knowing when the person is able to work it out for themselves. Totalitarian rule is justified but not entailed by this principle.

so that if a tyrannical person were to come to hold power, then at least they could only affect a relatively small part of the city. A familiar example of this comes from how we run schools and universities now: think about how your schooling would have gone if you had your best teacher for all of your classes; now think about how it would have gone if you had your worst teacher for all of your classes. Knowing that some teachers are good and some are bad, and not knowing in advance which are which, you might think that the best option is have some teachers teach some classes and others others, hoping that the influence of the good teachers will be greater than the influence of bad teachers. (I detested my first teacher of ancient philosophy; my second teacher of ancient philosophy inspired me to make it my career.)

This analysis should thus make clear some of the assumptions in this brief text. In what sense are the offices in democracies “weak”? Because they only have authority over small portions of the citizens’ lives. Why are they “capable of nothing of any importance”? Because Plato thinks that education needs to happen holistically, such that piecemeal interventions are unlikely to be effective.²² Why does it matter not only that the offices themselves are “small” but they are distributed “among many people”? Because when we don’t assume that the rulers are knowledgeable or virtuous, we should expect some people to be better, some worse, and most to be somewhere in between. It is important not just that people don’t get *much* power but that *many people* don’t get much power.

Democracies are the best of the lawless constitutions, then, primarily because they minimize harm to the citizens. Harm is minimized because there is less scope for the rulers to direct citizens’ lives, and if a vicious person does come to hold office, (a) they won’t be able to do much damage with the power they do have, (b) they probably won’t hold their position for very long (many terms of office in Athens were only for a year or shorter), and (c) there will likely be other, better rulers around to give orders and counterbalance the influence the vicious office-holder has.²³ As the number of office-holders is reduced and the scope of their authority is increased, as it is in oligarchies and tyrannies, there is greater capacity for harm (Cherry, 2012, p. 92).

Finally, why is the scope of the ruler’s authority so important when discussing *lawless* constitutions? Because when the law is being ignored, office-holders would rely on their own judgement rather than deferring to the prescriptions of the law. If the relevant prescription is straightforwardly detailed in the lawcode, then it doesn’t matter whether one person or two hundred people tell you to do it. But if nobody is paying any attention to the law, then the source of the directive will be the individual judgment of the office-holder. Thus it matters a great deal what kinds of judgments we should expect from non-ideal rulers and how much authority they have.

²² Note also *Crito* 44bd6–10, where the many are said not to be able to make people wise or foolish, because “they do whatever occurs to them” or “act haphazardly” (ποιοῦσι δὲ τοῦτο ὅτι ἂν τύχωσι). Presumably the thought is that directives need to be consistent—both across time and domains—in order to produce habits. Thanks to John Proios for encouraging me to consider this passage more.

²³ This final point tries to capture the “many-ness” (in the sense of multifariousness, *poikilos*) of democracy from the *Republic*. Thanks to Brennan McDavid for emphasizing the importance of this aspect of Plato’s thought on democracy.

Plato seems to recommend a risk-averse approach in such circumstances. His aim is likely to minimize the harm that bad rulers could do, even if this means missing out on some of the benefits that good rulers could have produced if given more discretion. There is a simple explanation for this risk aversion: Plato thinks that politics is a skill most people don't have. In a city of a thousand people, you'd be lucky if you found fifty experts at checkers let alone experts of politics (292e6–293a1). So, it's more likely that some people will govern very badly than that some people will govern very well, and we should design our constitutions accordingly.

b. *The ranking of the lawful constitutions*

Although I am relatively confident in the account of lawless constitutions, the solution generates a problem for the ranking of lawful constitutions. If the office-holders in a lawful monarchy, a lawful oligarchy, and a lawful democracy are all following the law, then how would the governance differ in *any* of those constitutions? Wouldn't they all just be issuing the same orders—namely, whatever the law prescribes? If the content of the law is the same, then why does it matter how many people order it, and why would it make a difference if one part of the law is enforced by one person and another part by another person, or all at once by the same person?

Because we lack an explicit justification in Plato's text, any explanation will be speculative here too. But we can speculate on the basis of other passages in the Platonic corpus. One interpretative option follows through on the point from the *Republic* that philosophers will be reluctant to rule and would rather be contemplating, seeing rule not "as something fine, but rather as something that has to be done" (540b4–5). The idea is that rule is a necessary activity, but not the most choiceworthy activity.²⁴ A stronger way of putting this point is to say that rule is merely an instrumental rather than an intrinsic good for Plato. Thus, having fewer rulers is more beneficial for the polis because there are fewer people doing onerous things. If you have some experience doing unthrilling administrative tasks, you will perhaps appreciate why an organization is better if fewer people are doing those tasks, and why having many people do those same tasks is decidedly nonideal. While this strategy of explanation is certainly worth considering, it seems to me too at odds with the culture of civic participation that structures the citizens' way of life in the *Laws*: Magnesia is designed to foster widespread political activity, not to minimize it.²⁵ But the *Statesman* is not the *Laws*, and no doubt those who spend more time with the *Republic* than the *Laws* will be drawn to such explanations.

²⁴ Compare Aristotle in *EN* X.7–8 and *Politics* VII.15, though VII.15 states explicitly that only *some* political virtues are merely necessary, while other political virtues are choiceworthy for their own sake (1334a22–34).

²⁵ Emily Hulme has rightly pointed out in conversation that in the *Republic*, the principle of specialization (one person, one job) connects the efficiency of the political organization with the quality of governance. This is also why citizens are not allowed to have any *technē* other than citizenship in the *Laws*. So there is good reason to think Plato does care about political efficiency, but I think comparing the *Republic* with the *Laws* on this point shows that what is important is that regardless of how many people are ruling, ruling should be their sole *technē*. Hulme's explanation would work, however, if Plato assumed that including more people in governance would include more non-specialists or more people who couldn't dedicate adequate time to politics.

In my view, however, the most plausible account of the ranking of lawful constitutions develops the idea that the most beneficial rule is holistic, so that if the lawcode is in general beneficial, its benefit will be best accomplished by a single person who can implement it holistically. Plato's concerns here might be administrative: it's hard to know what other people have ordered; it's hard to coordinate timing; it's hard to know if others have interpreted the law in the same way; it's hard to know which particulars fall under which general principles; and so forth. So maybe Plato is worried about ways to streamline governance, and how sincere law-abiding people might unintentionally cause problems for each other and provide less effective rule for citizens. There is only one small problem with this interpretation: there's little to no explicit textual evidence for it.²⁶ But I said any interpretation of this passage will need to be speculative, and that Plato is deeply invested in consistently structuring the citizens' way of life in the *Republic* and *Laws* is clear. Thus, it makes sense that Plato would worry about how best to structure government to achieve this end.

Another option for understanding the ranking of lawful constitutions would be to introduce another criterion of evaluation which isn't to do with harm or benefit to the citizens. A plausible suggestion is that the lawful constitutions are similarly beneficial, but that lawful monarchies are the best because the constitutional structure is closest to the ideal constitution of rule by a knowledgeable political expert. "Closest to the ideal" is a notoriously difficult notion to make precise (see Valentini, 2012, , p. 662–664; Gaus, 2016, p. 74–80), but here the sense would be the constitution in which there needed to be the smallest number of institutional changes to get from non-ideal to ideal. In a lawful monarchy, all that would need to happen is that the monarch would need to acquire the political *technē*. If this happened, then it would no longer be an imitation of the best constitution, it would just *be* the best constitution (this seems to be suggested by 293c5–e2 and 300d9–e2). But if somebody acquired the political *technē* in an oligarchy, that person would have to teach the political skill to the other oligarchs, or persuade them, or force them to rule in accordance with their knowledge. This would be difficult, and it would be even harder in a democracy because there would be even more people to teach, persuade, or force.²⁷ So, on this reading, lawful constitutions are not judged on the basis of the quality of the rule but on the proximity of the constitution to the ideal constitution—i.e. the likelihood of the nonideal constitution becoming the ideal constitution.

Both explanations are consistent with themes in other parts of the *Statesman*. In particular, in the parable about the source of legislation (298a1–299e5), it seems clear that legislation is introduced as a result of the perceived harms that rulers inflict on the citizens. This is strong motivation for trying to read the analysis of constitutions with concerns about benefit and harm to the citizens in

²⁶ Annas takes the passage about the emergence of law in the *Statesman* to be Plato depicting democracy's "comic bureaucracy" (in her introduction in Annas & Waterfield, 1995, p. xviii). Cherry also suggests that a monarchy "because of its unity of power (303a–b), is best able to secure the defense of the city against enemies both foreign and domestic" (2012, p. 90–91, citing Thucydides 2.65.9).

²⁷ In fact, this might be too quick. In *Laws* IV, the Athenian Visitor suggests that because there is more factional infighting in oligarchies than democracies, it's actually harder to pass legislative changes in oligarchies than democracies (710e3–7).

mind. But scholars have also read that passage as a *criticism* of the rule of law insofar as strict law-abidingness and reverence for the law can stifle inquiry, hinder the pursuit of knowledge, make Socrates' philosophical life difficult (if not impossible) to live, and hamstring the genuine exercise of skill.²⁸ So perhaps Plato is trying to highlight how two political desiderata might pull in different directions: on the one hand, in trying to protect citizens from harm, we might lose out on the development and exercise of skill; on the other hand, in allowing for free philosophical inquiry and the wide discretion of expert governance, we might provide a space where citizens could be harmed by those who would use their power for insidious ends and who throw out the hard-won fruits of experience because they think they know better.

5. Conclusion

The goal of this paper was to explain the basis of the ranking of constitutions in Plato's *Statesman* and in particular to explain why Plato would think lawful constitutions are superior to the lawless constitutions in general. On my reading, what the nonideal constitutions imitate is the political expert's skill, which I characterize as political knowledge directed at the two goals of benefitting citizens and promoting social unity. Lawful constitutions better imitate each aspect of this skill than lawless constitutions insofar as laws can be seen as products of political experience over time. They provide an orderly framework for ethical habituation, protect citizens from harm, and provide a basis for social cohesion. Although the political expert is superior at generating these results in every respect, there is a plausible case to be made about how the same goods are provided to a lesser extent by lawful constitutions. Thus I contend that Plato offers us a framework for thinking about nonideal constitutions where virtuous, knowledgeable rulers are not present, and the central idea in this framework is the importance of lawfulness and adherence to existing legal norms.

While people tend not to read Plato to redouble their confidence in their own political views, some may still balk at my attributing such a purportedly implausible view to Plato, namely that people can be benefitted by following imperfect laws, and that laws that are not the product of political knowledge could be authoritative for the citizens living under them. As a closing remark, I would point out that the position I have sketched is defended in greater detail by contemporary rule of law theorists, a number of conservative political philosophers, and the ancient Chinese Legalists.²⁹

²⁸ I am less inclined than Rowe to read this passage as including a strong ban on inquiry. In particular, Rowe takes *para ta grammata* at 299b5 to ban inquiry "above and beyond the written rules" whereas I read that as banning inquiry *contrary to* the laws (following Sørensen, 2022, p. 8). Rowe is of course right that *para* + acc. can mean "beyond" —this is well attested. But consider the philosopher-rulers in the *Republic*: nothing in their studies is *contrary to* the laws of Kallipolis, but their understanding is *above and beyond* the law in the sense that they grasp the theoretical principles that ground the law. Their inquiry justifies the laws without overturning them. Similarly, part of the purpose of the Nocturnal Council is to give some citizens an understanding of the law that goes *beyond* habit (*Laws* 951b3–4). But this needn't entail that the law of Magnesia are bad or wrong, such that the Nocturnal Council has inquired *contrary to* the laws. For more discussion, see Reid, 2021a, p. 433–440.

²⁹ Thus *pace* Horn, 2021, p. 187–188, I don't find it *a priori* implausible that Plato could have defended a qualified kind of legal positivism.

After living through a tumultuous period of history, Plato could have had a bold vision for how different politics could be, while also being frustrated at how many of the best constitutions in Greece were irreparably damaged or fruitlessly destroyed through lawlessness. Insofar as ideal theory and nonideal theory have different goals,³⁰ it is possible to think both that we are very far from utopia and that the constitutions of many communities are worth preserving.³¹

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³⁰ For readers who might worry that this distinction is anachronistic, see especially *Laws* 875c3–d5 and Aristotle *Politics* IV.1.

³¹ Thanks to Julia Annas, Jerry Gaus, Emily Hulme, Andrew Irvine, Rachana Kamtekar, Melissa Lane, Hendrik Lorenz, Brennan McDavid, Susan Sauvé Meyer, John Proios, Alexander Benzer Reid, Rachel Singpurwalla, Thomas Slabon, Anders Dahl Sørensen, Christopher Turner, and Jiseob Yoon for their comments on earlier versions of this paper. Thanks also to those who participated in the 2023 West Coast Plato Workshop, especially Christopher Rowe, George Rudebusch, Jennifer Wargin, David Merry, Joseph Bjelde, Keith McPartland, and Catherine McKeen for their comments.

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