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Kevin M. Cherry

*University of Richmond*, [kcherry2@richmond.edu](mailto:kcherry2@richmond.edu)Follow this and additional works at: <http://scholarship.richmond.edu/polisci-faculty-publications>Part of the [Ethics and Political Philosophy Commons](#), and the [Political Theory Commons](#)

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## Politics and Philosophy in Aristotle's Critique of Plato's *Laws*

KEVIN M. CHERRY



Whether on matters of politics or physics, Aristotle's criticism of his predecessors is not generally considered a model of charitable interpretation. He seems to prefer, as Christopher Rowe puts it, "polemic over accuracy" (2003, 90). His criticism of the *Laws* is particularly puzzling: It is much shorter than his discussion of the *Republic* and raises primarily technical objections of questionable validity. Indeed, some well-known commentators have concluded the criticisms, as we have them in the *Politics*, were made of an earlier draft of the *Laws* and that Plato, in light of these criticisms, revised the final version.<sup>1</sup> I hope to suggest, however, that these incongruities should lead us to look beyond Aristotle's explicit criticisms to an issue he also omits while discussing the *Republic*, namely, the character of philosophy and its place in political life.

Before turning to examine the *Laws* itself, Aristotle makes a curious remark, often read as stating that Socrates is the principal philosopher of the *Laws*.<sup>2</sup> Discussing the differences between the *Republic* and the *Laws*, Aristotle says that “all the speeches of Socrates [πάντες οἱ τοῦ Σοκράτους λόγοι] are extraordinary; they are sophisticated, original, and searching [τὸ ζητητικόν]. But it is perhaps difficult to do everything finely” (*Politics* 1265a10–13).<sup>3</sup>

By referring to “all” the Socratic speeches, Aristotle is obviously including more than one dialogue, and it is perhaps tempting to assume that he intends to include the *Laws*. Yet Aristotle never states that the Athenian Stranger is Socrates or that Socrates appears in the *Laws*. Indeed, given the context, Aristotle may well be contrasting Socrates and the Athenian. For what he finds most praiseworthy about the Socratic dialogues—their searching, or zetetic, character—seems to be wholly absent from the *Laws*. Sinclair and Saunders thus wonder whether Aristotle’s reference is “an ironic joke, the ponderous lecturing being a poor replacement for the scintillating conversation of Socrates” (in Aristotle 1992, 120).

What Aristotle suggests here is that there is a difference between Socrates and the Athenian, a difference that is as philosophic as it is political.<sup>4</sup> While Aristotle’s explicit account focuses on the political institutions proposed by the Athenian, these criticisms bring us around to the philosophic dispute. That is, we must consider how zetetic the Athenian Stranger is.

## THE MIXED REGIME

Aristotle is quite clear that neither the *Republic* nor the *Laws* offers proper guidance for political life, yet his *Politics* has far more in common with the institutions prescribed by the Athenian Stranger. This should not be surprising, for both emphasize learning from the successes, and more frequently failures, of other cities (e.g., *Laws* 691b–92c, 722b, 892de, 968b; *Politics* V–VI). Unlike Plato’s Socrates, the Athenian claims to have traveled extensively and engaged in the study of existing constitutions recommended by Aristotle at the conclusion of the *Nicomachean Ethics* (1181a10 ff.), and he recommends that the rulers of the city do the same

and incorporate their own experiences into law (639d–e, 772b, 846c, 951bc, 957b).<sup>5</sup>

Perhaps as a result of this shared reliance on political experience, both the Athenian Stranger and Aristotle recommend a mixed, or moderate, regime.<sup>6</sup> There are, however, significant differences in how each understands such a mixture. Given the pious character of the *Laws*, it is unsurprising that the Athenian divinizes the argument for the mixed regime.<sup>7</sup> He ascribes the development of the mixed regime in Sparta to a god (691d–92c, 691d8) and relies on a myth about the age of Kronos to justify the rule of law (713c ff.).<sup>8</sup> A god facilitated the development of a mixed regime in Sparta, allowing her to avoid the evils that befell her fellow cities, and the Athenian suggests that we need only learn from the god's work (692b–c).<sup>9</sup> In the age of Kronos gods cared for human beings, and so we should recognize that in the absence of a god we must subordinate our rulers to laws, the closest thing to the divine we have (714a).

For the Athenian Stranger, the conflict between the various kinds of rule is ultimately irreconcilable.<sup>10</sup> He identifies seven different claims to rule: that of parents over children, the well born over the not well born, the elder over the younger, masters over slaves, the strong over the weak (which elicits an enthusiastic affirmation from the Cretan Clinias, cf. 625b–26c), the prudent over the ignorant (which the Athenian praises), and that of the lucky or, more charitably, the dear to the gods (690a–d). A lawgiver must somehow incorporate them all in order to avoid faction, the great evil in cities (628a–c). In determining what regime would be appropriate for their colony, the Athenian asks his Dorian counterparts whether they live in monarchies, tyrannies, democracies, oligarchies, or tyrannies. They are unable to answer, for they find elements of the different kinds of regimes—save oligarchy—within their own. The Athenian is pleased, commenting that in most cities one part of the city enslaves the others (712c–13a). Therefore, their laws exist to benefit only a part of the city, and the city is divided into factions [στρασιώτης]. Thanks to the intervention of the god, laws in the cities of Clinias and Megillus pursue “what is common to the whole city” (715b), and it is only cities such as these that are worthy of the name “regime” (713a). Indeed, all other cities—democracies, oligarchies, even monarchies—are, effectively, nonregimes [οὐ πολιτείας] (832b10).<sup>11</sup> Aristotle concedes that the

city described by the Athenian Stranger is indeed a polity, or regime [πολιτεία] (1265b26–28).<sup>12</sup>

Aristotle alludes to this discussion in his own division of regimes in Book III of the *Politics*. He initially distinguishes regimes on the basis of whether they pursue the common or private good and the number of rulers, referring to the regime in which the multitude rules for the sake of the common benefit as the one that has “the name common to all regimes” [τὸ κοινὸν ὄνομα πασῶν τῶν πολιτειῶν], that is, polity [πολιτεία] (1279a38–39). This is an odd locution, of course, and has been the subject of much commentary, but in light of the Athenian’s comment it makes perfect sense. The “polity,” as Aristotle’s mixed regime is generally translated, is described by him as the rule of the multitude for the common advantage. Due, however, to the limitations of the multitude—most citizens are incapable of possessing the fullness of virtue—the polity achieves the common advantage only by incorporating the wealthy and virtuous alongside the multitude. Insofar as the polity attempts to secure the genuinely common advantage rather than the advantage of the many poor or few rich it meets the condition the Athenian sets out for being appropriately called a “regime.” It is the regime that is, and should be, called regime. From Aristotle’s perspective, it is the regime that most fully instantiates the character of political communities as communities of free and equal, though different, citizens, who alternate ruling and being ruled.

Aristotle argues for the mixed regime on the basis of opinions about political equality advanced by oligarchs and democrats; ignoring either opinion would be not only destabilizing but also unjust (1280a9 ff., 1301a25 ff.). The virtuous contribute more to the city’s higher, truest, end—that of living well or nobly—and so they have a “greater part” in ruling, but the wealthy and free do make contributions and so should have some, if a lesser, part (1281a2–8). While the Athenian emphasizes the necessity of having checks on people in power and appeasing the many who would not be satisfied with the rule of the virtuous, Aristotle’s case for the mixed regime is at least partially based on the positive contributions made by different groups to the polis (1281a40 ff., 1283a24 ff.; cf. 1309B16–19). By contrast, the Athenian’s inclusion of democratic institutions such as the lot seems to be due only to the “necessity” fostered

by the many's refusal to accept "strict justice" rather than any contribution they make (757de).

Aristotle agrees that reconciling the various claims to rule can be difficult, but he suggests the challenge is less formidable than the Athenian Stranger proposes. Some of the claims belong not in the polis, according to Aristotle, but rather the household, and others, he argues, are solved by nature. Whereas the Athenian suggests that the various claims to rule are "by nature opposed to one another," Aristotle instead asserts that nature helps solve this problem by distinguishing the young from the old (*Laws* 690d2–3; *Politics* 1332b35 ff.). Young citizens, endowed with strength, are well suited for military service, which enables them to acquire the necessary experience of being ruled, as well as some familiarity with the advantageous and just, before they become rulers (1329a2 ff.). Later in life they will serve as priests, for it would be improper for anyone other than citizens to honor the gods (1329a26 ff.). The tensions within the mixed regime are less pronounced for Aristotle than for the Athenian Stranger.<sup>13</sup>

#### THE RULE OF *NOUS* AND THE NOCTURNAL COUNCIL

In order to avoid having one class ruling, the Athenian Stranger insists that the city ought to be ruled by "whatever within us partakes of immortality, giving the name 'law' to the distribution ordained by intelligence" (714a). It is difficult to see how the various offices within the city will reflect intelligence until the Athenian introduces the Nocturnal Council in Books X and XII. The Council comprises many of the most important officials in the city, and its ability to alter the laws (whether explicitly or, more likely, through interpretation) means that its members, in fact, rule.<sup>14</sup> The rule of law may be the closest parallel to the rule of *nous*, but *nous* comes to be in the laws only through the actions of the Nocturnal Council. As the Athenian says, once in place the Council will have the city turned over to it (969b).

To be sure, the presence of philosophy is muted in the *Laws*. The word occurs only twice (857d2, 967c8).<sup>15</sup> That is, at least in part, because the Athenian's interlocutors show little capacity for it. They do, however, show a willingness to accept it in their polis: Clinias accepts transcending

the laws in order to prove the existence of the gods, and the Athenian indicates that “unfamiliar arguments” will be necessary (891d–e)—the very arguments to be studied by the Nocturnal Council (966e). This is not to suggest that all the members of the Council will be philosophers. Rather, it is to highlight the requirement that members of the Council receive an advanced education in order to pursue philosophical questions of a certain kind (818a), even if for practical purposes rather than the love and acquisition of wisdom (968c ff.).<sup>16</sup> Most citizens, by contrast, will accept these teachings almost as if they were slaves, without being able to explain them (966b, 967d–68a).

As in the *Republic*, philosophy thus comes to rule in the city.<sup>17</sup> Both Socrates and the Athenian Stranger claim that rulers must philosophize if politics is to be successful (cf. *Republic* 473d) and that the city's institutions must provide a place for philosophizing. Indeed, from Aristotle's perspective, the Athenian's reliance on philosophy is more problematic than that of Socrates, insofar as the Athenian turns the city over to philosophy without saying so explicitly. Aristotle is skeptical of efforts to deceive the people (1297a7–10).<sup>18</sup> However, I would suggest that Aristotle also finds the content of the Athenian's philosophy more problematic than that of Socrates.

As Catherine Zuckert has shown, the two investigations the Athenian Stranger assigns to the Nocturnal Council are ultimately incompatible (2009, 143–46). The first task described by the Athenian Stranger is to come to understand the nature of virtue: How is it both one and four—that is, how is there “virtue” but also courage, moderation, justice, and prudence (965d)? How does virtue relate to what is beautiful and good (966a)? These inquiries point, of course, to the Socratic investigations recounted in Plato's dialogues, searching for the unchanging ideas. However, the Athenian also insists that the Nocturnal Council investigate the motion of the heavenly bodies on which he based his theology in Book X of the *Laws*. These bodies, as we shall see, are not only in constant motion—and thus not unchanging—but also are, at least in part, in irregular motion. The Athenian's account points in both Socratic and pre-Socratic directions and is ultimately incoherent.<sup>19</sup>

Aristotle would doubt whether either of these inquiries is necessary or useful for statesmen. His criticism of the form or idea of the Good in

the *Nicomachean Ethics* (1096a11 ff.) suggests that a similar knowledge of virtue, or the various forms it takes, might be equally unhelpful in helping us become virtuous. In addition to his own catalog of virtues in the *Nicomachean Ethics*, Aristotle praises Socrates' sparring partner Gorgias for enumerating the variety, rather than investigating the unity, of the virtues (*Politics* 1260a24–28), particularly insofar as virtuous action differs for each kind of person (1259b18 ff.). It is not that virtue is unimportant for political life but rather that making people virtuous might not require philosophic knowledge of the virtues.

The more critical error for Aristotle, I think, is the Athenian's emphasis on cosmology as the basis for political order. It is clear throughout the *Laws* that the Athenian's argument for the existence and providence of the gods is central to his enterprise. While it is Clinias who states that the proof of the gods' existence and providence would be the best and noblest [κάλλιστόν τε καὶ ἄριστον] of the preludes (887c1–2; cf. 726a ff., 907d1–2), the Athenian does not disagree—and given the emphasis on piety throughout the dialogue, it is hard to see how he could. Aristotle, however, suggests that such knowledge might be unnecessary for, if not dangerous to, political life. In his treatment of the intellectual virtues in Book VI of the *Nicomachean Ethics*, he draws a careful yet firm distinction between the virtues of *phronēsis* and *sophia*. The former involves human action, that which can be otherwise, and it takes a variety of forms, including acting for one's own end as well as legislating for a city (1140a1 ff., 1141b23–34). *Sophia*, by contrast, is the most precise kind of knowledge insofar as it is directed at the highest objects (1141a9 ff.) and seems to provide little guidance in the exercise of *phronēsis*, which may be why people with experience often make better choices than those with wisdom. Popular views about the soul, for instance, are sufficient for guiding legislators in their effort to guide citizens to virtue. The prospective legislator must know that humans possess both rational and irrational parts of the soul, in order to employ both parts in leading citizens to virtue (*NE* 1102a18–26). He would not need to know what is argued in the *De Anima*, in which Aristotle denies that the soul is divided or even divisible (411b5 ff.; cf. *NE* 1102a30–31).

Moreover, to base a political community on these arguments about the gods is to place politics on an unstable foundation, for Aristotle

emphasizes that, due to their distance from us, our knowledge of the heavenly bodies is, and must remain, uncertain.<sup>20</sup> The best that we can do is offer arguments that are likely (e.g., *De Caelo* 286a3 ff., 291b24 ff.). The Athenian Stranger also acknowledges this, indicating that his argument will go only so far as human power is capable of knowing these things (966c; cf. *Timaeus* 28c). Despite this, the Athenian proceeds as though the truth about the soul and the gods can be grasped on the basis of arguments that are not particularly difficult or lengthy (821e). By contrast, Aristotle contends that “in every way the soul is one of the most difficult things to get any assurance about” (*De Anima* 402a11–12).<sup>21</sup>

## ORDER AND DISORDER IN NATURE AND POLITICS

The “unstable” foundation of a regime based on cosmology is compounded by the way in which the Athenian’s inquiry into gods and soul reveals the universe to be at least partially disordered. The result of this is not only, as I noted earlier, a belief that the various claims to rule cannot be reconciled; it also implies a conception of nature that places human beings in a world that is at the very least unconcerned with human flourishing, if not survival.<sup>22</sup>

The argument about divine providence that fills most of Book X of the *Laws* is primarily intended to show the existence and priority of soul over body (892a–c). The Athenian discusses several kinds of motion, but these seem to be reducible to two fundamental kinds: motion that is capable of moving others but not itself and motion capable of moving itself as well as others (894b).<sup>23</sup> The latter motion is obviously eldest and strongest, and such a motion must be characteristic of soul (894d–96a). Insofar as this motion must be first, soul must be prior and superior to body (896c). What is surprising is that the Athenian makes soul the cause of all the motions—“good and bad, noble and shameful, just and unjust”—that we see in the universe (896d). It is only when soul is joined with intelligence (*nous*) that it produces what we usually call good, for example, happiness and order, while it produces the opposite when it lacks intelligence (897b).

The Athenian Stranger asserts that insofar as there are souls that possess every virtue, there must be gods, for what else could such souls

be (899b)?<sup>24</sup> The argument continues to show that the gods display care [ἐπιμέλειαν] about human affairs, both great and small, because the gods could not lack any virtue, much less the knowledge necessary to order things (900d). The Athenian himself acknowledges that their argument is not entirely convincing and that some “mythic incantations” [ἐπωδῶν . . . μύθων ἔτι τινῶν] are also necessary to persuade those who doubt the gods (903a–b; cf. 905d). However, while their myths assert that the gods “contrived” the universe so that virtue would triumph over vice, the Athenian compares the gods to doctors fighting disease or farmers faced with crop shortages (905e–6a). Such conflicts arise because heaven is full of both good and bad things, and, indeed, “there are more of the latter.” The result is a universe characterized by “an immortal battle” [μάχη . . . ἀθάνατός] between good and evil (906a–b; cf. *Statesman* 273b–d). The gods may try to care for us, but their success is uncertain. Myths, therefore, are precisely what is necessary to convince the atheists of the second and third, if not the first, truths about the gods—that they care for human beings and cannot be bribed (903a–b).<sup>25</sup> The arguments offered by the Athenian seem to be insufficient for this purpose. Aristotle would not be surprised: The divine beings, or gods, must, according to his arguments, be uninterested in human life.

The philosophic view that the cosmos is characterized by disorderly as well as orderly motion is evident throughout the *Laws*, and it has more significance than being incompatible with the investigation into the being of the various virtues. The Athenian, for instance, claims that “almost all human affairs are matters of chance,” due to the frequency of “accidents of every sort,” such as war, poverty, disease, or bad weather (709a–b).<sup>26</sup> The account of the origins of cities that he provides in Book III is equally suggestive of “many disasters,” such as floods and plagues, that befall and periodically destroy almost all human beings (678e–79a).<sup>27</sup> The Athenian’s account of the universe places human beings in a precarious position.

Rather than beginning from abstract, and problematic, speculations about the gods, Aristotle instead begins, and believes philosophy should begin, with what is familiar to us and proceed from there (*Physics* 184a16–21).<sup>28</sup> Nature for Aristotle is not the product of a divine craftsman (cf. *Laws* 967b), although it is sufficiently analogous that Aristotle frequently speaks of nature itself as a craftsman with respect to the way

that it regularly achieves its ends (e.g., *Physics* 199a12 ff.). Nature is sufficiently consistent that it achieves its ends either always or for the most part (*Physics* 199a1). Like the Athenian, Aristotle recognizes that there is disorder in the universe. Rather than posit a fundamental conflict between order and disorder, however, Aristotle suggests that the whole is, by and large, orderly and thus intelligible.

Both the Athenian Stranger and Aristotle admit three possibilities with respect to motion: Either all things are in motion, all things are at rest, or some things are in motion and some at rest (*Laws* 893bc; *Physics* 253a23 ff., 254a15 ff.). Both accept the last alternative, but Aristotle indicates that this answer is inadequate. We also must learn whether those things in motion are always in motion and those things at rest always at rest, whether all things are capable of being in motion and at rest or whether some things are always in motion, some things are always at rest and others capable of rest as well as motion. Aristotle, of course, opts for the last of these, and what is noteworthy in light of the Athenian's argument is Aristotle's effort to show that, in addition to things always in motion, some things are always at rest (*Physics* 254b3 ff.).

For Aristotle, that which is always at rest is the unmoved, or prime, mover. While the Athenian Stranger highlights soul as the first motion, Aristotle argues instead that the presence of something always in motion is reflective of the fact that there is something that causes motion without itself moving (*Physics* 257a27–32, 258b10–16; cf. *Metaphysics* 1071b3–6).<sup>29</sup> The unmoved mover moves other things not by moving itself but by being an object of desire and thought (*Metaphysics* 1071b20, 1072a26). In contrast to the views of the Athenian, this unmoved mover—which Aristotle identifies as god—is intellect, or thought, that thinks about only that which is “most divine and precious” without changing (1074b26). It contemplates itself and has no providential or creative purpose, nor does it possess the virtues (*NE* 1178b7 ff.).

In addition to arguing that motion depends on something that does not move, Aristotle doubts whether the soul can properly be said to move at all, although it can effect change and thus cause motion in other beings (*De Anima* 408b30 ff.). The highest characteristic of souls, Aristotle suggests, is the capacity to engage in thought (414b16–415a13) and thus achieve a higher level of perfection insofar as it more closely resembles the

activity of the unmoved, and unmoving, mover (*Metaphysics* 1072b14 ff.). It is not humans but those beings which cannot be otherwise than they are, which exist unchanging and by necessity, that are by nature “most honorable” (*NE* 1139b18–24, 1141b3). We exercise our highest capacities to their fullest in coming to know them. The stability of those beings leads to stability throughout the universe.<sup>30</sup>

In Book I of his *Politics* Aristotle begins with what is familiar and obvious to both citizens and philosophers. He emphasizes not abstract cosmological speculations but the orderly and hospitable character of nature we encounter every day. The polis, he famously (though not uncontroversially) asserts, exists by nature (1252b30), and we are by nature political animals (1253a1–3). Indeed, he emphasizes that nature provides human beings with the capacity for reason and speech (*logos*) that makes political communities, to say nothing of human flourishing, possible (1253a14–19; *De Anima* 414a29 ff.). Moreover, according to Aristotle, what human beings need for their survival—such as food—is provided by nature (1256b15–23). Aristotle seems to be suggesting that the regularity of nature, combined with the human ability to deliberate, enables us to make use of what is found in nature for the sake of our self-preservation. And at the end of the day, our ability to know these necessary and everlasting beings through wisdom, the most precise and the most honored kind of knowledge, offers us the potential for the highest happiness (*NE* 1141a17–20, 1179b8 ff.). Having indicated that truths about the soul are difficult, Aristotle, in his defense of the priority of the goods of the soul, refers to his other arguments about happiness (*Politics* 1323a21–23).

## PHILOSOPHY AND POLITICS

For all his disagreement with the Athenian Stranger—and Socrates—about the nature and usefulness of philosophy, Aristotle only intimates such criticisms in his *Politics*. One reason may be that for Aristotle philosophy does serve a purpose in politics, but it is a particular kind of philosophy: political philosophy, the study of what is just, what is equal, in the context of the political (*Politics* 1282b20 ff.). This opens the door to philosophy in the full sense, but it is not philosophy in the full sense. Nor does it need to be,

for its truncated character means that more people can share in conversations about what is just and so share in the regime (1253a14–18). Political philosophy need not be the exclusive preserve of a few.

This kind of philosophy is employed by Aristotle to resolve the conflict between the various claims to rule. Unlike those who would define oligarchs and democrats only on the basis of their wealth or poverty and would thus point, like the Athenian, to an irreconcilable division between them, Aristotle suggests that a more philosophic understanding reveals that these groups are truly distinguished on the basis of their opinions, however partial or incomplete, about justice and equality (1279b11 ff.). Aristotle brings out in his *Politics* the numerous difficulties with trying to eliminate class tensions. A turn to the *doxai*, however, enables Aristotle to reconcile these political partisans by showing each group the partial truth about their opinions as well as the partial truth about their opponents' opinions. An appreciation for the different contributions and claims could easily be reflected in the political institutions of a mixed regime. Such a regime, which I take to be Aristotle's polity, would be more than a Rawlsian *modus vivendi*; it would represent a shared and mutual recognition of the contributions various groups make to the city. Only a philosophic understanding of politics which defines the partisans within the city on the basis of their opinion about justice enables those opinions to be reconciled and ameliorates the conflict between them.

Insofar as Aristotle envisions philosophy playing a role in politics, he is unwilling to criticize explicitly Socrates or the Athenian Stranger for suggesting the same thing. Because he disagrees with the ways in which they employ philosophy in the city, however, he criticizes the institutions on which they rely to bring philosophy into the city and, more subtly, the kind of philosophy that characterizes those institutions. For instance, instead of examining the opinions about the various claims to rule in an attempt to reconcile them, the Athenian turns to divine providence to provide the necessary stability for the regime. The Athenian's arguments for this are, however, exceptionally problematic: By making abstract cosmological speculations that undermine the order of nature, he places human life on shaky ground; by denying that there is anything stable and unchanging, he makes impossible what Aristotle identifies as the highest form of human activity.

From Aristotle's perspective, any sound investigation into the heavenly bodies must be not only humble and tentative—and thus unsuited as a foundation for politics—but also deeply rooted in the study of the natural world around us (e.g., *De Caelo* 268a1, 298b2–3). It is only after investigating the physical world with which we are intimately familiar that we can develop the basic framework—such as teleology—necessary for trying to understand that which is far removed from our experience.<sup>31</sup> The Athenian's arguments proceed without any of this background. They seem, therefore, to be less an attempt at seriously understanding the universe than an attempt to foster adherence to the laws he and his interlocutors have set down. They resemble, in short, “what modern thinkers call ‘ideology,’ that is, the use of philosophically derived concepts and arguments to support a specific political order” (Zuckert 2009, 143). While Socrates and the Athenian both err by making politics dependent on philosophy, Socratic philosophizing alone retains its zetetic character and is thus worthy of praise.

## NOTES

1. See, e.g., Morrow 1960.

2. Thomas Pangle claims “Aristotle (*Politics* 1265a12) identifies him as Socrates” (in Plato 1988, 511). Like Pangle, Leo Strauss suggests that the Athenian Stranger represents Socrates having fled his prison in Athens (1975, 2). Others suggest that the Athenian Stranger represents Plato's own mature views (e.g., Halverson 1997).

3. Peter Simpson observes that while “Aristotle refrains from expressly naming Socrates in this chapter about the *Laws* (instead he uses ‘he’ or ‘in the *Laws*’ or something similar) . . . he names Socrates many times in his preceding discussion of the *Republic*” (Simpson 1998, 93). In the same way, Aristotle never names—perhaps he could never name—the Eleatic Stranger of Plato's *Statesman* (e.g., *Politics* 1252a6–16, 1289b5–6).

4. Aristotle later combines the views of Socrates and the Athenian Stranger into those of Plato, arguing that Plato's originality consisted in “having in common women and children as well as property; and further the law concerning drinking . . . ; and also that aspect of military training which has them develop ambidexterity” (1274b10 ff.).

5. Morrow (1993) argues that many of the Athenian Stranger's recommendations are variations of institutions found in Solonic Athens. Given Aristotle's praise, however qualified, of Solon (1273b25 ff.), it is unsurprising that there is significant overlap with the laws discussed by the Athenian.

6. This is at least the case with regard to the best attainable regime. Aristotle's regime according to prayer in Books VII and VIII is an aristocracy insofar as it represents the rule of the best, but it is an aristocracy that includes a multitude of, rather than few, citizens. The Athenian Stranger acknowledges that he is legislating for human beings rather than children of gods, but he does not indicate what kind of regime such divine offspring would warrant, save for the community of women, children, and property (739a–c).

7. The Athenian himself refers to their city as a “divine regime” [θείας πολιτείας] (965c).

8. Both the Athenian Stranger and Aristotle criticize and so correct the Spartan regime. The Athenian incorporates more of the Spartan model, perhaps due to the interlocutors with whom he is conversing and the colony he is helping to found in speech if not deed. Aristotle notes that someone—though perhaps not he himself—could object to the Athenian's claim that his mixture is the second-best regime, preferring instead the Spartan or another more aristocratic regime. Might Aristotle here be referring to Socrates (*Republic* 545b ff.)?

9. The Athenian Stranger acknowledges that humans, too, played a part in the Spartan mixture (691e2, 692a3), but he deemphasizes their role in his summary, ascribing it only to a god (692b6) and not mentioning Lycurgus.

10. Jaffa (1963) argues that the central theoretical difficulty confronted by Aristotle in the *Politics*—the incommensurability of the various claims to rule—is resolved by the mixed regime and its inclusion of the multitude, which serves “as the formula for the commensuration of excellences different in kind” (113).

11. Aristotle is rarely so explicit; he generally considers the deviant regimes to be “less regimes” and not nonregimes (1293b29). However, when discussing the mixture of “tyranny” and democracy in the *Laws*, Aristotle suggests first that they may not be regimes at all but then only that they are the “worst” of regimes (1266a1 ff.).

12. Curiously, Aristotle will later fault, among others, Plato for failing to include polity in the enumeration of regimes (1293a42–b1). In the famous degeneration of regimes in the *Republic*, polity is not mentioned.

13. One reason this may be so is that for Aristotle while the polis exists for the sake of living well, it comes into existence for the sake of living, and so those who contribute to that lower, yet still essential, end—through, for instance, military service—ought to have some share in ruling, even if their contribution to living well is negligible (1252b27–30). The Athenian, by contrast, argues that nothing should take priority to the acquisition of virtue, not even the defense of the city (770d–e).

14. As is acknowledged by Simpson, who suggests that Aristotle's real reason for disagreeing with the rule of philosophers is that he believes “virtue can be found in the mass” (2003, 302). Lewis (1998b) persuasively argues that the Nocturnal Council does not undermine the regime outlined in the preceding books but rather meets some of its needs.

15. Cf. Strauss, who identifies “the most philosophic, the only philosophic, part of the *Laws*” as the theology of Book X (1975, 129).

16. Cf. Zuckert 2009, 138–39.

17. Contending that Plato altered his preferred political views after the disastrous events of Syracuse (196–200), George Klosko insists that the *Laws* “more or less explicitly turns away from the ideal of the *Republic*.” Its culmination in the rule of the “sinister sounding” Nocturnal Council that “recalls the Guardians of the *Republic*” thus requires explanation (Klosko 2006, 218, 236, 252), which Klosko suggests is due to Plato’s death before completing revisions to the text (2008). Against this, see Lewis 1998a, 1998b; Marquez 2011.

18. The Athenian recognizes that not all officeholders will be virtuous, which is why the institutions of the audit and the scrutiny play such an important role.

19. Lewis suggests that the Nocturnal Council, far from simply accepting the Athenian’s argument, will instead pursue these questions as they best see fit (2009, 88).

20. Cf. Strauss’s criticism of Thomistic natural law as “practically inseparable” from “natural theology” as well as the Bible (1953, 164).

21. Aristotle’s account of the heavenly bodies in *De Caelo* says little about the soul (the word [ψυχῆ] occurs only three times, 284a27, 28, 32).

22. The tension between the human good and “the observed, intelligible characteristics of the universe” brought out by Plato in the *Laws* reflects the contemporary feeling that we are “adrift in a fundamentally indifferent, if not hostile environment” (Zuckert 2009, 145). Pangle, too, notes that the “problematic, if not disorderly, character of the relation between the human and the nonhuman . . . places man much more at the mercy of indifferent or alien forces” (1976, 1076). The contrast with Aristotle, as I suggest above, is apparent.

23. I follow Mayhew’s commentary in reading the former of these as the genus of which the previously enumerated motions (893b–94b) are species (Mayhew 2008, 117 ff.)

24. Benardete contends that the Athenian Stranger “asserts that souls with complete virtue are gods, but he never shows that such souls are, . . . and he admits he does not know how they are and are causes (899b4–8)” (2000, 299).

25. Pangle suggests that the Athenian’s conception of a universe divided between good and evil will make for rich mythology among the citizens of Magnesia (1976, 1076).

26. The Athenian here connects chance and the gods. On the account in Book X, this would represent disorder and order, respectively (709bc). They are joined by a third thing, art, which is “gentler” but seems to be necessary in times of disorder.

27. Such disasters reflect the disorder in the universe. By contrast, the relative ease of procuring food suggests the order in the universe (678e–79a).

28. While Aristotle envisions priests in his city according to prayer, he says little about their duties and provides no specific theological doctrines save those useful to the city. Piety is not among the virtues in the *Nicomachean Ethics*. Cf. *Politics* 1328b11–13, 1335b12–16.

29. Aristotle explicitly criticizes the Athenian’s account in the *Metaphysics*, asserting that Plato errs by claiming that all things are in motion without identifying

the cause of this motion. Insofar as Plato conflates soul and the heavenly motions, he cannot point to a first cause: That which moves itself is not truly first (1071b31–72a3).

30. Bodnár and Pellegrin assert that Aristotle's account of the order found in the cosmos depends on "the causal influence of immutable entities" (2009, 270).

31. See Leunissen 2010, chap. 6.

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