UNIVERSITY OF CINCINNATI

Date: May 10, 2006

I, Michael L. Parker,
hereby submit this work as part of the requirements for the degree of:
Doctorate of Philosophy
in:
Philosophy

It is entitled:
Sex and the Soul: Plato's Equality Argument in the Republic

This work and its defense approved by:

Chair: Lawrence Jost, Ph. D.
Christine J. Cuomo, Ph. D.
Robert Skipper, Ph. D.
Sex and the Soul:
Plato’s Equality Argument in the Republic

A dissertation submitted to the
Division of Research and Advanced Studies
of the University of Cincinnati

in partial fulfillment of the
requirements for the degree of

DOCTORATE OF PHILOSOPHY (Ph. D.)

in the Department of Philosophy
of the College of Arts and Sciences

2006

by

Michael L. Parker

B.A., Anderson University, 1971
M.A., Cincinnati Bible Seminary, 1995
M.Div., Cincinnati Bible Seminary, 1999
M.A., University of Cincinnati, 2001

Committee Chair: Lawrence Jost, Ph. D.
ABSTRACT:

Plato is distinguished as one of the earliest Western philosophers to offer a philosophical argument for the equality of men and women. His primary argument for equality is presented in Book V of the Republic (451-457), and culminates with the claim that everything said about men applies equally to women in the sculpting of rulers for his ideal city (Republic 540c). He argues specifically that women are equal to men to serve as Guardians. Scholars have engaged in extended discussion over the meaning of this argument, including vigorous debate by modern feminist scholars. Not as much attention, however, has been given to the philosophical basis upon which Plato makes his case for equality. This dissertation is an inquiry into Plato’s philosophical basis for his equality claim.

From the Guard Dog Analogy (Republic Book II), the Equality Argument (Republic Book V), and the Myth of Er (Republic Book X) the conclusion is reached that Plato’s equality claim is based upon his metaphysical conception of the soul. In part, Plato’s conception is that souls are equal in their origin and design; souls are the source of life and knowledge in the bodies they incarnate; and souls are asexual. From this foundation Plato makes his claim that men and women are equally capable to serve as Guardians inasmuch as the requirements of Guardianship have to do with features located in the soul, not the body. Since souls are asexual, sexual difference is irrelevant to Guardian service.

This thesis is explored from three different perspectives: first, from within Plato’s corpus, primarily the Republic, although including the Timaeus; second, in relation to the broader nomos - phusis discourse, including Xenophon, Antiphon, and Euripides; and third, with respect to its continuity in Plato’s Laws.

# TABLE OF CONTENTS

**Introduction**  
Hypothesis 10  
Part One 11  
Part Two 13  
Part Three 14  
Conclusion 16

**Chapter One: Soul, Sexual Difference, and Equality**  
The Myth of Er, *Rep.* 614b2-621c9 18  
The Soul, *Timaeus* 41d4-44d2; 89d2-92c3 22  
The Role of Myth in Plato’s Works 27  
The Asexual Soul and the Sexual Body 33  
*Timaeus* - Middle or Late? 37  
Summary 41

**Chapter Two: The Guardian Nature**  
“Appropriate Natures” for Guardianship. *Rep.* 375a2-376c6 46  
1. Physical Competence as a Guardian Requirement 47  
Spelman’s Challenge to Soul-Body Relationship 49  
2. Dispositional Harmony as a Guardian Requirement 52  
3. Intellectual Achievement as a Guardian Requirement 54  
Socrates’ Lists of Qualifications for Guardianship 56  
Summary 58
Chapter Three: Socrates’ Main Argument for Equality, *Republic* 451d3-457c3 60

The Equality Argument, *Rep.* 451d3-457c3 60

A Short Excursus on *Phusis* (Nature) 66

Socrates’ Demonstration of Proper Division, *Rep.* 454c1-455d5 67

A Broader Look at the Equality Argument, *Rep.* 451c3-457c3 68

Summary 73

Conclusion to Part One 76

Chapter Four: The *Nomos* - *Phusis* Background Debate 79

A Short History of *Nomos* 81

A Short History of *Phusis* 89

Antiphon the Sophist and the Supremacy of *Phusis* 93

Antiphon, *On Truth* Frag. F15(b) 93

Antiphon, *On Truth* Frag. F44(a) and (b) 95

Glaucon’s Speech, *Rep.* 358e1-359b5 97

Callicles’s Speech, *Gorgias* 483d1-e4 99

Euripides the Dramatist and the Search for *Phusis* 100

Euripides’ *Medea* 103

Summary 107

Chapter Five: Xenophon’s Portraits of Female Natures 110

Socrates’ Limited Egalitarian View 114

Xenophon, *Symposium* II. 9-13 115

Antisthenes’ Anti-Hedonistic View 118

Xenophon, *Symposium* IV. 34-44 119

Ischomachus’ *Mostly* Conventional View 124
Xenophon, *Oeconomicus* VII. 10-32

Summary

Conclusion to Part Two

Chapter Six: *Nomos, Phusis, Sex and the Soul in the Laws* 140

*Nomos - Phusis and the Laws* 140

Drinking Parties, Drunkenness, and *Nomos* 143

Music and *Nomos* 145

“Nomes” and *Nomoi* 146

Plato’s Refutation of *Phusis* 149

The Athenian’s Metaphysical Conception of the Soul 151

The Athenian’s Ethical Conception of the Soul 157

Summary 162

Chapter Seven: Equality and the *Laws* 164

Equality 164

Proportional Equality and Property 167

Equality and Education 170

Equality and Communal Meals 171

Okin’s Challenge to the Continuity of Equality in the *Laws* 176

Summary 183

Chapter Eight: Conclusions 184

Bibliography 190
**List of Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Author</th>
<th>Work</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AS</strong></td>
<td>H. D. Rankin</td>
<td><em>Antisthenes Sokratikos</em></td>
</tr>
<tr>
<td><strong>Ancilla</strong></td>
<td>Kathleen Freeman</td>
<td><em>Ancilla to the Pre-Socratic Philosophers</em></td>
</tr>
<tr>
<td><strong>CT</strong></td>
<td>Terence Irwin</td>
<td><em>Classical Thought</em></td>
</tr>
<tr>
<td><strong>EE</strong></td>
<td>Aristotle</td>
<td><em>Eudemian Ethics</em></td>
</tr>
<tr>
<td><strong>EGP</strong></td>
<td>Jonathan Barnes</td>
<td><em>Early Greek Philosophy</em></td>
</tr>
<tr>
<td><strong>Go</strong></td>
<td>Plato</td>
<td><em>Gorgias</em></td>
</tr>
<tr>
<td><strong>IPR</strong></td>
<td>Julia Annas</td>
<td><em>Introduction to Plato’s Republic</em></td>
</tr>
<tr>
<td><strong>J&amp;C</strong></td>
<td>B. Jowett and Lewis Campbell</td>
<td><em>Plato’s Republic: Notes</em></td>
</tr>
<tr>
<td><strong>“L&amp;N”</strong></td>
<td>John Burnet</td>
<td>“Law and Nature in Greek Ethics”</td>
</tr>
<tr>
<td><strong>Laws</strong></td>
<td>Plato</td>
<td><em>Laws</em></td>
</tr>
<tr>
<td><strong>Met</strong></td>
<td>Aristotle</td>
<td><em>Metaphysics</em></td>
</tr>
<tr>
<td><strong>Pl</strong></td>
<td>Plato</td>
<td></td>
</tr>
<tr>
<td><strong>Prot</strong></td>
<td>Plato</td>
<td><em>Protagoras</em></td>
</tr>
<tr>
<td><strong>NE</strong></td>
<td>Aristotle</td>
<td><em>Nicomachean Ethics</em></td>
</tr>
<tr>
<td><strong>Oec</strong></td>
<td>Xenophon</td>
<td><em>Oeconomicus</em></td>
</tr>
<tr>
<td><strong>PCC</strong></td>
<td>Glenn R. Morrow</td>
<td><em>Plato’s Cretan City</em></td>
</tr>
<tr>
<td><strong>PEP</strong></td>
<td>J. A. Philip</td>
<td><em>Pythagoras and Early Pythagoreanism</em></td>
</tr>
<tr>
<td><strong>“PLN”</strong></td>
<td>Glenn R. Morrow</td>
<td>“Plato and the Law of Nature”</td>
</tr>
<tr>
<td><strong>PSD</strong></td>
<td>Charles Kahn</td>
<td><em>Plato and the Socratic Dialogue: The Philosophical Use of Form</em></td>
</tr>
<tr>
<td><strong>Rep</strong></td>
<td>Plato</td>
<td><em>Republic</em></td>
</tr>
<tr>
<td><strong>TSM</strong></td>
<td>G. B. Kerferd</td>
<td><em>The Sophistic Movement</em></td>
</tr>
<tr>
<td><strong>Tim</strong></td>
<td>Plato</td>
<td><em>Timaeus</em></td>
</tr>
<tr>
<td><strong>Symp</strong></td>
<td>Plato</td>
<td><em>Symposium</em></td>
</tr>
<tr>
<td><strong>Xenophon</strong></td>
<td>Xenophon</td>
<td><em>Symposium</em></td>
</tr>
<tr>
<td><strong>WIS</strong></td>
<td>Natalie Harris Bluestone</td>
<td><em>Women and the Ideal Society</em></td>
</tr>
</tbody>
</table>
Introduction

The main goal of this inquiry is to answer the following question: “What is the basis upon which Plato makes the claim in the Republic that women are equal to men to serve as Guardians?” Plato’s claim of equality and his accompanying argument I shall refer to as the ‘Equality Argument’ (EA). By it I mean the argument Plato puts in the mouth of Socrates in Book V that results in the conclusion that women are equal to men in service to the State as Guardians, and that this is not contrary to but in accord with nature (456a7-c3).

While considerable debate has ensued in the twentieth century over the meaning of Plato’s equality claim, not as much attention has been given to Plato’s basis for his claim. It is

1By “Guardians” Plato initially identifies a general class of individuals selected to protect the polis. Later (414b1-5) he divides the Guardians into two groups: rulers, whose responsibility it is to govern, and militia, whose duty it is to support the rulers in protection from external dangers and enforce internal policies enacted by the rulers. The primary focus in this inquiry is on the ruling class of Guardians, although at times both are meant. Context generally clarifies which group is meant.
2Technically, the claim that women are equal to men to serve as Guardians is what I refer to as the equality claim. The Equality Argument (EA) as I define it begins at Republic 451d3 and ends at 457c3. The equality claim is the conclusion of the EA. The EA is located in Book V of the Republic and is, for all practical purposes here, synonymous with the First Wave. The First Wave is a metaphor for the EA, although, according to Reeve (note to 457b6), the First Wave technically runs from 453c10-d7. Socrates concludes the first topic of Book V with the words, “May we claim, then, that we are avoiding one wave?” (457b6). Books V-VII treat three “waves”: the topics of equality, the community of wives and children (koinonia), and philosopher-kings. Throughout this dissertation I will use First Wave and Equality Argument as synonymous referring to the same argument.
my purpose in this dissertation to consider the basis for Plato’s radical and sweeping claim. A look at the history of interpretation of Plato’s EA leaves one wondering what the argument is really about - is it about ethics or politics? Is Plato an egalitarian or a misogynist or something in between? Is his argument a serious argument or a joke (as Straussian see it)? Is the EA about the human potential of individuals or the economic benefit of citizens to the State? A plethora of questions from diverse voices has driven and continues to drive this debate. Julia Annas addressed this problem and characterized it this way.

Since the mid-nineteenth century Plato’s Republic has been the work which dominates most people’s view of his philosophy . . . It is likely that the way it is most frequently taught is as a contribution to political theory . . . and yet there is an obvious problem. The Republic is an extended answer to the question in moral philosophy: Why should I, an individual person, be moral? But it also brings in memorable proposals about the state: rulers should be philosophers, would have no private lives, and so on.\(^3\)

Annas concluded, “Crudely put, is the Republic about ethics or about politics?” (p. 72).\(^4\)

The 1970’s ushered in a flurry of frenetic responses to modern commentators and their polite if not diplomatic affirmation of Plato’s egalitarian proposal that women are intrinsically but not practically equal to men. Primary representatives of such interpreters include James Adam,\(^5\) Benjamin Jowett and Lewis Campbell,\(^6\) Bernard Bosanquet,\(^7\) and Stephen Halliwell.\(^8\)

Adam, Bosanquet, and Halliwell give a political reading of the EA. Jowett & Campbell (hereafter J&C) give an ethical reading. Adam concludes that the First Wave establishes that the same natures require the same education for the Guardians, and “if their natural capacities are the same to start with” then “we are agreed that the training which qualifies a man to be a Guardian will qualify a woman also” (Vol. I, p. 290, \textit{ad}: 456c-457b). Adam perceives the outstanding feature in Plato’s argument throughout the EA as the constant appeal which he

\(^{3}\text{Julia Annas, } Platonic Ethics: Old and New (Ithaca: Cornell University Press, 1999), p. 72.}\)

\(^{4}\text{Annas leans more toward ethics and can be followed in Waterfield’s translation of the Republic. I use the recent Hackett version by C. D. C. Reeve which seems more neutral in the ethics vs. politics dichotomy.}\)

\(^{5}\text{James Adam, } The Republic of Plato (Cambridge: University Press, 1938).}\)


\(^{7}\text{Bernard Bosanquet, } A Companion to Plato’s Republic (New York: MacMillan and Co., 1895).}\)

\(^{8}\text{S. Halliwell, } Plato: Republic 5 (Warminster: Aris & Phillips, 1993).}\)
makes to nature (phusis). For Adam, political structure follows nature.9

Bosanquet praises Plato for succeeding in extolling the maximum potential of the sexes. “The sum and substance of its contention was in short that women have souls as much as men.” According to Bosanquet, Plato’s extraordinary insight was that the existing system was contrary to nature (p. 182). Halliwell concludes that the equality proposal in the First Wave must stand. He says that in considering the basic qualities that constitute natural ability (i.e., mental and bodily), “we can say that though women as a class are inferior to men at most things, and though they are physically weaker, they are intrinsically capable of all the same practices, including warfare and philosophy, indeed many women are better at many things than men.” The then-current social practice was “unnatural.” Selecting the best women to serve as Guardians would be in the best interest of the State (p. 146).

In response to these arguments feminists began compiling an almost inexhaustible list of inconsistencies and contradictions in Plato’s so-called “egalitarianism.” Natalie Harris Bluestone produced a virtual catalogue of feminist complaints and criticisms directed at the patronizing platitudes of the modern commentators.10 Bluestone collected the arguments of nearly 35 commentators from 1870 until the feminist response beginning in the 1960’s and categorized them into eight different categories. According to her analysis, their arguments about Plato’s equality proposal fit into: (1) Equality as a Non-Issue; (2) Women are Different: the Proposals are Unnatural; (3) Women have Better Things To Do; (4) Plato Really Didn’t Mean It; (5) Other Explanations for Gender Equality; (6) Bias in Language; (7) As Long As They Don’t Go

9 It will be seen that Plato uses nature in two ways: he exploits its ambiguity (see Ch. 4); and he almost uses it like a code word for his view of reality.
10 Natalie Harris Bluestone, Women and the Ideal Society (The University of Massachusetts Press, 1987). Bluestone not only provides a virtual catalogue of feminists’ responses but also a scholarly critique of them. She is generally critical of feminist responses for being deficient in two ways: First, many of the feminist responders, on her account, fail because they approach the subject with an a-historical discontinuity. By this she means they write without an apparent awareness or connection to the past history of Platonic analysis and criticism, resulting in criticisms which lack either scholarship or depth of philosophical import, or simply trivialize the debate. Second, she is critical of much of the feminist response for its lack of scholarship with respect to language: “There is a tendency to use language far less precisely than do the scholars of the previous hundred years . . . Many of the committed feminist commentators use language imprecisely and do not carry through on the philosophical and logical implications of their assertions” (pp. 78-79).
Too Far; and (8) Genuine Egalitarians (pp. 23-78). Outside of the Genuine Egalitarians, the rest did not engage the Platonic text in a satisfactory way.\textsuperscript{11}

Among recent feminist commentators, Sarah Pomeroy argues, contrary to Adam and a host of others who saw egalitarianism in Plato’s argument, that Plato did not intend to promote equality, and that, in fact, Plato was incapable of personally supporting equality judged by his diction in the dialogue. Plato undermined the EA by positioning women as property, as a prize for heroes, and by putting women and children on the same plane as needing custodial care. Pomeroy also calls attention to derogatory comments about women made by Socrates and his interlocutors.\textsuperscript{12} In spite of this criticism, one of Pomeroy’s notable scholarly contributions to the debate involved a textual problem at \textit{Republic} 454d2. Pomeroy showed that Plato included both male and female physicians in the physician nature, a philological contribution which significantly changed the way the passage would be read. She further pointed out that historical evidence supports the presence of female physicians in fourth century BC Athens. “Plato did not have to prove women’s aptitude for the medical profession. On the contrary, his case rests on the actual existence of female physicians in the Athens of his own day.”\textsuperscript{13}

Arlene Saxonhouse took on Adam, Jowett, and Alan Bloom, among others, arguing that Plato in effect de-sexed the female, destroying her natural capacities as bearer of children by remaking her in the image of the male; hence, Plato perverted the female nature.\textsuperscript{15} Julia Annas surprised some readers when she declared that it was “quite wrong to think of Plato as ‘the first feminist.’ His arguments are unacceptable to a feminist, and the proposals made in the \textit{Republic} are irrelevant to the contemporary debate.” In short, Plato’s argument is not about the needs of women, making it essentially irrelevant to contemporary concerns.\textsuperscript{16} By contrast, Gregory Parker,

\textsuperscript{11}Bluestone’s three genuine egalitarians are: George Grote, \textit{Plato and the Other Companions of Socrates}; Theodor Gomperz, \textit{Greek Thinkers}; and Adela M. Adam, \textit{Plato: Moral and Political Ideals}.
Vlastos had already argued that Plato’s Equality Argument was decidedly feminist. Vlastos’ claim is strictly limited to this one argument in the *Republic.*\(^{17}\) Bluestone criticized the EA by noting that it treats women as a class as equal to men as a class in capacity, but as individuals women are weaker in all pursuits, more cowardly, less trustworthy, and innately worse than men (p. 118).

Hence, the debate: Plato is claimed to have argued that women are equal; women are unequal. Women have a female nature; women do not have a female nature. The female nature is equal to the male nature; the female nature is not equal to the male nature. Men are stronger, women are weaker; women can do everything men can do except that men do it better even though men and women are equal. How’s that for *aporia*? This debate leaves one asking what this issue is really about. One aspect of this debate that is noteworthy is that nearly all scholars believe that Plato locates the equality of male and female Guardians in the soul. But not much is said about what it is about the soul that makes Plato’s argument more plausible than otherwise construed. For example, Pomeroy has much to say about women in ancient times. In her commentary on Xenophon’s *Oeconomicus*\(^{18}\) she observes “Like Plato in the *Republic,* Xenophon makes it clear that the soul has no sex; men and women are endowed with a potential for moral equality” (p. 88). However, she has very little more to say about the sexless soul.

This dissertation is an effort to delve more deeply into Plato’s philosophical foundation of his EA. It is not an investigation into Plato’s psychology as such even though it deals with Plato’s dualistic view of the soul/body relation in a general way. The investigation here focuses upon the metaphysical foundation of the soul and the ethical and political implications which follow when that foundation is explored. My goal is to find the philosophical ground upon which Plato locates his male and female Guardians as equal servants in service to Kallipolis.

-----------------------------


My inquiry is organized around three questions: 1. What is the basis for Plato’s Equality Claim? (Part One, Chapters 1-3). 2. What kind of Argument is This? (Part Two, Chapters 4-5). 3. Does the Equality Claim Hold Up Under Scrutiny? (Part Three, Chapters 6-7).

**Hypothesis**

My hypothesis is: Plato bases his claim of equality of male and female Guardians upon his view of the soul entailed in his generally accepted radical metaphysical dualism. This means that the soul as such is to be considered sexless and that its capacities must be judged on asexual grounds alone.

From a general standpoint, the soul houses the crucial parts which qualify individuals to serve as Guardians. These crucial parts are the *logistikos*, the rational part, and the *thumos*, which is the spirited nature of an individual. Together they constitute the highest two parts of the tripartite soul.\(^{19}\) To serve as a Guardian in Plato’s Kallipolis, a candidate must display a highly developed intellect that was philosophically calibrated along with a robust spiritedness which was capable of both aggression and gentleness, controlled and modulated by the philosophically trained *logistikos*. A fitness threshold for the body is also required, a threshold which both males and female can reach. For selection into the ranks of the Guardians, candidates had to display distinct possession of these qualities.

For Plato, the soul is a real entity, permanent and immortal, capable of cycling through a series of incarnations in transitory, passing-away physical bodies. Souls are asexual but inhabit bodies that are sexual. Given this metaphysical point of view, it is easy to see that the necessary requirements for Guardianship reside in the soul and not the body. Further, it is obvious in this context that the sex of the body, be it male or female, is essentially irrelevant to the intellectual and spirited requirements for Guardianship. If this hypothesis is justified, one will expect that

\(^{19}\)For Plato’s discussion of the three parts of the soul see *Rep.* 437d2-441a3.
the equality argument coheres with the more general argument for justice as presented in the *Republic*.

The methodological approach taken here is a form of hypothesis - testing - confirmation or denial from evidence. This works out in the following way. I begin by isolating relevant texts from Plato’s corpus, testing them for corroboration and consistency. When conflicts are found, I attempt to resolve them from either within the texts themselves, or, other cases developing an hermeneutical formula for explaining the differences. From testing within Plato’s corpus, I move outside of it into the general relevant discourse. This leads to placement of Plato’s argument in the pervasive debate over the relationship between nature (*phusis*) and convention (*nomos*). Locating the EA in a general discourse, the *Nomos - Phusis* Debate, adds greater context to ancient discussion of equality and the woman’s nature. From the general discourse, I then return to Plato to check my hypothesis for continuity in his works, in this case the *Laws*. I employ this same procedure of testing and confirming or falsifying throughout, following the above three questions.

**Part One**

Part One focuses upon Plato’s crucial texts involving the soul, sexual difference, and equality. This involves primarily Books V and X of the *Republic*, and select passages from the *Timaeus* and a brief mention from the *Symposium*. I begin in Chapter One with the Myth of Er from Book X of the *Republic* (614b-ff). Book X might be seen as a consummation of the question of justice pursued throughout the book. Ask Er. Er’s myth has certain similarities to modern near-death experiences. Er was killed in battle. For 10 days his corpse lay on the battlefield. When he resuscitated, on the twelfth day after his death, Er related a vision of the judgment and re-incarnation of souls in the other world. His myth provides some pertinent but often overlooked perspectives on the nature of the soul and its relationship to a sexed body that figure significantly into the argument I will make.
The conclusion drawn from the investigations in Chapter One confirms that the metaphysical nature of the soul is the foundation upon which Plato makes his equality claim, with the additional insight that the soul itself is asexual and distinct from the sexed body which it may inhabit. Since sexual differentiation is located in the body and distinct from the soul, sexual differentiation is predictably irrelevant to functions of the soul - which is what I argue that Plato asserts. Females are as equally eligible to serve as Guardians as males because the chief Guardian requirements are located in the soul. In other words, Plato’s reasoning is that if a soul meets the requirements for Guardianship, and the body of the qualifying soul - whether male or female - rises to a certain threshold of physical strength, then that soul is qualified to serve as Guardian. If the soul is in a female body, consideration is given for child-bearing.

Chapter Two explores what Socrates means by “appropriate natures” when applied to Guardians. Two texts are examined: Rep. 375-376, called the Guard Dog Analogy, and 451-457, referred to as the Equality Argument, but often known as the First Wave. The Guard Dog Analogy (GDA) appears to be Socrates’ first attempt at isolating the qualities necessary for Guardianship. These qualities fall into three categories: physical, dispositional, and intellectual. The groundwork laid in the GDA reappears in the beginning of Book V and forms the opening premise for the discussion in the First Wave of the question of equality.

The conclusion from the work in Chapter Two is that the “appropriate natures” - i.e., the physical, dispositional, and intellectual requirements for Guardianship, are in fact located in the soul, with, of course, the exception of the physical requirements. The physical requirements are, however, consistently minimized in their significance as long as they meet the threshold requirement. The unique reproductive function of the female is equally minimized as a function requiring appropriate consideration but not relevant to the essential dispositional and intellectual requirements of Guardianship.

In Chapter Three I move to examine in detail the Equality Argument (Book V, 451-457). One of the immediate problems in analyzing Socrates’ argument is with the word for ‘nature’ - phusis. Phusis is more than likely one of the most ambiguous words in the Greek language. A
short excursus is given on *phusis* accompanied by an attempt to unravel the multiple referents of the word in Socrates’ main statement. From the examination of *phusis* and Socrates’ demonstration of the proper way to distinguish the many uses of *phusis*, I conclude that the view of the soul as presented in the Equality Argument in Book V is consistent with the views of the soul articulated in Chapters One and Two. This leaves me with the conclusion that the equality claim, with its ethical and political implications, rests upon a metaphysical foundation which supports both the arguments offered by Socrates concerning the soul, its asexuality, its dispositional and intellectual features, and its equality without respect to being embodied in a male or female body.

**Part Two**

The question guiding the inquiry in Part Two is about the nature of Plato’s Equality Argument: what kind of argument is it? I begin in Chapter Four by providing a broad sweep of a pervasive debate starting in the fifth century in sophistic circles known as the *nomos*-*phusis* debate. This debate developed into something like a discourse with specific terminology and almost without exception argued in polemical style. *Nomos* represents the ideas of custom, tradition, convention, and law - both legislated laws as well as revealed laws, and like *phusis* is fraught with ambiguity. *Phusis* represents the idea of *nature* in manifold ways, from *nature* as growth and development, to *nature* as substance, material, the seen world. ‘Nature’ was regarded as law-like - i.e., in the way we think of law like as referring to some type of regularity - but the ancients prior to Plato virtually never associated nature (*phusis*) with law (*nomos*). In the *nomos*-*phusis* discourse, *nomos* and *phusis* were virtually always opposed to each other.

Plato addresses at least two problems with respect to *nomos*-*phusis* antithesis: (1) which parts of human performance are distinctly rooted in *phusis* versus which parts are the result of *nomos* - i.e., custom, tradition, training, and nurture. (2) From which side of the antithesis is justice derived? Is justice rooted in *phusis* or in *nomos*? Some argued that justice
was a fact of nature. Others argues that justice was nothing more than human invention (nomos). After giving a short history of nomos and phusis, I offer two examples of the discourse: Antiphon the Sophist, and Euripides the Dramatist. Antiphon is offered because he represents probably the most extreme articulation of the appeal to phusis for determining one’s view of justice. For Antiphon, justice is doing whatever is to your advantage according to nature. So, when in the presence of others do what custom (nomos) requires; but when in private with no one to see you, do what is best according to nature (phusis). Euripides’ Medea provides a fascinating look at how Euripides, reputed to be the most philosophical of the Dramatists, examines female nature from the standpoint of character (phusis).

This is followed by Chapter Five with a close look at Xenophon and three portraits from his writings that showcase three different views of the female nature. Xenophon was a contemporary of Plato’s, a student of Socrates at one time, and provides us with one of the larger collections of extant works. Many regard Xenophon’s writings as more practical in their outlook and credible in his representation of the characters featured. I examine three characters from Xenophon’s works: Socrates, Antisthenes, and Ischomachus. Each presents a unique view of the woman’s nature. Of special interest is the comparison between Plato’s Socrates and Xenophon’s Socrates on the woman’s nature. I conclude from Part Two that the nomos - phusis discourse is a suitable context into which to fit Plato’s Equality Argument.

Part Three

The third question has to do with how the Republic’s Equality Argument holds up in his Laws and is discussed in Chapters Six and Seven. The Laws is considered to be one of Plato’s last works, and considered by some as an extension of the arguments set forth in the Republic and the Politicus. If this is so, then it seems appropriate to compare the pertinent arguments in the Republic to the Laws. If there is continuity of the Republic’s arguments in the Laws, one would assume that those arguments were not only sincere claims on Plato’s part but such
continuity would reveal his later thinking about his commitment to equality. If, on the other hand, the arguments change from one book to the other, one would want to know what changed and why.

I argue in Part One that Plato’s claim of equality between male and female is based upon two separate premises: (1) all essential features for selection of Guardians are primarily located in and functions of the soul, the chief of these being reason; and, (2) the soul is asexual, hence, sexual differentiation is irrelevant to the requirements for Guardianship making both male and females equally eligible if equally competent in their souls. I argue that the Equality Argument is successful in its own terms because it is built upon a metaphysical conception of the soul that supports Plato’s ethical and political implications in the Republic, a dualistic conception that is familiar from this and other middle-period dialogues (i.e., the Phaedo).

In Part Two I introduce the nomos - phusis debate along with examples of Antiphon and Euripides to illustrate my claim that Plato’s Equality Argument is an argument in the nomos - phusis discourse. The argument of Part Two combined with Part One has the effect of arguing that Plato attacked the nomos - phusis debate at the metaphysical level by building his polis on the nature of the soul. It appears that Antiphon offers no metaphysical rationale for his descriptive claim of the supremacy of phusis. Euripides appears to offer no normative claim but rather to challenge conventional beliefs through a discourse of questioning and provoking entrenched thoughts. Xenophon grounds his almost conventional view of human nature upon a conventional metaphysical view (i.e., the gods made us this way). Plato, on the other hand, grounds his argument in a thorough-going metaphysical foundation.

In Chapter Six I begin my investigation in the Laws for continuity of the issues already raised in Parts One and Two: a metaphysical conception of the soul with its ethical and political implications, and the nomos - phusis antithesis. I begin with the nomos - phusis antithesis and proceed to look at pertinent texts relating to the soul. Chapter Seven is devoted to equality in the Laws. In Chapter Eight I draw final conclusions.
Conclusion

In light of contemporary interest in equality between the sexes one may ask why an ancient author like Plato is important or even desirable to consider. I offer three reasons why I chose Plato for this investigation. First, Plato occupies one of the earliest noteworthy historical positions in the Western debate to systematically treat such ideas as equality between the sexes and whether traditional sex-roles are dictated by nature or nurture. Second, not only is Plato regarded as the first in history, he is the fountainhead from which many subsequent philosophers, thinkers, social and political figures have drawn their inspiration. Third, his dialogues are investigations of a sort, and as such, introduce diverse topics in a more exploratory manner than treatises would, sometimes even presenting conflicting or contradictory points of view. This often makes for a more lively discussion even though, at the same time, one more difficult to evaluate because it is not always easy to see what point Plato wants to make through the device of putting words into his interlocutors’ mouths. That these same topics are still discussed today may in and of itself be the best recommendation for consulting Plato. Contemporary feminists have seen in Plato’s texts both anticipations of their own views as well as disconcerting evidence that he just did not get it after all. It is hoped that new light can be shed on an old and puzzling set of texts by examining them anew.
Chapter One: Soul, Sexual Difference, and Equality

Introduction

Most of the work on Plato’s proposal for the equality of male and female Guardians has focused on the classic text in the Republic Book V (449a1-480a13). In spite of the volume of scholarly work on the Book V text, the proposal remains controversial. Besides the fact that most discussion of the Equality Argument focuses on Book V (451d3-457c3), it is also the case that most discussions begin with the First Wave. A relevant and under-utilized text is in Book X in The Myth of Er (Rep. 614b2-621c9), which may hold a clue to Plato’s thinking on the equality question, and hence, may provide a fresh perspective for resolving some of the controversies that may have arisen about the proposal for female Guardians in Kallipolis.

Book X is the final chapter in the Republic, drawing together political, psychological, and metaphysical themes into what is mostly a religious vision which serves as a kind of “philosophical ‘theodicy.””20 The key character is Er, a Pamphylian soldier, killed in battle. The dead were not collected from the battlefield until the tenth day. Er’s body, still undecayed, was taken back to his home for proper burial. Lying on a funeral pyre on the twelfth day, he suddenly came back to life with a dramatic muthos about “the other world” (Rep. 614b).

Book X as a whole contains three themes: (1) Theory of Art (595a-608b); (2) Immortality and Rewards of the Soul (608c-613e); and (3) The Myth of Er (613e-621d). The part which is of interest here is (3) The Myth of Er because of its detail of the things Er sees and hears concerning the judgment of souls and their process of choosing new bodies for their re-incarnation. According to my analysis, The Myth of Er falls naturally into six segments, producing an interesting pattern. The six segments are: (A) Judgment path of the departed soul (614c-616a); (B) The Spindle-Whorl (616b-617d); (C) Resumption of the Judgment scene (617d2-618b); (D) Socrates’ sermon (618c-619b); (E) The soul’s choice of a new body and life (619b1-621b8); and (F) Socrates’ exhortation to prepare for Judgment (621b10-d2).

Following this analysis one can readily see a pattern: (A), (C), and (E) describe the journey and path of the departed soul into judgment, with either punishment or reward, and the choosing of their next cycle of life, while (B), (D), and (F) represent some form of comment or exhortation about living one’s life in view of the soul’s immortality. Sections (A), (C), and (E) are the more pertinent parts to this discussion. (E) describes the process in which a variety of souls choose their new body and life-station.

The myth begins with an introduction of Er’s experience. What follows is an excerpt of what Er observes as the souls make their choice for their new lives.

The Myth of Er, Republic 614b2-621c9

Socrates (619b2): At that point our messenger from the other world also reported that the spokesman said this: “Even for the one who comes last, if he chooses wisely and lives earnestly, there is a satisfactory life available, not a bad one. Let not the first to choose be careless, nor the last be discouraged.”

When the spokesman had told them that, Er said, the one who drew the first lot came up and immediately chose the greatest tyranny. In his foolishness and greed, you see, he chose it without adequately examining everything, and did not notice that it involved being fated to eat his own children, among other evils. When he examined the life at leisure, however, he beat his breast and bemoaned

---

his choice, ignoring the warning of the spokesman. For he did not blame himself
for these evils, but chance, daimons, and everything except himself. He was one
of those who had come down from heaven, having lived his previous life in an
orderly constitution, sharing in virtue through habit but without philosophy.

Generally speaking, not the least number of the people caught out in this
way were souls who came from heaven, and so were untrained in sufferings. The
majority of those from the earth, on the other hand, because they had suffered
themselves and had seen others doing so, were in no rush to make their choices.
Because of that, and also because of the chance of the lottery, there was an
exchange of evils and goods for most of the souls. Yet, if a person, whenever he
came to the life that is here, always practiced philosophy in a sound manner, and
if the fall of the lot did not put in choice of life among the last, it is likely, from
what was reported by Er about the next world, that not only will he be happy
here, but also that his journey from here to there and back again will not be
underground and rough, but smooth and through the heavens.

He said it was a sight worth seeing how the various souls chose their
lives, since seeing it caused pity, ridicule, and surprise. For the most part, their
choice reflected the character of their former life. He saw the soul that had once
belonged to Orpheus, he said, choosing a swan’s life: he hated the female sex
because of his death at their hands, and so was unwilling to be conceived in a
woman and born. He saw the soul of Thamyris choosing a nightingale’s life, a
swan changing to the choice of a human life, and other musical animals doing the
same. The twentieth soul chose the life of a lion. It was that of Ajax, son of
Telamon, who avoided human life because he remembered the judgment about
the armor. The next was that of Agamemnon, which also hated the human race
on account of what it suffered, and so changed to the life of an eagle. Allotted a
place in the middle, the soul of Atalanta, when it saw the great honors of a male
athlete, unable to pass them by, chose his life. After her, he saw the soul of
Epeius, son of Panopens, taking on the nature of a craftswoman. Further on,among the last, he saw the soul of the ridiculous Thersites clothing itself as an
ape.

Now it chanced that Odysseus’ soul drew the last lot of all, and came to
make its choice. Remembering its former sufferings, it rejected love of honor,
and went around for a long time looking for the life of a private individual who
did his own work, and with difficulty it found one lying off somewhere neglected
by the others. When it saw it, it said that it would have done the same even if it
had drawn the first-place lot, and chose it gladly. Similarly, souls went from the
other animals into human beings, or into one another; the unjust changing into
savage animals, the just into tame ones; and every sort of mixture occurred.

When all the souls had chosen lives, in the same allotted order they went
forward to Lachesis. She assigned to each the daimon it had chosen, as guardian
of its life and fulfiller of its choices. This daimon first led the soul under the hand
of Clotho as it turned the revolving spindle, thus ratifying the allotted fate it had
chosen. After receiving her touch, he led the soul to the spinning of Atropos, to
make the spun fate irreversible. Then, without turning around, it went under the
throne of Necessity. When it had passed through that, and when the others had
also passed through, they all traveled to the plain of Lethe, through burning and
choking and terrible heat, for it was empty of trees and earthly vegetation. They
camped, since evening was coming on, beside the river of forgetfulness, whose
water no vessel can hold. All of them had to drink a certain measure of this
water. But those not saved by wisdom drank more than the measure. And as
each of them drank, he forgot everything. When they were asleep and midnight
came, there was a clap of thunder and an earthquake, and they were suddenly
carried away from there, this way and that, up to their births, like shooting stars.
But Er himself was prevented from drinking the water. Yet how or where he had come back to his body, he did not know, but suddenly recovering his sight he now saw himself lying on the pyre at dawn.

And so, Glaucon, his story was saved and not lost; and it would save us, too, if we were persuaded by it, since we would safely cross the river Lethe with our souls undefiled. But if we are persuaded by me, we will believe that the soul is immortal and able to endure every evil and also every good, and always hold to the upward path, practicing justice with wisdom every way we can, so that we will be friends to ourselves and to the gods, both while we remain here on Earth and when we receive the rewards of justice, and go around like victors in the games collecting prizes; and so both in this life and on the thousand-year journey we have described, we will fare well.

From the myth we learn that Er is permitted the unusual experience of traveling to the place of judgment of souls and observing the judgment process. He observes that souls choose three characteristics of their next life in the transmigratory cycle of lives. Once the choice is made Necessity irrevocably fixes the choice. Once the choice is fixed the soul drinks of the water of Forgetfulness and is birthed upon the earth.

The three conditions chosen by the soul include its choice of sex - male or female, the choice of animal or human body, and in the case of human body the soul chooses its station in life - be it rich, famous, tyrant, craftsman and the like. While this re-incarnation process raises many interesting questions, the choice of sex made by the disembodied soul represents a particularly intriguing point. Er recalls a variety of notable characters whose souls make new choices for their new lives. Those named include Orpheus, Thamyris, Ajax, Agamemnon, Atalanta, Epeius, Thersites, and Odysseus. Those not named include a swan choosing a human life, other musical animals choosing human lives, and the twentieth soul choosing a lion.

Five of the human souls choose to be re-incarnated into animal bodies. Orpheus, the mythical poet had been torn to pieces by orgiastic Thracian women, and thus hated the female sex. He chooses a swan for his re-incarnation; all swans were regarded by the Greeks as male. Thamyris was a Thracian bard who challenged the Muses to whom he lost. As a result he was deprived of his sight and singing. He chooses the nightingale for his new life. Ajax killed

---

himself after Achilles’ armor was awarded to Odysseus when he was expecting it. Ajax repudiated human life in his choice, apparently choosing an animal body for his next life. Agamemnon chooses to be reincarnated as an eagle due to the hatred he had for the human life from his life’s sufferings. Thersites chooses to be reborn as an ape. Three of those named choose to repeat as humans. Atalanta, a female athlete, lost a foot race to a male. Some renditions give her a pleasant ending, some not so pleasant. She chooses to return as a male athlete because of the honor bestowed upon males. Epeius, builder of the Trojan Horse, chooses to return as a craftswoman. Odysseus chooses to return as a private individual who does his own work, as opposed to a famous person who remembers many sufferings. Some souls who were in animal bodies choose to return in human bodies. It is generally considered that Plato restricts an animal soul from moving into a human soul unless it had first been a human soul. Those making the shift from animal to human are souls which were previously musical animals.

The saliency of the Myth of Er to the question of equality of male and female lies in the selection process of the souls for their new lives. The soul of Atalanta, previously in a female body, chooses a male body, while a soul previously in a male body, Epeius, chooses a female body. From what Er observed it is inferred that the soul’s identity and existence is independent of and apparently irrelevant to the particular body and sex identity, since the two souls are not only able to choose their sex but also to change their sex from their previous lives to their next. If this conclusion is correct, then it helps explain why Plato thinks he can make the claim of equality among male and female Rulers since such equality is based upon their proclivity for philosophy - an activity of the soul not the body. It might also help in understanding why he emphasizes that the female body is physically weaker but that the female’s physical differential is not crucial to serving as a Guardian in Kallipolis. From Er’s myth we may provisionally draw the following conclusions: (1) Souls have an existence independent of the bodies that they incarnate. (2) Each soul chooses its station in life, its species, as well as the sex of its next body. (3) From this it appears that the sex of the chosen body is largely irrelevant to the integrity and
potential for good or ill of the soul.

The conclusion that Socrates’ Equality Argument in the First Wave is based upon his view that the crucial determinant for ruling, i.e., the exercise of philosophy, is located in the soul and that being male or female is not pertinent to the function of the intellectual capacity of the soul seems to cohere with the Equality Argument in Book V. The vision of souls choosing their sex - be it male or female - in the Myth of Er appears to support the generally accepted view of Plato’s radical dualism. Together these two assertions appear to support the conclusion that Plato really does argue for equality of male and female among the ranks of the Guardians. Whether this makes Plato a feminist in any sense is still a different question, but if this line of reasoning is accurate, it suggests the mythical complement of the earlier philosophical justification for Platonic equality in Book V. Based upon Er’s experience, one would be inclined to assume that Plato regarded the choice of a female or male body as an essentially benign choice with no moral implications in and of itself attached to the decision. But before such an inference can be safely drawn, it must be noted that the Myth of Er is not the only myth offered by Plato that includes a discussion of souls and sexual bodies.

The Soul, *Timaeus* 41d4-44d2; 89d2-92c3

The *Timaeus* contains at least three passages pertinent to this discussion. It discusses the origin of souls (41d4-44d2); the care of souls (89d2-90d7); and the origin of sex differentiation (41d4-42e4 and 90e1-92c3). The first occurs between 41d-44d and discusses the creation and composition of human souls. According to Timaeus, the Demiurge returned to the same bowl in which he had mixed the world soul, and, using the leftover ingredients from composition of the world soul, proceeded to make human souls which were two or three degrees less pure than the world soul. The Demiurge took the whole bowl of mixture and divided the contents into a number of souls equal to the number of stars, distributing each soul to its own star.

All of the created souls were given their first incarnation at the same time in order that
no soul might be disadvantaged. The souls were born in bodies of the most god-fearing of all creatures - human beings; the best of them were called ‘man.’ The bodies were given, it appears, equal portions of sensation, desire, pleasure, pain, and all such related feelings. In addition, they were endowed with contrary features and left to master or be mastered by their endowments. Those who mastered the contrary passions would live in righteousness; those who were mastered by them would live in unrighteousness.

Souls that lived righteously would journey back to their star and live happily ever after; those that lived unrighteously would enter into a cycle of lives which would lead into a progression of degenerating bodies: first, into the body of a woman, then a beast comparable to the soul’s character, continuing in this series of incarnations until the soul was purged of its unrighteousness and returned to its pristine glory. All souls at their birth in mortal bodies were devoid of knowledge. Right nurture and education were crucial in the development of intelligence. Those that neglected nurture and education returned to Hades uninitiated to knowledge and without understanding.

In the second passage (89d2-90d7) care of the soul is discussed around the theme of how the human may best lead a rational life. Each soul has three distinct forms of soul each with its own motions. Care of the soul requires that each form of soul be given its proper exercise in due proportion to the others. The highest part of the soul is the divine part that guides each one towards its celestial affinity. This, of course, includes nourishment and exercise in thoughts relating to things divine, i.e., harmonies and revolutions of the heavenly bodies in the universe.

The third passage in the *Timaeus* follows at 90e1-92c3. Timaeus introduces the story of the differentiation of the sexes by repeating what happens to men who fail in righteous living - they are demoted in their second births into women. Because of this transformation, the gods constructed the desire for sexual intercourse in the male and the female, each with its distinct passion. In the male the gods placed eros as the motivating drive for sexual intercourse; in the female the gods placed desire as the motivation. Bodies are propagated by the union of male and female. This cooperative effort implies an equality of contribution and function between
male and female according to Timaeus’ explanation. The passion for sexual intercourse, whether in the male or the female, is an irrational drive.

Of these three topics, the third is of the most immediate interest. Timaeus gives two slightly different versions of the origin of sex. The early version presents the Demiurge’s description of the yet-to-be incarnated souls as he escorts the souls, each in its own carriage, on a tour of the universe and what is to come upon their first incarnation. “Then he would sow each of the souls into that instrument of time suitable to it, where they were to acquire the nature of being the most god-fearing of living things, and, since humans have a twofold nature, the superior kind should be such as would from then on be called ‘man’” (Tim. 41e4-42a3).23 From this account, three things appear to be unambiguous. First, humans have a twofold nature, by implication male and female. Second, the superior sex would be called man, i.e., male. Third, being male outranks being female.

Timaeus continues his presentation with a warning.

And if a person lived a good life throughout the due course of his time, he would at the end return to his dwelling place in his companion star, to live a life of happiness that agreed with his character. But if he failed in this, he would be born a second time, now as a woman. And if even then he still could not refrain from wickedness, he would be changed once again, this time into some wild animal that resembled the wicked character he had acquired. And he would have no rest from these toilsome transformations until he had dragged that massive accretion of fire-water-air-earth into conformity with the revolution of the Same and uniform within him, and so subdued that turbulent, irrational mass by means of this reason. This would return him to this original condition of excellence (Tim. 42b3-d2).

In this warning the moral import of the hierarchical structure of the animal kingdom emerges. If the soul fails to live a good life in the first incarnation, it will be reincarnated in a degenerating spiral beginning with a human female body and progressing to beasts whose nature was commensurate with the character of the wicked soul. Clearly in this description the female body is both inferior to the superior male and a form of punishment for men who lived a less than good life. Near the end of the Timaeus Timaeus returns to the place of the female in the

human hierarchy, albeit from a different context. “According to our likely account, all male-born humans who lived lives of cowardice or injustice were reborn in the second generation as women. And this explains why at that time the gods fashioned the desire for sexual union, by constructing one ensouled living thing in us as well as another one in women” (Tim. 90e6-91a4).

From this account the female body as a form of punishment is reiterated, although this time it sounds as though only males existed in the first incarnation, with the female body added at the time of the second incarnation for those souls who lived unvirtuously. Timaeus goes on to describe certain modifications to the female body.

From a comparison of these two accounts it is not clear whether all souls inhabit male bodies at their original incarnation or whether souls are originally distributed between male and female bodies at their incarnation. The question is a pertinent one for our discussion in two respects. First, this issue places Timaeus’ story of the origin of souls and sex at odds with Er’s vision of reincarnation of souls into the sex of their choice. Second, Timaeus’ version of the female sex as inferior and a form of punishment for males appears to be completely at odds with Plato’s argument for the equality of male and female Guardians in Republic V.

From the cursory investigation presented thus far, it appears that the Myth of Er does not contradict the view of equality between female and male Guardians in Book V, giving the initial impression that the presentation in the Republic is harmonious with itself on the point of equality. However, the story from Timaeus presents a contradictory view in comparison with both the Myth of Er and Book V. This is a problem that must be considered further.

Comparison of the Problem between the Republic and the Timaeus

In the Myth of Er, it will be recalled that souls choose the body species, sex, and socio-economic station for its next cycle of life. From the Myth of Er it appears that the choices for the next cycle are made freely by the soul, based upon its previous experience. From the Myth of Er it is clear that souls are asexual and that sexual identity is associated with the sex of the
body a particular soul incarnates.

In the *Timaeus* souls are also clearly asexual. This seems to indicate a similar metaphysical view of the soul shared by both the Myth of Er and the cosmogony of Timaeus. Where the difference occurs is in the hierarchical value of bodies. In the *Timaeus* the man is superior, the woman inferior. But not only is the female body inferior, it is a form of punishment for morally sullied males. Whereas in Er’s vision souls had choice in their next incarnation, in Timaeus’ story, souls have no choice but are assigned both species (i.e., human or animal) and sex based upon the character of their life.\(^{24}\)

In comparing the *Republic* with the *Timaeus* on the topic of bodies it appears that two different themes are underfoot, a metaphysical theme and an ethical theme. The metaphysical concern has to do with the ontological status of soul and body and the relationship between the two. The ethical concern raises the basic question of whether bodies themselves were first issued as non-sexual bodies or sexual bodies, and whether the male body was first issued as the sort of pristine, more perfect specimen with the female body following as an inferior, punitive model. The metaphysical question is much clearer inasmuch as the soul is eternal and indestructible while the body is generated by mortals and passes away.

The ethical question goes to the heart of our inquiry. In reference to this discussion of the myths of Er and Timaeus, the ethical question might be asked this way: Is there an ethical difference between male and female in Plato’s world? This is a question about value and capacity in human nature. Timaeus says that male is superior and female is a form of punishment. Er seems to deny this. Is there an ethical difference between male and female?

A real problem for the present hypothesis occurs when souls are placed into female bodies as a punishment for a less than satisfactory first incarnation. Should this be read as a case

\(^{24}\)In saying that their sex is assigned I am presenting a certain ambiguity. According to Timaeus all wicked males are assigned to female human bodies in their second incarnation. In subsequent incarnations, they are assigned to commensurate animal bodies. Presumably, following Timaeus, only some animals are incarnated with wicked souls, meaning obviously that some animals are not incarnated with a human soul. On the other hand, is it not possible that some wicked souls could be incarnated into a male animal body because the male animal more so approximates the wicked soul than a female animal? This of course is speculative and not decisive in the argument which is being presented.
that females are unequal to males? Or, should it be interpreted that souls are still equal but bodies are not? If we say that bodies are not equal (but souls are equal) then what follows when we try to discuss the problem from the standpoint of equality of persons from a unitary point of view - i.e., that soul and body (including sex) form a unified person? Or, are we locked in a loop in which the Platonic dualism of body and soul must be ever differentiated when discussing sexuality or equality? Can we, when discussing Plato, use the terms ‘male’ and ‘female’ in any deep sense, or will it be necessary to always indicate whether we are differentiating soul from body and privileging soul or body?

To gain a better understanding of the difference between Er and Timaeus a short excursus into the *Timaeus* might be helpful, as well as a more general look into how Plato uses myth. We will first look at the role of myth to provide help in understanding the variance between Er and Timaeus.

**The Role of Myth in Plato’s Works**

The place of myth in Plato’s works is perhaps best expressed by Benjamin Jowett, as quoted by Penelope Murray.25 “We cannot tell (nor could Plato himself have told) where the figure of myth ends and the philosophical truth begins” (p. 251). Murray herself comments, “To think about the place of myth in Plato’s work is ultimately to think about how we should read his texts” (Murray, p. 261). If Jowett is correct, and Murray follows Jowett, then understanding Plato’s use of myth is part and parcel of attempting an interpretation in the face of a blurred distinction between myth and philosophy.

Murray defines myth as a kind of *logos* or reasoning, or as Socrates expresses it, “surely they are false on the whole, though they have some truth in them” (*Rep.* 377a3-4). Murray makes two points that apply here. First, she constructs a profile of how Plato uses myth. Plato

---

uses myth as a tool of persuasion, even though it is in general false but contains some truth (p. 253). The truth in view here “clearly means something other than factual knowledge of events: the truth of myth has to be distinguished from the truth of history” (p. 253). The problem with the poet’s use of myth, according to Plato, is that poetic myth was wholly false (p. 253). The philosopher’s use of myth, on the other hand, is acceptable because the philosopher knows how to use myth to shape character and promote values desirable to the State (p. 260).

In fact, one of the crucial functions of myth is to shape character and promote values. Myth has, as its primary objective in the hands of philosophers, the transmission of ethical truth (p. 252). In Murray’s view, which is a view held by many, myth functions to convey values for which Plato can offer no rational explanation (p. 259). Myth, then, should be approached with the idea that a myth has no historical truth or value, but rather is offered as a way to convey ethical truth or value when a reasoned argument would fail. “Plato recognizes that myths are necessary for human beings, even for philosophers; hence the importance of appropriating myth from the domination of the poets” (p. 258). Second, Murray holds to the view that muthos is virtually indistinguishable from logos, logos understood as encompassing both story-telling and rational argument (p. 261). This is because neither mode of expression is sufficient by itself to convey truth in the ethical sense. On her analysis, myth, story-telling, rational argument and dialectic are but different forms of logos, each employed by Plato in his dialogues to convey varying levels of truth and value.

The problem is that Plato weaves these different modes of expression together in such a way that it is virtually impossible to distinguish myth from logos. In framing up the Republic as an extended muthos she comments, “The closer we look the more difficult it becomes to maintain a clear-cut distinction between the two, for the ‘philosophy’ of the Republic cannot be separated from the mode in which it is expressed” (p. 259). Later, “If we look in Plato’s work for a consistent distinction between muthos (myth) and logos (reason), let alone a development from one to the other, we look in vain” (p. 261). What does Murray’s argument suggest about the way we should regard the two myths under consideration, i.e., the myth of Er and Timaeus’
story? Murray asks what is a muthos for Plato? It is “a falsehood containing some truth, a story which aims at truth but which is not in itself true. Myth can have different functions. It can, as in the case of the noble lie, be used as a pharmakon, a medicine or drug, to promote specific social and political ends. Or it can be a ‘likely story’, an approximation to the truth. Human beings, not being gods, can never know the truth, hence myth-making is an essential human activity” (p. 260). For now, perhaps the most explicit suggestion to be drawn is to think about the myths in terms of what function they provide in conjunction with what ethical truth they might be conveying.

Christopher Rowe, in the same volume as the Murray paper, extends the argument Murray began by focusing more closely on the question of the epistemic value of myth. He says, “The ultimate issue is about the distinction between ‘myth’ and ‘logos’, or more generally, between the ‘mythical’ and the ‘non-mythical’ . . . The question I mean to raise is whether ‘myth’ is a term - a ‘name’, as Plato would put it - which successfully picks out any real and permanent category in the Platonic universe.” I read Rowe to be asking whether Plato’s use of myth has any epistemic content comparable to Plato’s Forms. Rowe argues that muthos does not have epistemic value rising to the level of Forms, or if it does, “it does so only uncertainly and fitfully; if so, then our main ways of understanding the nature of ‘the mythical’ will be undermined and destabilized by what seemed to be one of the exemplary sources for it” (p. 264).

Rowe suggests that Murray’s paper provides for two possible readings, a less radical version and a more radical version (p. 265). “On the less radical version, the idea will be that the telling of stories is a necessary adjunct to, or extension of, philosophical argument, one which recognizes our human limitations, and - perhaps - the fact that our natures combine irrational elements with the rational. Rational argument can only take us, and the philosopher himself or herself, so far; from then on, it must necessarily cooperate with myth” (p. 265). Rowe himself advocates the more radical version. “In this case, a sense of the ‘fictionality’ of

---

human utterance, as provisional, inadequate, and at best approximating to the truth, will infect Platonic writing at its deepest level” (p. 265). For Rowe, then, as for Murray, muthos is a method placed into service by Plato to try to get at deeper truths that rational argument as human utterance falls short of conveying. For Rowe, all discourse falls short for Plato because all discourse has an element of fictionality.

How are we to finally understand the distinction between the mythical and non-mythical given the continual interplay between the two? Rowe compares the mythical and non-mythical to rational and irrational. “To the extent that Plato envisages the use of muthoi as an alternative to rational argument, in order to inculcate beliefs and attitudes in the non-philosophical, there is also a clear sense in which the contrast between mythical and non-mythical corresponds to that between rational and irrational” (p. 278). However, this does not mean “that ‘the mythical’ is simply defined by irrationality; it is simply that story-telling, by virtue of the simplicity and directness of its appeal, may be used as a means of control in the context of people for whom other means are inappropriate by virtue of their own inadequate degree of rationality.” He concludes, “Just as, then, the rational may - in a way - be transformed into the mythical through its presentation as a narrative, so the mythical may itself become an element in the philosopher’s progress towards the truth. Story, imagery, metaphor, simile: all may serve, if perhaps only for the moment, to indicate something that is true of ‘the things that are’” (p. 278).

For both Murray and Rowe, myth is a necessary device that moves toward an approximation of truth. Murray emphasizes the value of myth in pursuit of ethical truth, while Rowe appears to deny that myth has any real epistemic value given its fictionality. Nevertheless, Rowe sees the use of myth contributing to the progress of the philosophers in “helping to ‘demonstrate the greater subjects’” (p. 278, fn. 37). What guidance may we derive from Rowe’s contribution? Perhaps his most salient contribution for the moment is to think of the myths in question as attempts to see something real and deep in the Platonic universe that cannot quite be conveyed through logical discourse.

Before returning back to Er and Timaeus, one other author makes some comments
which are instructive in locating myth in Plato’s work. T. M. Robinson shares his principles of interpretation with respect to the _Timaeus_ and _Politicus_. Robinson follows the premise that Plato’s dialogues, being dialogues, cannot be expected “to affirm hard and fast philosophical positions in the way a treatise of, say, Aristotle’s does” (p. 111). Second, concerning various _muthoi_, “I take it as a basic principle of investigation that a _mythos_, however else it is to be understood, invariably describes something consonant with, never contradictory of, what is elsewhere in the same piece of writing unequivocally affirmed to be the case” (p. 112). This Robinson calls a variant on the “principle of hermeneutical generosity” - extending to an author the view that the author does not consciously intend to contradict himself or herself. Third, with respect to cosmological _muthoi_, as in the case of the _Timaeus_, “I shall argue that they are in fact Plato’s device for the exercise of that special type of imagination that lies at the heart of significant cosmological speculation” (p. 112).

In considering a particular linguistic point in the _Timaeus_, Robinson arrives at another guiding principle. “The linguistic point is, it seems to me, reinforced by a critical philosophical argument that Plato himself employs in his statement of metaphysical, cosmological, and epistemological principles that form the basis for his account of the world’s formation. It is, briefly, as follows” (p.112-113). Robinson lists five points (p. 113).

1. “A truly real object (i.e., a Form) which is apprehensible by reason in conjunction with an account, has no beginning of existence, but is an eternal reality; a sense object, by contrast, is something that does come into existence and is never (let alone eternally) a truly real object (we recognize at once a repetition of the argument of _Republic_ 475e ff).

2. “Anything that comes into existence does so thanks to the agency of some cause.

3. “Sense objects are defined as objects that are seeable, touchable, and have bulk.

4. “The world around us is seeable, touchable, and has bulk, and is therefore such a sense object.

------------------------------------

5. “It has consequently come into existence (\textit{gegone}) and, what is more, it must have done so thanks to the agency of some cause.”

While Robinson’s specific interest is in \textit{gegone} (has come into being), his guiding principles provide general guidelines for considering the two myths in which we are interested. In particular, two things can be extrapolated for our assistance. First, his principle of hermeneutical generosity asserts that an author will not intentionally contradict himself. But, given Plato’s literary and dialectical skill and range of philosophical debate within his dialogues, we should not assume that he would not intentionally set up contradictory theories for the sake of dialectical debate.

In other words, one assumes provisionally that Plato himself held a consistent set of beliefs and opinions. However, this is not to say that everything Plato wrote or advanced was his own personal belief or opinion. We have good reasons to believe that Plato aired a variety of philosophical views often contradictory to each other. Separating Plato’s beliefs from the ideas he processes through his dialectic is a challenge indeed. Nonetheless it is an important factor in interpretation. The other important point that Robinson makes is the distinction between a “truly real object” and a sensible object. This, of course, is Plato’s ‘Two-World-Theory’: the real, permanent, eternal in comparison to the temporal, the passing, the material world.

Obviously, from the discussions of Murray, Rowe, and Robinson, the interpretation of myths, like most all interpretation in Plato, is a complex issue. However, the insights offered by these three provide some guidance in proceeding, the most obvious of which is that the soul, in all cases herein considered, is ontologically independent of the body as well as asexual. The question of whether the assignment of soul to body is a form of punishment or whether it is a free and rational - irrational choice made by the soul is still an open question.

\textbf{Interpreting Er and Timaeus}

Two issues are at stake in the comparison of the Myth of Er and the Myth of Timaeus.
They are (1) the role of the soul in relation to the sex of the body in which it inhabits - i.e., choice or no choice, and (2) the origin of sex differentiation. Timaeus alone raises the second issue; both Er and Timaeus address the first but with conflicting stories. Both Er and Timaeus support the asexual soul.

**The Asexual Soul and the Sexual Body**

Both Er and Timaeus lend support to the asexual nature of the soul. They disagree, however, over how the soul acquires its particular sexed body. Er presents the sex of a soul’s body, be it male or female, as a choice made by the soul. Timaeus talks of incarnation as a judgment imposed by the gods out of judicial necessity. From a reading of the two stories it appears that this difference is impassible. The choice is important because souls choose their species (human or animal), sex (male or female), and station in life. Annas speaks to this point in her analysis of Book X, where she offers a not-so-literal interpretation in her survey of the myth. In so doing she suggests that Plato is perhaps using the myth to stress the importance of choices. “At 618b Socrates breaks off his description of the souls’ choice of life to address Glaucon directly, and urgently, stressing the need of wisdom to choose what leads to a just life, avoiding false values and making the most of what life provides. He is talking about the choices that we make. This suggests that the whole apparatus of reincarnation, heaven and hell, and so on, is not to be taken seriously as a story, but serves merely to dramatize what is at stake in one’s choices now” (*IPR*, p. 351, author’s italics).

This matter of choice is a central issue in the myth and is crucial to the distinction observed between Er and Timaeus. Whether one views the myth as literal or allegorical, the importance of choice still figures strongly. To read the myth literally on the matter of choice one sees that the soul is charged with the responsibility to literally choose to be in a male or

---

female body. To read the myth allegorically - if that is seen as Plato’s intention - one might see a subtle reminder to the effect that every soul chooses throughout its incarnation the effect and the outcome of living in its male or female body. This, of course, would be in concert with Book V, where the soul is exemplified as being essentially at liberty to overcome the conventional and psychological constraints of the body for the sake of fulfilling the unique nature of its soul.

So a physician-natured soul has the liberty to choose to fulfill its physician-nature regardless of the sex of its body (Rep. 454). The restraints, as Socrates paints them, are twofold: the limitations imposed by *nomos* - conventional thought, i.e., that one’s nature is inextricably bound up in one’s sex, and, second, the limitations imputed through an individual’s nurture and education. An implied third restraint stands in the shadows - the choices that a soul makes in the face of its limitation or opportunity.

Regardless of whether one reads Er’s myth literally, allegorically, or reflectively, it seems that the importance of choice emerges as an important message. As Annas says, “The myth is meant to jolt us out of the easy assumption that our day-to-day choices we make determine the kind of people we are, and the wise person will choose in knowledge of this” (IPR p. 352). To treat Er’s myth as a parable or allegory about choice might be satisfactory in some regards, and it certainly is an appropriate application of Plato’s overall outlook. But, in light of the conflict between the implied value of the female body when Er’s myth is compared to Timaeus’ version, this approach is less than satisfactory, especially in light of what is at stake. The immediate problem with Timaeus’ account is not whether it is to be taken literally or as a parable; the immediate problem is that taken either way it asserts that a female body can be an inferior and punitive body for the souls of men who previously failed to be good men. History is replete with examples of this point of view from Aristotle to early Christian Fathers.29

This question of the ethical or moral value of the female is somewhat connected to the

29Taylor refers to this: “Even some of the early Christian Fathers held a similar view, and St. Thomas actually takes the trouble to confute it, *Summa contra Gentiles* iv.88, *de sexu et aetate resurgentium*” (Taylor, p. 263).
prior question of the origin of sex differentiation. This is to ask: Does Plato mean to assert that the female body came into existence at a time subsequent to that of the male body (this may be a metaphysical question relating to the ontology of bodies); or, does he assert that the female body was degraded for the purpose of punishing bad males (this implies an ethical question concerning bodies)? What does he assert about the origin of the male body? Part of the question raised here is simply whether the male and female bodies appeared at the same time and as essentially equal bodies, or whether the female body followed as an inferior body for the purpose of punishment of the soul previously in a male body.

An interesting pattern emerges when three of the classical commentators of Plato’s *Timaeus* are compared. They are R. D. Archer-Hind,30 A. E. Taylor,31 and Francis MacDonald Cornford.32 The two passages of interest in the *Timaeus* are at 42b and 90e.

Archer-Hind comments only briefly at 90e. “And now our tale is well-nigh told. For in the first generation the gods made men, and in the second women: and they caused love to arise between man and woman and a desire of continuing their race” (p. 338). Taylor doubts that Timaeus’ account was intended by Plato to be accepted as a literal account of how (42b). In fact, “It is not likely that any part of the story was regarded by Plato himself as more than a parable,” and later, “It is unlikely that even Timaeus means to insist on the literal truth of such stories” (p. 262). Cornford unequivocally denies any disjunction in the appearance of the two sexes (42b). “There is nothing in the text here to suggest that the first living creatures are ‘without sex-differences, the differentiation of the sexes and the infra-human species coming about later by a kind of ‘evolution by degeneration.’ There is nowhere in the *Timaeus* any mention of sexless creatures” (p. 145, fn. 1).

From these three commentators we get three different views. Archer-Hind appears to straightforwardly accept the two-generation theory of males in the first generation, females in

the second. Cornford rejects any notion of a two-generation theory, be it the idea of a sexless first generation followed by a second generation of sexed beings, or the view offered by Archer-Hind. Taylor suggests that Timaeus’ account at 42b be read as a parable. However, in his comments at 90e, he frames the assignment of deficient souls into female bodies in a completely different light. Concerning the distinction of the sexes he says, “We must not take what T. [Timaeus] says about these matters too seriously, as most exponents do.” Taylor alludes to Empedocles as the origin of early sexually-undifferentiated creatures who gradually evolved into male and female (p. 635). Concerning the origin of the sexes he comments (p. 635), of “the alleged origin of sex, we can be sure that Plato is not in earnest with it, since he has put the same theory into the mouth of the comedian Aristophanes in the Symposium and has made Aristophanes introduce the tale with a reference to his own calling as a professional γελωτοποιός (gelotopoios, a jester or buffoon).”

In the Symposium Aristophanes spins a comic muthos which has the first generation of humans appearing in three varieties, each being as a whole. Some beings are both male and female, some are male-male, and some are female-female. Zeus, concerned over a threat to his kingdom, split the beings in half to impede any more trouble they may cause. This leaves the beings each yearning for their other half. Zeus also leaves the individual halves with the warning, in Taylor’s words, that “if we continue to misbehave, he may repeat the operation and leave us to hop on one leg” (p. 635). Taylor treats the episode as a comic exercise, although one might see allusion to the beginnings of a theory on sexual attraction and interdependency.

With regard to the idea that Timaeus’ speech at 90e might have some metaphysical significance, Taylor says this: “At any rate it is wholly wrong to suppose that Plato is in deadly earnest, and to raise the question whether there really is an ‘ontological significance’ in difference of sex or whether anything could really be made of a doctrine of the evolution of species au rebours”[‘against the grain’, ‘backwards’] (p. 635). Concerning the ethical point of the female nature as a punishment, Taylor has this to say. “Sex came in in the second generation, when the more cowardly and unfair men were reborn as women. We must not
moralize here on the ‘inadequate ideal of womanhood’ in the ancient world.”

Drawing upon the commentaries of Proclus, Taylor summarizes Proclus as holding that Plato’s meaning was that there are “manly” and “womanish” souls, and that Plato did not mean to say that the “manly” soul was in a male body or the “womanish” in a female body (p. 636). Three different commentators - four if Proclus is included - with four different views. The problem of these myths is exacerbated, however, if one considers the debate over the dating of the Republic and the Timaeus.

**Timaeus - Middle or Late?**

The received view concerning the dating of the Timaeus is that it is one of Plato’s later dialogues, hence fitting into the category of his mature works.

In 1953 G. E. L. Owen mounted a challenge to the received view. Owen began, “It is now nearly axiomatic among Platonic scholars that the Timaeus and its sequel the Critias belong to the last stage of Plato’s writings,” along with the Laws, Philebus, and Epinomis (p. 313). Included in this group were also Parmenides, Theatetus, Sophist, and Politicus. Owen set out to “undermine” the received view especially in the case of Timaeus. Owen took up arguments in Plato’s metaphysics, cosmology, logic, and politics, as well as appeals to stylometrics to make his case. With respect to the Republic group - essentially Plato’s middle dialogues - he added Timaeus-Critias and Euthydemus to the generally accepted Phaedo, Symposium, Republic, and Phaedrus. The Phaedrus he placed after the Timaeus-Critias.

Then in 1956 H. F. Cherniss delivered a lecture at Harvard in which he took Owen to task, wryly commenting that “There is little or nothing under the sun that is entirely new in

34For reference to the “received” view, I am following Gail Fine’s chronology in Plato 1: Metaphysics and Epistemology, ed., Gail Fine (Oxford University Press, 1999), see “Introduction,” pp. 1-35.
Platonic scholarship.” He went on to not so gently chide that most of what Owen had to say was nothing new. At least one idea was as old as Plutarch (p. 339-340). Cherniss then set out to refute Owen’s major points. It is not in the scope nor interest of this dissertation to analyze their point and counterpoint and declare a winner. Both made valuable contributions to Platonic scholarship. One thing might be safely observed, however, that has application for the present investigation. Owen sought to undermine the received view by utilizing certain “paradoxes” in Plato to show that the *Timaeus* was earlier than generally accepted. “No one familiar with Platonic scholarship will claim that these paradoxes could not be explained away, given enough ingenuity” (p. 313). It seems that Cherniss may have turned the veracity of Owen’s statement back on Owen by use of the same. Both swung the sword of ingenuity with brilliance.

On the other hand, if Cherniss was correct in his late dating of *Timaeus*, and it follows that *Timaeus* represents Plato’s mature thinking, then the import of Timaeus’ comments regarding the female sex dampen the view that Plato seriously holds some thought of equality between male and female, and serves to fortify those who might who hold Plato in a disparaging grip as a misogynist. This is, of course, unless one holds to a view like the one suggested by Taylor and dismisses the whole discussion as one of comedy, not to be taken too seriously, in which case some would criticize Plato for treating the matter so lightly. Not taking the discussion too seriously was rejected a few paragraphs earlier. The matter must be considered, for if Cherniss’ chronology is followed, then we must either neutralize Timaeus’ characterization through some ingenious effort, or relent and accept Plato’s apparent position on the female sex. This, however, assumes that we accept myth as positive doctrine.

The function of myth in the two myths under consideration, Er and Timaeus, is yet to be resolved, however. It is at this point that Owen may contribute two important perspectives, one has to do with chronology, the other a passing comment he makes about myth. With respect to chronology, Owen’s suggestion that the *Timaeus* properly belongs in the *Republic* group means that the three myths that have come up in discussion are located in close proximity to each other: Aristophanes’ myth in the *Symposium*, Er’s myth in the *Republic*, and finally Timaeus’
myth in the *Timaeus*, presumably in that order. If the *Republic* group represents a distinct period of writing in Plato’s life - and by most accounts Plato’s dialogues can be grouped into three general periods - then these three myths might be seen as a progression of ideas serving some particular function in tandem. It is readily apparent that these three dialogues share two common themes: the soul and sexual difference.\(^{36}\) What is notable about their appearance in these three dialogues is that the soul is treated consistently by Plato as the supreme feature of human nature. Sex, on the other hand, is treated with differing stories and attitudes.

Thus, Aristophanes presents a view of sex that is both lighthearted and hardly believable - Zeus cutting humans in half. Er presents a view of sex that has a sense of plausibility, especially for those who believed in reincarnation, a view that was not uncommon especially in Pythagorean circles. But Er presents sex and species as a preference determined by choice - for those who believe in immortality and transmigration of the soul. Timaeus, in stark contrast to both Aristophanes, who presents sexual motivation as a positive yearning for one’s lost other half and Er, who presents sex choice as a rational decision, presents one’s sex and species as a punishment for all but the exemplary virtuous.

In a discussion about statecraft (Owen, p. 332) Owen makes a passing comment which may be illuminating at this point for our dilemma. He intimates that Plato, in the *Politicus*, employs a myth to bring to light a mistake in the interpretation of an earlier definition. Might one of the uses of myth by Plato be to expose ideas which he rejects? Could it be that the three myths under consideration here might be viewed in a similar way? Is it possible that the three myths function to highlight prevailing views of the origin of human sex differentiation which he rejects? In other words, the views set forth by the three spokesmen reflects views which lacked sufficient historical or rational evidence for Plato to accept them; or, they lack coherency with Plato’s metaphysical and ethical view of the soul. Plato’s way to expose his dissatisfaction is to incorporate them as myth. This would be consistent with Murray’s notion that myth treats

\(^{36}\)This is not to make the argument that these three dialogues are the only three that share these two themes in some proprietary way. It is rather to make a more general observation that, among the multitude of topics discussed throughout Plato’s corpus, the soul and sex show up in these three dialogues in a notable way.
subjects which might otherwise be difficult to treat straightforwardly. In this case, given the virtual impossibility of disproving such ideas, the next best way to attack them is through myth. Under either of these possibilities, these myths could be seen as Plato’s way of illuminating errors in the way the sex differentiation had come to be regarded.

If this line of interpretation is accepted, the consequence would be a consistent contrast between sex and the soul with sex treated cavalierly through a variety of tales, while the soul is given serious discussion. In the Symposium, Aristophanes has “half bodies” running around looking for their other half so they could have sexual relations; but the serious contribution of the Symposium, by most accounts, is Diotima’s lofty view of the soul that yearns for, not the lesser beauty of a body, but for Beauty itself, a beauty that can only be apprehended by the soul.

In Timaeus’ myth, the assignment of sex is essentially a punishment for all. If Archer-Hind were to be correct in his view that the first generation were male, one of the first observations to be made would be the observation that being male had no apparent particular significance in terms of sexuality. The first generation had no means of reproducing, and would, presumably, in time, all die out. If the first generation were all virtuous, dying out would be meaningless because all would go to inhabit their eternal stars. On the other hand, if the first generation were all male and failed their probationary first generation resulting in re-incarnation, then sex would not take on significance until the second generation, at which time those reincarnated into a female body were clearly under some form of condemnation for their sinful past. But, by inference, those souls consigned to any body in the second generation, be it male or female, were under some form of condemnation for their sinful past inasmuch as the virtuous only were returned immediately to their star for eternal bliss, where sex appears to have no role or function. All else were assigned to a male or female body, and in subsequent generations, the continuing wicked were demoted even further down the animal chain into wild beasts until sufficiently purged of sin and able to return to their star. Whatever reading one gives to Timaeus’ account, the outcome is pessimistic for nearly all, as well as derogatory for women.

By contrast, the Republic, while giving an occasional glimpse of pessimism, placed optimism in
those souls who seek Beauty and the Good. Er’s emphasis on choice may be the closest to representing Plato’s views. However, even in the description of the soul’s freedom to choose, Er gives subtle hints that the soul is not completely free, but that there is a certain necessity in its choice by virtue of his past character - the result of birth, nurture, and education.

What is consistent in these three myths is the centrality and importance of the soul. Variability in the myths is focused on sex. In Er’s myth in the *Republic* do we get a view of sex that is consistent with Plato’s views of the soul and with his outlook for female Guardians?

**Summary**

Where does this leave us with respect to these three issues: (1) the asexual soul, (2) the origin of sex differentiation, and (3) the issue of choice? We started down this path as a result of testing the asexual hypothesis (souls are asexual but inhabit sexual bodies. Nothing in the myths of Er, Timaeus, or Aristophanes undermines or argues against the asexual soul. Both Er and Timaeus are compatible with respect to the asexual soul, while Aristophanes’ myth is completely silent about the soul, instead focusing only on human nature as body. Thus, it seems safe, at this juncture, to provisionally conclude that the asexual soul holds for the moment. The origin of sex differentiation remains vexed however. Timaeus gives an account of the origin of sex which leaves an ambiguity as to whether he means to say that the first generation was either asexual or all male. Beyond this ambiguity, when he makes the female body a form of punishment for unvirtuous previously male souls his account appears to conflict with Socrates’ equality claim of female and male Guardians in the *Republic*.

If Timaeus’ myth is read as positive doctrine, it seems that the only way to reconcile the discrepancy between its view of the female sex and the equality hypothesis is to interpret the myth as a further indication of Plato’s radical dualism. In this view, the myth would convey the idea that souls remained equal while (sexed) bodies were not equal. This proposition, in and of itself, may not be so objectionable, for, in fact, Socrates repeats at least four times in Book V
that the female is weaker than the male. So, for there to be a differential in physical strength between male and female, and for this differential to infer an in-equality between the bodies of the sexes - may not be incompatible with the equality hypothesis.

However, the rub comes when Timaeus asserts that the female body functions as a form of punishment. Can this feature be reconciled with the equality hypothesis? Possibly, with enough ingenuity. Timaeus clearly describes the necessity of purgation for those souls whose lives are less than virtuous. This purgation involves repeated life cycles which progressively descend through the animal chain. Once purgation is completed, the soul is cleansed and returned to its pristine glory and given abode in its star. In this interpretation, the body is an incidental feature, an accident, in the judicial program of punishment. After all, any soul in any body after the first generation is in a body for punishment. The problem with this view is that, besides the fact it runs into a conflict with a similar myth given in the Phaedo, if true, the female-as-punishment claim still seems to place an undue and unfair burden upon women that does not accrue to wild beasts and to reincarnated males which house souls under punishment. The stigma attached to the female-as-punishment does not seem to carry over to animals and males in the same way. Hence, there is something in the female-as-punishment claim that does not sit well with Plato’s rationalistic argument for equality.

Reading Er’s myth as positive doctrine also places the reader in a dilemma. If Plato means to assert that the soul exercises unfettered free will in the choices of species, sex, and station in life, not only is this contradicted by Timaeus’ account, which gives no choice in the matter of species and sex, but it runs into difficulty when compared with the Republic as well as within Er’s myth itself. Within the myth, there are hints that as each soul approaches the selection of species, sex, and station, it does so by drawing upon its previous experience and character. This means, obviously, that the choice would not be made freely and independently of past experience and its effect upon the character of the soul; nor would the choice be made independent of embodied experience and drawing solely upon the soul’s heavenly experience among the Forms by which one would presumably make perfect choices.
This problem of how choice is made by the disembodied soul leads one to surmise that, while Plato utilizes the myth to convey the importance of choice, as Annas pointed out, he also expects the reader to realize that, even within the myth, no soul is fully free and independent from experience in making choices. This coheres with the point of view countenanced within the *Republic* where Socrates argues for the importance of nurture and education in character development. It would seem, following this interpretation of Er’s myth that Plato actually rebuts his own argument for rationality by showing in a roundabout way that rationality, while the supreme feature of the soul, does not operate completely unaffected by the material conditions of the body or of the state within which the soul resides.

Reading the myths in question as positive doctrine seems to be untenable. The earlier discussion about myth (p. 27ff above) conveys the view that myth is integral to Plato’s philosophical discourse and treats subjects that may otherwise be difficult to treat in straightforward philosophical argument. Combining this with Owen’s alternative chronology of the *Timaeus*, a better alternative interpretation may be possible. By approaching the myths as “probable” accounts the myths are postured as speculation and opinion rather than knowledge. In this view, the myths would be seen either as opinions about the origin of sex differentiation that lack historical or rational support, or as ideas that were current in Plato’s day but lacked coherency with his settled doctrine of the supremacy of the soul, including the asexual hypothesis.

If this approach is plausible, then the conclusion might be drawn that Plato’s discussions about the origin of sex differentiation should not be given the weight of knowledge but only of opinion, and hence are but are lesser opinions and do not, therefore, accrue as evidence for the history of sex differentiation, nor serve as evidence against the positive doctrine of equality as set forth in Book V with respect to the Guardians. Timaeus’ comments about sex differentiation would then essentially serve to telegraph that no one, by Plato’s reckoning, knows this history, and that, at best, it remains a speculative enterprise. By placing this discussion in the mouth of Timaeus, Plato may be distancing himself from the opinion expressed by Timaeus on the matter.
Discussion of choice in Er’s myth would be interpreted in the same way. The ability to make choices is a feature of the asexual soul, but rationality itself is not the sole determinant of the soul’s ability to choose. Choice, as a rational process, cannot be completely separated from other conditions that impinge upon the character of the soul. This would show Plato distancing himself from a philosophical position that postures rationality as a kind of impersonal process that makes choices detached from real life in a vulgar sense, and detached from Real Life in a Platonic sense, in which the soul informs its choices solely from its gaze upon the Forms.

However the question of sex differentiation and choice are interpreted, what remains standing without equivocation is the asexual soul hypothesis. Nothing thus far betrays the fact that Plato viewed the soul as asexual. Whether the variations with respect to sex differentiation and choice can be reconciled with further research remains to be seen. For now this provisional conclusion moves the investigation forward to the Republic.
Chapter Two: The Guardian Nature

Introduction.

The larger question under consideration is whether Plato’s corpus will support the claim that equality between male and female Guardians is based upon Plato’s view of the soul. From the preliminary investigation thus far, it appears that Plato is consistent in his view that the soul is asexual, notwithstanding some other problems yet to be resolved. The immediate question now shifts to the Republic: is the equality claim in the Republic consistent with the hypothesis that the asexual soul is the basis for Socrates’ equality claim? This moves the spotlight to the Guardians.

Socrates’ main claim occurs at the end of Book VII near the conclusion of the digression (Books V-VII), where he says, with respect to the Guardian-Rulers: “You see, you must not think that what I have said applies any more to men than it does to those women of theirs who are born with the appropriate natures” (540c5-7). In other words, Socrates’ main claim is that his argument for the qualifications of Guardians, while presented in the context of male Guardians, applies equally to those males and females who exhibit the natural characteristics, or natures, necessary for Guardianship. The primary argument for this equality of male and female
Guardians occurs in Book V. In this chapter, the question at issue is whether the equality argument coheres with the asexual soul. Throughout the Republic the discussion of Guardians is generally conducted with language indicating that Socrates is talking about men except in those places where women are explicitly discussed. In this quote Socrates clearly states that everything spoken about men equally applies to qualified women - i.e., who have “appropriate natures.” Socrates’ claim at 540c is consistent with his claim in Book V that females with appropriate natures are as equal to the task of Guardianship as males with the same appropriate natures. The relevant question is what Socrates means by “appropriate natures”?

“Appropriate Natures” for Guardianship Rep. 375a2-376c6

It appears that Socrates outlines his general requirements for Guardianship at 375a2-376c6, a text which has been called the Guard Dog Analogy (GDA). There he analogizes his proposed human Guardians to guard dogs. The discussion is introduced with the question whether there is any difference between a thoroughbred dog and noble-born lad destined for life as a Guardian. The ostensible question is whether nature, as exemplified in the nature of lower animals, supports his conception of Guardianship in humans. In examining the question in the GDA, Socrates develops three areas of requirements for Guardianship: physical, dispositional, and intellectual. The task of Guardianship requires three physical qualities: strength, quickness, and keen eyesight (375a). Dispositionally, the Guardian will need courage along with spiritedness tempered with gentleness (375b-c). Intellectually, Guardians will need a philosophic mind for the task of ruling (375e-376c).

With these three stipulations Socrates indicates three broad areas of consideration for the acceptable Guardian nature. He must be physically competent, dispositionally suited, and intellectually accomplished for the tasks of guarding and ruling. Throughout the ensuing discussion, from 375a in Book III until the end of Book VIII (541a), Socrates develops this outline showing the presence of these needed requirements for Guardianship in the human. For
the hypothesis set forth in this dissertation to hold, the appropriate natures must be characteristics which are irrespective of the sexual nature. If it can be shown that the “appropriate natures” necessary for Guardianship present in Socrates’ argument cohere with the asexual soul hypothesis, then the equality hypothesis is at least one step closer to justification.

1. Physical Competence as a Guardian Requirement

In the GDA Socrates lays down the need for physical fitness, listing strength, quickness, and keen eyesight as the main features. Socrates’ emphasis on physical competency meets two needs of the Guardians: (a) physical preparedness for war, and (b) personal physical health. In discussing the character needed in the Guardians, Socrates says

Then we need a more refined sort of training for our warrior-athletes, since they must be like sleepless hounds, as it were, who have the keenest possible sight and hearing, and whose health is not so precarious that it cannot sustain the frequent changes of water and diet generally, and the heat waves and winter storms typical of war... Wouldn’t the best physical training, then, be akin to the simple musical training we described a moment ago?... I mean a simple and good physical training, and one that is especially adapted to the conditions of war (404a9-b9).

Socrates’ concern is not with physical training for the sake of physical training but physical training for the sake of Guardian preparedness for war. That physical fitness as an end itself is not Socrates’ main goal is suggested by his comparing it to simple musical training (404b). Simple musical training, which precedes physical training, is an essential part of character formation of the Guardians (398d1-402a6). In fact, in the argument Socrates is making physical training for the body seems to serve a parallel function and common purpose as musical training does for the body. “Then, if the fine habits in someone’s soul and those in his physical form agree and are in concord with one another, so that both share the same pattern, wouldn’t that be the most beautiful sight for anyone capable of seeing it?” (402d1-4). Physical training, like musical training, has as its ultimate object character formation.

Socrates pushes his argument further than physical fitness as preparedness for war. After turning his attention to diet (404b8-e2), he comments, “there complexity [i.e., in diets and
lifestyles of indulgence] engendered intemperance, didn’t it, and here it engenders illness; whereas simplicity in musical training engenders temperance in the soul, and in physical training health in the body?” (404e3-5). Socrates uses this comment as a segway to attack the litigiousness of Athens as a disease, but the point regarding the Guardians should not be lost. Guardians need to be physically fit for the rigors and demands of war while, at the same time, maintaining good health reflects a condition of temperance in the body. Physical fitness for the rigors of war and good health embody a lifestyle of temperance, a necessary virtue for Guardians of Kallipolis. Hence, the body is both instrumental in its service to the Guardian soul and illustrative of a temperate character, also a condition of the soul. Even in looking at the physical requirement Socrates’ view of the relation of the soul to the body should not be overlooked.

Two other examples will further illustrate this servant relationship of the body to the soul.

In speaking of the harmony produced when both body and soul are properly trained (402d1-3), Socrates asserts, “Surely the most beautiful is also the most lovable” (402d6). From this he concludes that the finely trained souls will fall in love with each other but not with a “disharmonious” soul (402d7-8), to which Glaucon agrees. “No, he would not - at least, not if the defect were in the soul. If it were only in the body, however, he would put up with it and still be willing to embrace the boy who had it” (402d9-e1). In this exchange with Glaucon, Socrates shows the attraction between finely trained souls as a natural affinity. He teases out the instrumental nature of the body when leading Glaucon to observe that a finely trained soul could love a defective body, whether male or female, but not a defective soul. Body serves the soul, but the soul takes the privileged position.

In a second example Socrates asserts the mastery of soul over body. After establishing the value of musical training, Socrates relates the value of physical training. “And in this, too, they must have a careful training, which starts in childhood and continues throughout life” (403c10-d1). However, there is a caveat according to Socrates’ view. “You see, I, for my part, do not believe that a healthy body, by means of its own virtue, makes the soul good. On the contrary, I believe that the opposite is true: a good soul, by means of its own virtue, makes the
body as good as possible” (403d1-4). To this Glaucon agrees.

What is displayed in these two examples helps to clarify Socrates’ view of body and its fitness. Fitness of body is a necessary requirement for Guardianship but physical fitness is not an end in itself. Physical competence serves two purposes: (1) physical preparedness for war, and (2) good health as an indicator of temperance, both of which are products of the soul. In Socrates’ vision, the body is neither despised nor glorified. It is a necessary and useful instrument for carrying out particular functions of Guardianship. Socrates’ view of the relation of body to soul on the one hand shows the soul in the privileged position. However, the privileged position given to the soul in relation to physical fitness is one of degree, not of privilege leading to exclusion of the physical. When it comes to physical fitness what Socrates seeks is balance. He argues that excessive physical fitness combined with an absence of musical training leads to savagery, while musical training to the exclusion of physical training leads to softness (410d3). If a person gives himself exclusively to musical training and has a spiritless disposition, he becomes a “feeble warrior” (411b4). On the other hand, if one has a spirited disposition and gives himself exclusively to musical training he becomes weak and unstable (411b6-10). The important observation here is that Socrates does not denigrate the body to the glorification of the soul, nor glorify the soul to the exclusion of the body; rather, he argues for a harmonious balance between body and soul which is the result of both musical training and physical training. Excessive care to the body is counterproductive to good health and philosophical inquiry, Socrates asserts (407b), but care and training of the body in appropriate proportion is essential to a fit Guardian.

Spelman’s Challenge to Soul - Body Relationship

This relationship of body to soul, or soul to body, is a controversial matter, however. While I argue that there is a reciprocal relationship between body and soul in which the virtuous soul nourishes and enriches the body and the body serves the soul even though the body has no
inherent ability to influence development of the soul, others do not see the soul-body relationship in this way. One such philosopher is Elizabeth Spelman, whose paper, “Hairy Cobblers and Philosopher-Queens” offers a different point of view. Spelman is noted for her argument that Plato’s treatment of women reveals that for Plato souls are gendered. Interestingly, Spelman begins her argument at exactly the same line of reasoning as developed here. Using Book V of the *Republic* as her starting point, she details Socrates’ argument similarly as here (see Chapter Three below). In short, “Socrates is able to argue that sexual identity is irrelevant to the capacities required for the philosopher-ruler because he thought of those capacities as being of the soul and distinct from the qualities of the body. Whether or not you have the capacity to rule is determined by your soul and not your body” (p. 6). From this statement it sounds as though Spelman’s perspective is exactly in accord with the argument presented here. It is the capacity of soul and not body that determines whether an individual, be it female or male, is qualified to serve as Guardian in Kallipolis.

But this agreement is only apparent. When Spelman says that capacity to rule is determined by soul and “not your body” she has more in mind than what I argue. My claim (from Chapter One above) is that sexual difference is irrelevant to the qualifications for Guardianship. On this we agree. But, here in Chapter Two I have just laid out my perspective on Socrates’ view of the relationship between soul and body, a view which asserts that the soul influences the body and at the same time the body, by virtue of the soul’s influence, is an indicator or illustrator of the health of one’s soul. Here is where Spelman differs.

After making the above claim, she goes on to add, “no inferences can be drawn from the fact that someone has a particular kind of body about what kind of soul they have” (p. 6). If, by “a particular kind of body” Spelman means “sexual difference” then we are in agreement. But that is not what she means. Spelman offers two interpretations on how to read Plato’s intent. He could mean that “no facts about a person’s body entail facts about that person’s nature, or

soul,” or he could mean that “while some bodily facts entail something about people’s natures, their sexual identities aren’t among such facts” [Spelman’s emphasis]. She goes on to state, “There is much in Plato’s treatment of the soul/body distinction that suggest that his holding the former view enabled him to ‘see beyond’ a person’s sex” (p. 7). The argument I offer regarding the physical requirements for Guardianship indicates, contrary to Spelman’s inclination, that Plato did not hold to the view that no facts about a person’s body tell anything about their soul. What Socrates seems to indicate is that, while sexual difference is irrelevant, the body in some of its other features is, in fact, very telling about the condition or state of the soul. Spelman later says, “Plato seems to say not only that being male or female is irrelevant to the kind of soul you have, but that no aspect of the physical self can tell us anything about the kind of soul someone has” (p. 10). Spelman’s radical disassociation of body and soul runs counter to the view of the inter-relatedness of body and soul that I propose here.38

The argument for radical disassociation seems also counter to Socrates’ educational program for children. When it comes to Socrates’ educational proposals, his argument for balance between body and soul becomes very important in relation to the equality hypothesis under consideration. Socrates argues that girls are as capable as boys of participating in physical training as well as musical training. Under the present hypothesis that equality is located in the soul not the body, one would expect that girls could participate equally in physically training if the girls have had the same musical training as the boys, which is Socrates’ position. The argument goes something like this: Since musical training engenders temperance in the soul (404e) and a good soul makes a good body (403c), both the male body and the female body are equally susceptible to the benefits of musical and physical training. Socrates will address this aspect of the argument more fully in Book V, which will get detailed treatment later.

38Spelman argues for this radical separation of body and soul so that she can later assert that gender is a feature of the soul and not visible in the body. I shall oppose this view in Chapter Five. Her argument, however, begins with this complete separation of body and soul; my argument separates sexuality from the soul, but acknowledges that the soul influences the body in certain ways and that the body is a mirror of the soul in some respects. What I do not address is the relationship between the soul and the practice of sexuality.
When one reflects upon Socrates’ requirement of physical competence one sees that the competence required applies neither exclusively to the male nor exclusively to the female, but rather calls for fitness that either male or female who is sufficiently capable and inclined may attain. So when Socrates refers to “appropriate natures” it is clear from his expectation of physical competency that “appropriate natures” does not refer to the sexual difference of bodies. Therefore, it appears that his discussion of physical requirements for Guardians does not exclude females, but rather gives them an equal opportunity when their physical fitness and good health exemplify the virtue of temperance, a virtue produced by the asexual soul.

2. Dispositional Harmony as a Guardian Requirement

One of the perplexing problems facing the ancients was how to resolve the antithesis of gentleness and aggression in leaders. This problem hounds Plato also. The challenge, of course, is how to engineer a balance between the two in such a way that a leader would act with the appropriate gentleness or aggression in a given circumstance. The second of his three general qualifying conditions is a dispositional harmony exemplifying a blend of gentleness and aggressiveness. The frame of reference with which we examine this requirement, just as a reminder, is whether the requirement of this dispositional harmony, as I term it, will support the present hypothesis that Socrates’ claim of equality between male and female Guardians is grounded in an asexual soul. What is needed for the consistency condition is to find that Socrates’ requirement of dispositional harmony is established in the asexual soul, not in the sexual body.\(^{39}\) If Socrates’ demands regarding gentleness and aggression can be found in the soul rather than the body, then it should follow that dispositional harmony is neither male nor female but a human potential found in either male or female, in varying degrees, depending upon the dispositional aptitude in the individual.

\(^{39}\)It is duly noted that the only argument offered thus far for the claim that sexual difference is located in the body is in Part One with the Myth of Er. Another argument will be considered in the next chapter where Book V is considered.
Discussion of this aspect of Socrates’ argument is somewhat difficult because of the language involved and its concomitant conception. When Socrates talks about this requirement, he speaks of the crucial part as the *thumos* (*thumoeides* in the adjectival form), which is variously translated as “spirit”, “high-spirited”, “passion”, and “spirited and energetic.” For Plato, *thumos* represents a kind of driving energy in humans that could manifest in anger, harshness, passion, or aggression. Unbridled, the *thumos* generates a sort of irrational hostility or wrath towards those in the path of this fury. In Plato’s psychology the *thumos* is one of the three parts of the soul (*psyche*), lying in between the intellect (*logistikos*) and the appetitive parts (*epithumia*) (441a). According to Socrates, the *thumos* is supposed to take the side of the intellect in ruling and reigning over the appetitive part (440b). The *thumos* provides the measure of “spiritedness” resident in an individual. Perhaps the most important discussion of the *thumos* and its role in Guardian character is found in the GDA (375a11-e10; 376c4). In this text Socrates locates the *thumos* in the soul, lays out his practical concern regarding the Guardians, and resolves the question of whether gentleness and spiritedness can be compatible in the same nature. Following his summary of physical characteristics, Socrates continues, “And they must be courageous, surely, if indeed they are to fight well . . . Now, will a horse, a dog, or any other animal be courageous if it is not spirited? Or haven’t you noticed just how invincible and unbeatable spirit is, so that its presence makes the whole soul fearless and unconquerable in any situation?” Glaucon replies that he has noticed this. “Then it is clear what physical qualities the guardians should have . . . And as far as their souls are concerned, they must, at any rate, be spirited” (375a8-b8). Socrates here tells us two important things about the *thumos*: first, that the Guardians must be spirited, and that the *thumos* is located in the soul.

Statement of the problem follows immediately: “But with natures like that, Glaucon, how will they avoid behaving like savages to one another and to the other citizens? . . . But surely they must be gentle to their own people and harsh to their enemies. Otherwise, they will

not wait around for others to destroy them, but will do it themselves first” (375b9-c3). Here the problem is stated practically. If Guardians are spirited how will the high-spiritedness be restrained and channeled? The short answer, according to Socrates, is that the *thumos*, located in the soul, must be brought into alliance with the *logistikos*, the reasoning power of the individual. This is accomplished through proper physical and intellectual training.

To the point of whether Socrates’ requirements of the *thumos* for spiritedness that blends with gentleness will support the hypothesis that equality is based in the asexual soul: the answer is that nothing thus far identifies spiritedness or gentleness with the sexual nature, but rather that spirit (*thumos*) is a feature present in the soul, presumably, of both female and male, and that its function in the human soul is to aid the intellect in the performance of Guardian duties. More to the point, Socrates explicitly conveys his view that some women possess the quality of spiritedness required for Guardianship.

“We will say, I imagine, that one woman is suited for medicine, another not, and that one is naturally musical, another not . . . Won’t one be suited for physical training or war, then, while another is unwarlike and not a lover of physical training?” Glaucon assents. “And one a philosopher (lover of wisdom), another a ‘miserosopher’ (hater of wisdom)? And one spirited, another spiritless?” Glaucon again agrees. “So there is also a woman who is suited to be a guardian, and one who is not . . . A woman and a man can have the same nature, relevant to guarding the city - except to the extent that she is weaker and he is stronger” (455e6-456a11).

The appropriate nature to which Socrates refers is the Guardian nature. With respect to spirit (*thumos*) either male or female may have this nature in sufficient supply as to qualify them for Guardianship. With respect to the question of consistency, it appears from this survey that Socrates’ insistence on manifestation of *thumos* as presented in the *Republic* is consistent with the hypothesis that the asexual soul is the ground upon which Socrates argues for equality of male and female Guardians.

### 3. Intellectual Achievement as Guardian Requirement

This investigation into Guardian requirements stems from Socrates’ claim that women
who share the “appropriate natures” are equally equipped to serve as Guardians. That males and females who exhibit these appropriate natures are equally eligible to serve as Guardians is one way of stating Socrates’ equality claim. As suggested earlier, Socrates sets forth three areas of requirements for Guardianship: physical competence, dispositional harmony, and intellectual accomplishment. We have already seen that the requirements for physical competence and dispositional harmony do not automatically disqualify females qua female from sharing equally with males qua male in eligibility for Guardianship. We now turn our attention to his requirement of intellectual achievement. The intellectual requirement for Guardianship is by far the most discussed qualification of the three areas. The general motivation for finding intellectually competent leadership for the polis is, no doubt, self-evident. Socrates says it this way in one place: whoever is “capable of guarding a city’s laws and practices should be established as guardians” (484b10-c1). However, he discusses more fully his concerns about who would be capable of guarding faithfully.

Socrates asks: “Now, what is the next question we have to settle? Isn’t it which of these same people will rule and which be ruled?” (412b8-9). What follows is a process of division in which Socrates identifies his major concerns. It is clear, Socrates says, that older ones should rule, with younger ones being ruled (412c2). Of the older ones, only the best, however, will do (412c5). While the best must be knowledgeable and capable, Socrates has a more discerning concern: of the most knowledgeable and capable, only those who have shown evidence that they are devoted to what is best for the city (412d8) and conscientiously safeguard these convictions are suitable as Guardians (413c4-d2). Those who are finally selected will be known as “complete Guardians” while those who serve them will be called “auxiliaries” (414b1-5). The core concern expressed in this passage (412b8-414b5) focuses on the ability of Guardians to guard against any loss of belief or conviction of the laws of the polis they are guarding. Socrates points out that loss of belief can occur in two ways: when one learns that one’s belief is false, the departure is voluntary; in the case of true belief, the departure is involuntary (412e9-413a1). While the voluntary loss of belief is obvious to Glaucon, the
involuntary loss is not. Socrates explains that loss of belief occurs involuntarily through “theft, sorcery, and compulsion” (413a11-b1). By “theft” he means that “those who have their beliefs stolen from them . . . are over-persuaded, or those who forget; because argument, in the one case, and time, in the other, takes away their beliefs without their noticing” (413b3-5). On the other hand, “By those who are compelled, I mean those who are made to change their beliefs by some suffering or pain” (413b5-7). The victims of sorcery “are those who change their beliefs because they are charmed by pleasure or terrified by some fear” (413c1-3). Socrates’ plan is that those under consideration for Guardianship must be observed and tested through tests which would be likely to lead the candidates “to forget such a conviction or be deceived out of it. And we must select the ones who remember and are difficult to deceive, and reject the others” (413c6-d2).

Selection of Guardians, then, is a process of selecting those who have knowledge and leadership and who will not forget or be deceived out of their knowledge and convictions of what is best for the polis. This is a main concern: that those who are chosen for their knowledge and leadership skill will not involuntarily lose their focus as they guard the polis. Keeping this perspective in focus, it is helpful to examine Socrates’ lists of qualifications for Guardianship. The primary quest here is to ascertain whether the qualifications enumerated favor male qua male or female qua female, or whether they transcend maleness or femaleness, and thus leave intact the hypothesis regarding the asexual soul.

Socrates’ Lists of Qualifications for Guardianship

Of paramount importance in the search for Guardians is the ability of such persons to guard the established rules of the polis. This entails not only grasping the value of the established rules and adjudicating them faithfully, but also being on guard, so to speak, from distraction or enticement to stray. Seeing this last aspect of Guardians - i.e., holding fast, not wavering, not being persuaded or enticed by the novel or the aggrandizing - helps in
understanding Socrates’ emphasis on intellectual achievement. The approach taken here to analyze Socrates’ intellectual achievement component is to begin from the outside and work toward the core. The rationale for following this direction is that by doing so hopefully the import and significance of the core qualifications will be better seen and appreciated.

Socrates presents his qualifications for Guardianship in the form of a list in at least two different places (484b3-487a9; 535a6-537d7). These lists amplify the basic demands developed in three categories outlined in the GDA - i.e., physical, dispositional, and intellectual. The preponderance of qualifying characteristics are, however, intellectual. It should come as no surprise that, even though the two lists are similar, each answers to different questions. Also noteworthy is that both lists follow in the train of thought from Socrates’ definition of a philosopher (474b-484a), a definition which is also of interest in our investigation. Does the definition of a philosopher undermine the asexual hypothesis in any way? The short answer is no. In a nutshell, Socrates’ philosopher is an individual who loves wisdom (sophia) in its deepest sense. The love of wisdom entails a love of learning, a thirst for knowledge, and an unequivocal pursuit of truth. This love of wisdom, learning, knowledge, and truth results in knowledge of what is real, the Forms. This disposition toward knowledge as well as the manner of acquisition of knowledge of the Forms is what distinguished Socrates’ philosopher from others’ philosophers. Socrates’ lists of qualities supplement his definition of a philosopher.

Both lists answer specific questions. The first list (484b10-490c10) answers the question of who should be in charge of the polis (484b10). The answer is that the polis’ Guardians should be those who seem “capable of guarding a city’s laws and practices” (484b10-c1). As seen above, Socrates identifies those capable of such a role as those who are disposed to do what is best for the polis, and who are conscious of safeguarding their convictions against involuntarily falling prey to distracting forces. These would be, of course, philosophers who have knowledge and who practice the disciplines that lead to knowledge. It is the practice of knowledge and the knowledge itself, along with consciousness to guard their knowledge that protects competent Guardians from involuntarily losing their focus. The second list (535a9-
536b6) answers the question of who is suited for the curriculum required for preparation and testing of candidates for Guardianship. When these two lists are compared, it is quickly seen that both lists identify the same qualities, albeit tailored to the question which they are answering. Socrates summarizes the qualities, calling his summary “the philosophic nature’s chorus line” (490c8). The chorus line includes courage, high-mindedness (i.e., a magnificent character of soul), ease in learning, and a good memory. The chorus line generally characterizes the qualities required. A fuller summary of the two lists might read as follows: first and foremost, a love for wisdom, knowledge, and truth; a strong mind that learns easily and exhibits skill in memory; a person who is just, courageous, and temperate. Any person exhibiting these intellectual qualities would be, presumably, a candidate for Guardian, subject to testing.

The question at hand is whether these qualities show up only in males qua male. The answer is no. On Socrates’ argument, these qualities are neither male nor female, but, in his terminology these are qualities that constitute the philosophic nature. It is the philosophic nature, combined with a harmonic disposition and suitable physical frame that qualifies one for Guardianship in Socrates’ Kallipolis. By pursuing Socrates’ “appropriate natures” we discover through this cursory investigation that the appropriate natures for Guardianship transcend the sexual nature of male or female. Socrates’ claim that what he specifies as requirements for Guardianship for males equally applies to females appears, at least for the moment, to be supported by the criteria for natures appropriate to Guardianship, which, in the main, are natures that define a philosopher.

Summary

Socrates’ main claim regarding equality of male and female Guardians is earlier identified in Rep. 540c5-7 (p. 45 above) as his statement that what he has proposed as qualifications for

male Guardians apply equally to females who exhibited the same qualifications in question - i.e., “appropriate natures.” This investigation thus far appears to show that the “appropriate natures” to which Socrates alludes encompass physical nature, dispositional nature, and intellectual nature. Looking at the individual features in each of these categories we found that none of the features were proprietary features of the male qua male or female qua female, but rather were either features of the asexual body or soul. Further, it is noteworthy that none of the discussions examined in this chapter have addressed the question of the sex or sex differentiation of Guardian candidates.

An objection to this last observation might be made to the effect that sexual issues have not been in the discussion because Socrates has only the male in mind. Obviously this could be the case since the discussion is conducted in the context of only male candidates for Guardianship. This however is corrected by Socrates’ claim that his proposal applies equally to females (540c). From this initial investigation it appears that a provisional conclusion can be drawn that the general discussion of requirements for Guardianship in the Republic as well as the specific discussion of “appropriate natures” supports the hypothesis proposed in this dissertation. In fact, we can say for the moment that sexual difference has been essentially irrelevant to the qualifications for Guardianship. This means, in effect, that not only does the asexual soul hypothesis remain standing, but up to this point, it coheres with Socrates’ equality claim. Thus far, however, we have only looked at a descriptive account of Socrates’ requirements for Guardianship. But, Socrates’ main argument for equality occurs in Book V. To draw a firm conclusion about his equality claim we must next look closely at Plato’s argument in Book V.
Chapter Three: Socrates’ Main Argument for Equality, Republic 451d3-457c3

Socrates’ main argument for the equality of male and female Guardians takes place in Book V of the Republic, a portion of which is also referred to as the “First Wave.” After some dramatic posturing about his uneasiness in explaining his earlier cryptic comments about the koinonia (sharing) of women and children, Socrates finally commences his argument in earnest.

The Equality Argument (EA), Rep. 451d3-457c3

Socrates (451d3): Do we think that the females of our guard-dogs should join in guarding precisely what the males guard, hunt with them, and share everything with them? Or do we think that they should stay indoors and look after the house, on the grounds that they are incapable of doing this because they must bear and rear the puppies, while the males should work and have the entire care of the flock?

Glaucon (451e10): They should share everything - except that we employ the females as we would weaker animals, and the males as we would stronger ones.

Socrates (451e1): Is it possible, then, to employ an animal for the same tasks as another if you do not give it the same upbringing and education?

Glaucon: No, it is not.

Socrates (451e4): Then if we employ women for the same tasks as men, they must also be taught the same things.

Glaucon: Yes.

Socrates (452a2): Now, we gave the latter musical and physical training.

Glaucon: Yes.
Socrates (452a4): So, we must also give these two crafts, as well as military training, to the women, and employ them in the same way.

Glauccon. That seems reasonable, given what you say.

Socrates (452a7): But perhaps many of the things we are now saying, because they are contrary to custom, would seem ridiculous if they were put into practice.

Glauccon. Indeed, they would.

Socrates (452a10): What do you see as the most ridiculous aspect of them? Isn’t it obvious that it is the idea of the women exercising stripped in the palestras alongside the men? And not just the young women, but the older ones too - like the old men we see in gymnasioms who, even though their bodies are wrinkled and not pleasant to look at, still love physical training.

Glauccon (452b4): Yes, by Zeus, that would look really ridiculous, at least under present conditions.

Socrates (452b6): Yet, since we have started to discuss the matter, we must not be afraid of the various jokes that the wits will make both about this sort of change in musical and physical training and - even more so - about the change in bearing of arms and the mounting of cavalry horses.

Glauccon: You are right.

Socrates (452c4): But since we have started, we must move on to the rougher parts of the law, and ask these wits not to do their own job, but to be serious. And we will remind them that it is not long since the Greeks thought it shameful and ridiculous (as many barbarians still do) for men to be seen stripped, and that when first the Cretans and then the Lacedaemonians began the gymnasioms, the wits of the time had the opportunity to make a comedy of it all. Or don’t you think so?

Glauccon: I certainly do.

Socrates (452d4): But when it became clear, I take it, to those who employed these practices, that it was better to strip than to cover up all such parts, the laughter in the eyes faded away because of what the arguments had proved to be best. And this showed that it is a fool who finds anything ridiculous except what is bad, or tries to raise a laugh at the sight of anything except what is stupid or bad, or - putting it the other way around - who takes seriously any standard of what is beautiful other than what is good.

Glauccon: Absolutely.

Socrates (452e3): Well, then, shouldn’t we first agree about whether our proposals are viable or not? And mustn’t we give anyone who wishes to do so - whether it is someone who loves a joke or someone serious - the opportunity to dispute whether the female human does have the natural ability to share in all the tasks of the male sex, or in none at all, or in some but not others; and, in particular, whether this holds in the case of warfare? By making the best beginning in this way, wouldn’t one also be likely to reach the best conclusion?

Glauccon: Of course.

Socrates (453a7): So, would you like up to dispute with one another on their behalf, so that their side of the argument won’t be attacked without defenders?

Glauccon: Why not?

Socrates (453b1): Then let’s say this on their behalf: “Socrates and Glauccon, you do not need other people to dispute you. After all, you yourselves, when you were beginning to found your city, agreed that each one had to do the one job for which he was naturally suited.”

Glauccon: We did agree to that, I think. Of course we did.

Socrates (453b6): “Can it be, then, that a woman is not by nature very different from a man?”

Glauccon: Of course she is different.
Socrates (453a9): “Then isn’t it also appropriate to assign a different job to each of them, the one for which they are naturally suited?”

Glaucon: Certainly.

Socrates (453c1): “How is it, then, that you are not making a mistake now and contradicting yourselves, when you say that men and women must do the same jobs, seeing that they have different natures that are most distinct?” Do you have any defense, you amazing fellow, against that attack?

Glaucon (453c5): It is not easy to think of one on the spur of the moment. On the contrary, I shall ask - indeed, I am asking - you to explain the argument on our side as well, whatever it is.

Socrates (453c8): That, Glaucon, and many other problems of the same sort, which I foresaw long ago, was what I was afraid of when I hesitated to tackle the law concerning the possession and upbringing of women and children.

Glaucon: No, by Zeus, it certainly does not seem to be a simple matter.

Socrates (453d4): No, it is not. But the fact is that whether one falls into a small diving pool or into the middle of the largest sea, one has to swim all the same.

Glaucon: Of course.

Socrates (453d8): Then we must swim, too, and try to save ourselves from the sea of argument, hoping for a dolphin to pick us up, or for some other unlikely rescue.

Glaucon: It seems so.

Socrates (453e1): Come on, then, let’s see if we can find a way out. We have agreed, of course, that different natures must have different pursuits, and that the natures of a woman and a man are different. But we now say that those different natures must have the same pursuits. Isn’t that the charge against us?

Glaucon: Yes, exactly.

Socrates (454a1): What a noble power, Glaucon, the craft of disputation possesses!

Glaucon: Why is that?

Socrates (454a4): Because many people seem to me to fall into it even against their wills, and think they are engaging not in eristic, but in discussion. This happens because they are unable to examine what has been said by dividing it up into kinds. Instead, it is on the purely verbal level that they look for the contradiction in what has been said, and employ eristic, not dialectic, on one another.

Glaucon: Yes, that certainly does happen to many people. But surely it is not pertinent to us at the moment, is it?

Socrates (454b1): It most certainly is. At any rate, we are in danger of unconsciously dealing in disputation.

Glaucon: How?

Socrates (454b4): We are trying to establish the principle that different natures should not be assigned the same pursuits in a bold and eristic manner, on the verbal level. But we did not at all investigate what kind of natural difference or sameness we had in mind, or in what regard the distinction was pertinent, when we assigned different pursuits to different natures and the same ones to the same.

Glaucon: No, we did not investigate that.

Socrates (454c1): And because we did not, it is open to us, apparently, to ask ourselves whether the natures of bald and long-haired men are the same or the opposite. And, once we agree that they are opposite, it is open to us to forbid the long-haired ones to be shoemakers, if that is what the bald ones are to be, or vice versa.

Glaucon: But that would be ridiculous.

Socrates (454c7): And is it ridiculous for any other reason than that we did not have in mind every kind of difference and sameness in nature, but were keeping
our eyes only on the kind of difference and sameness that was pertinent to the pursuits themselves? We meant, for example, that a male and female whose souls are suited for medicine have the same nature. Or don’t you think so?

Glaucon: I do.

Socrates (454d5): But a male doctor and a male carpenter have different ones?

Glaucon: Of course, completely different.

Socrates (454d7): In the case of both the male and the female sex, then, if one of them is shown to be different from the other with regard to a particular craft or pursuit, we will say that is the one who should be assigned to it. But if it is apparent that they differ in this respect alone, that the female bears the offspring while the male mounts the female, we will say it has not yet been demonstrated that a woman is different from a man with regard to what we are talking about, and we will continue to believe our guardians and their women should have the same pursuits.

Glaucon: And rightly so.

Socrates (454e6): Next, won’t we urge our opponent to tell us the precise craft or pursuit, relevant to the organization of the city, for which a woman’s nature and a man’s are not the same but different?

Glaucon: That would be a fair question, at least.

Socrates (455a5): Perhaps, then, this other person might say, just as you did a moment ago, that it is not easy to give an adequate answer on the spur of the moment, but that after reflection it would not be at all difficult.

Glaucon: Yes, he might say that.

Socrates (455a9): Do you want us to ask the one who disputes things in this way, then, to follow us to see whether we can somehow show him that there is no pursuit relevant to the management of the city that is peculiar to women?

Glaucon: Of course.

Socrates (455b4): Come on, then, we will say to him, give us an answer: “Is this what you meant by one person being naturally well suited for something and another naturally unsuited: that the one learns it easily, the other with difficulty; that the one, after a little instruction, can discover a lot for himself in the subject being studied, whereas the other, even if he gets a lot of instruction and attention, does not even retain what he was taught; that the bodily capacities of the one adequately serve his mind, while those of the other obstruct his? Are there any other factors than these, by which you distinguish a person who is naturally well suited for each pursuit from one who is not?”

Glaucon: No one will be able to mention any others.

Socrates (455c5): Do you know of anything practiced by human beings, then, at which the male sex is not superior to the female in all those ways? Or must we make a long story of it by discussing weaving and the preparation of baked and boiled food - the very pursuits in which the female sex is thought to excel, and in which its defeat would expose it to the greatest ridicule of all?

Glaucon (455d3): It is true that the one sex shows greater mastery than the other in pretty much every area. Yet there are many women who are better than many men at many things. But on the whole, it is as you say.

Socrates (455d5): Then, my friend, there is no pursuit relevant to the management of the city that belongs to a woman because she is a woman, or to a man because he is a man; but the various natural capacities are distributed in a similar way between both creatures, and women can share by nature in every pursuit, and men in every one, though for the purpose of all of them women are weaker than men.

Glaucon: Of course.

Socrates (455e3): So shall we assign all of them to men and none to women?

Glaucon: How could we?
Socrates (455e5): We could not. For we will say, I imagine, that one woman is suited for medicine, another not, and that one is naturally musical, another not.
Glauc: Of course.
Socrates (456a1): Won’t one be suited for physical training or war, then, while another is unwarlike and not a lover of physical training?
Glauc: I suppose so.
Socrates (456a4): And one a philosopher (lover of wisdom), another a “misosopher” (hater of wisdom)? And one spirited, another spiritless?
Glauc: That too.
Socrates (456a7): So there is also a woman who is suited to be a guardian, and one who is not. Or wasn’t that the sort of nature we selected for our male guardians, too?
Glauc: It certainly was.
Socrates (456a10): A woman and a man can have the same nature, then, relevant to guarding the city - except to the extent that she is weaker and he is stronger.
Glauc: Apparently so.
Socrates (456a13): Women of that sort, then, must be selected to live and guard with men of the same sort, since they are competent to do so and are akin to the men by nature.
Glauc: Of course.
Socrates (456b4): And mustn’t we assign the same pursuits to the same natures?
Glauc: Yes, the same ones.
Socrates (456b7): We have come around, then, to what we said before, and we are agreed that it is not against nature to assign musical and physical training to the female guardians.
Glauc: Absolutely.
Socrates (456c1): So, we are not legislating impossibilities or mere fantasies, at any rate, since the law we were proposing is in accord with nature. Rather, it is the contrary laws that we have now that turn out to be more contrary to nature, it seems.
Glauc (456c4): It does seem that way.
Socrates (456c5): Now, wasn’t our inquiry about whether our proposals were both viable and best?
Glauc: Yes, it was.
Socrates (456c7): And that they are in fact viable has been agreed, hasn’t it?
Glauc: Yes.
Socrates (456c9): So, we must next come to an agreement about whether they are for the best?
Glauc: Clearly.
Socrates (456c11): Now, as regards producing a woman who is equipped for guardianship, we won’t have one sort of education that will produce our guardian men, will we, and another our women - especially not when it will have the same nature to work on in both cases?
Glauc: No, we won’t.
Socrates (456d3): What is your belief about this, then?
Glauc: What?
Socrates (456d5): The notion that one man is better or worse than another - or do you think they are all alike?
Glauc: Not at all.
Socrates (456d7): In the city we are founding, who do you think will turn out to be better men: our guardians, who get the education we have described, or the shoemakers, who are educated in shoemaking?
Glauc: What a ridiculous question!
Socrates (456e1): I realize that. Aren’t the guardians the best of the citizens?
Glaucon: By far.
Socrates (456e3): And what about the female guardians? Won’t they be the best of the women?
Glaucon: Yes, they are by far the best, too.
Socrates (456e6): Is there anything better for a city than that the best possible men and women should come to exist in it?
Glaucon: No, there is not.
Socrates (456e7): And that is what musical and physical training, employed as we have described, will achieve?
Glaucon: Of course.
Socrates (457a3): Then the law we were proposing was not only possible, but also best for a city?
Glaucon: Yes.
Socrates (457a6): Then the female guardians must strip, clothing themselves in virtue instead of cloaks. They must share in warfare, and whatever else guarding the city involves, and do nothing else. But within these areas, the women must be assigned lighter tasks than the men, because of the weakness of their sex. And the man who laughs at the sight of women stripped for physical training, when their stripping in for the best, is “plucking the unripe fruit of laughter’s wisdom,” and knows nothing, it seems, about what he is laughing at or what he is doing. For it is, and always will be, the finest saying that what is beneficial is beautiful; what is harmful is ugly.
Glaucon: Absolutely.
Socrates (457b6): May we claim, then, that we are avoiding one wave, as it were, in our discussion of the law about women, so that we are not altogether swept away when we declare that our male and female guardians must share all their pursuits, and that our argument is somehow self-consistent when it states that this is both viable and beneficial?
Glaucon (457c3): It is certainly no small wave that you are avoiding.

END OF FIRST WAVE.

Socrates’ argument is set, in part, against the conventional view (convention from nomos) of male and female nature, which was the traditional view of the day. The conventional view held that male and female were different by nature, and as a result they were equipped by nature with different aptitudes and roles. Socrates counters by asserting that the traditional view failed to correctly analyze “nature” by using eristic rather than dialectic. On the conventional interpretation of male and female nature, intellect, disposition, and biological differences as well as skill, aptitude, and role were conflated into one “male” or “female” nature. Socrates argues that in order to analyze nature properly nature must be divided into its proper distinctions.

42Rep. 454a. Reeve defines eristic as “[a]rgument that aims at scoring points against an opponent rather than discovering the truth (see 537e1-539c3). Contrasted with dialectic, which does aim at the truth (537e9-d8, 539d3-540c2)” (Reeve, p. 327).
Hence, Socrates proceeds to properly divide nature. He shows that “bald” and “hairy” are opposite natures. A “hairy” nature is irrelevant to a “cobbler” nature. On the other hand, a male doctor has a different nature than a male carpenter. By following a proper division of nature, Socrates is prompted to hypothesize that if the only natural difference between male and female is the difference in function involved in procreation, then the sexual nature is irrelevant to the Guardian nature. Since it is the case that different individuals have a multiplicity of different natures in the sense of various aptitudes or skill-sets which distinguish individuals from one another, it follows that individuals - male or female - who exhibit the Guardian nature are eligible for selection as Guardians irrespective of their sexual nature. Thus, the “equality” argument is derived. Two aspects of Socrates’ argument in the First Wave beckon for further attention: his use of the word phusis, translated as nature, and his method of argument in the First Wave, which he calls division. Both of these topics will be discussed before proceeding on to analyze in more detail the Equality Argument in the First Wave.

A Short Excursus on Phusis (Nature)

Socrates’ use of phusis in the Equality Argument (451d3-457c3, hereafter EA) trades upon multiple ambiguities. In the EA the word phusis is either used or implied at least 44 times; in the text from 453a1 to 456d1, the word actually occurs 25 times. In Socrates’ demonstration of proper division (454c1-455d5) phusis is used in seven different ways: (1) the bald and hairy natures, (2) techne natures, (3) sex natures, (4) spirited natures, (5) Guardian nature, (6) abstract nature, and (7) a conventional view of nature. Recognizing the different uses of phusis makes it possible to see more clearly the ambiguity in general discussions of nature, and in particular the way in which Socrates and Glaucon talk past their objectors in the text before us. It also helps to expose what Socrates is up to when he talks about making a proper division of the subject at hand.
Socrates’ Demonstration of Proper Division, *Rep.* 454c1-455d5

Socrates proceeds to demonstrate a proper division of the ambiguous *phusis* (454c1-455d5). 43 He demonstrates that the bald *nature* is different from the hairy *nature*, although both have to do with one’s physical appearance *nature*. A hairy *nature* (appearance) has nothing to do with a cobbler *nature* (*techne*), and so they are properly distinguished. On the other hand, a male doctor and a female doctor share the same doctor *nature*. With this comparison Socrates distinguishes two sets of *natures* - sex *nature* and *techne nature* - which his verbal opponents fail to detect because of their conflation of all *natures* into sex *natures*. In their case one is either male or female, and one’s sex *nature* determines one’s station in life, either man or woman with each’s respective incumbent duties already set by *nature* and endorsed by convention (*nomos*) which is known through experience. Once Socrates’ opponents subordinate all *natures* into one - the sex *nature* - talk of any other *natures* then forms the basis for Socrates’ opponents to allege contradiction by Socrates.

When finished with a proper division of *phusis* Socrates concludes that they have successfully answered the question as to whether the woman can perform all, some, or none of the man’s tasks. He accomplishes this through a series of divisions or separations. He separates the sex *nature* from the *techne nature*. He separates physical appearance *natures* from *techne natures* by showing that *techne natures* are independent of physical appearance or sex *natures*. He separates different *techne natures* showing that the capacity for each *techne* varies from individual to individual according to the particular *techne nature* in a particular individual.

The division of *technes* culminates in a distinction between Guardian and non-Guardian *natures*. “And mustn’t there be a philosophical and an unphilosophical woman? And one woman with a spirited nature, and another who lacks it? . . . So there is also a woman equipped to be a Guardian, and another who isn’t? Isn’t that the sort of natural potential that we selected

---------------

in our male Guardians too?" (456a4-8, Halliwell, tr.). In this division Socrates clearly distinguishes the Guardian from the non-Guardian nature. The distinct unique features of the Guardian nature are the presence of the philosophical nature and the spirited nature.

When the list of qualifications for Guardianship is considered, it is only these two features - the philosophical and spirited natures - that show up in both the Guard Dog Argument (see Chapter 2, above) and the Equality Argument. Apparently Socrates wants to make it clear that the philosophical and spirited natures are essential to the Guardian nature whereas neither the bald or hairy nature nor one’s sex nature are essential to Guardianship. Is the demonstration successful? Yes. Socrates successfully demonstrates that he and Glaucon are not contradicting themselves when they assert that different natures - i.e., female or male - can do the same task - i.e., the task of polis administration; this is clear when natures are properly divided.

A Broader Look at the Equality Argument, Rep. 451c3-457c3

Socrates’ demonstration of proper division falls roughly in the middle of the EA and represents but one noteworthy aspect of the whole section. Taking a broader look once again helps contextualize the effect of Socrates’ demonstration. Organizationally, the First Wave divides naturally into three sections: Part I structures the argument for equality (451c3-454a2); in Part II Socrates gives a meta-analysis of his own argument(454a3-454b10); in Part III Socrates demonstrates division (454c1-457b5), which was just briefly examined. The First Wave begins as Socrates, Glaucon and Adeimantus agree that the nature of guard dogs provides an analogy for exploring the potential for human Guardians. Very quickly the talk centers on women and children. Recall that no mention was made of women or children in the GDA.

They are agreed that everything is the same between the male and female dogs except the female dogs are considered to be weaker than the male dogs. They also concur that the female dogs can do the same tasks as the male dogs when the females are given the same nurture and education. From this it is concluded that if the female Guardians are to perform the same
tasks as the male Guardians, then the female Guardians must be given the same education. This means that the women will be expected to guard and make war equally with the men. Notwithstanding practical problems of women exercising naked with the men, the question turns to whether females can perform the same tasks to the same level as men, including warfare. Those who oppose such an idea do so on the grounds that one’s work must be based upon one’s nature, and in this case, since men and women have different natures, it looks like the proposal contradicts the work-nature principle.\textsuperscript{44} The first section ends with an apparent impasse, for to say that women should do the same work as men is to violate the principle that work follows nature.

The second section (454a3-b10) provides us with a somewhat unusual look at Socrates at work. He steps outside of his role as questioner and offers an opinion as to the real problem. The ethical problem - human nature, and in particular the female nature - is an epistemological problem: epistemological in that they don’t know the difference between eristic and dialectic. In other words, if they knew the difference between eristic and dialectic, they would know how to properly distinguish meanings of the words they use and the matter would be clearly understood. A metaphysical problem is implied - a lack of understanding about the soul.

Here the reader would presumably begin to form some idea of who “they” are. From the context it appears that “they” represent those who argue eristically rather than dialectically, and who apparently lack understanding or misunderstand the true nature of the soul. Who “they” are could be a host of individuals or other philosophical schools of thought. One relevant aside: it is noteworthy that this portion of the text sets up the argument as a polemical argument on a variety of levels. First, it sets egalitarians against hierarchicalists; it sets those who employ dialectic against those who employ eristic; it sets those who know the Forms against those who do not; it sets Socrates against an unknown protagonist. Here we also see the interweaving of ethics, metaphysics, epistemology, and politics in a philosophical discussion.

\textsuperscript{44}The work-nature principle states that each one fulfills virtue when they work virtuously according to the techne nature has endowed each individual. The techne-nature is the specific aptitude or capacity an individual has by nature for a specific task or skill.
In the third section (454c1-457b5) of the text Socrates steps back into his more familiar role of questioner and provides a demonstration of how to properly distinguish words and meanings and thus avoid eristic argumentation. Socrates begins taking his interlocutors through a series of questions designed to demonstrate making the right distinctions or divisions. First, he compares bald with hairy and asks whether they are the same nature or different nature. Obviously, they are different. Then he asks whether the bald or hairy natures have any bearing on the cobbler nature. Obviously not! What about doctoring? Obviously the bald or hairy nature has no bearing on doctoring, but then neither does the male or female nature, because both males and females practice doctoring. However, when it comes to males, the male doctor and the male carpenter have different soul natures.

Then comes a strategic question, “What about female carpenters and male carpenters? If males and females can be doctors, can they equally be carpenters?”, a question which Socrates seems to anticipate by his answer. He immediately lays down a principle of interpretation. His answer is that superior performance as a class, in the class of males or females, shows whether that class has a particular techne nature. For Plato a techne represents a natural aptitude for a particular skill that resulted in virtuous performance of that skill. We might think of techne as an occupational or craftsmanship skill. It could be doctoring, carpentering, cobbling, administration, or providing political guidance for the community. Socrates is, in effect, asking whether a techne can be assigned to or limited to either male or female as a class.

Socrates shifts the discussion from classes to individuals; he moves from talking about the class of males and females to applying his principle to individuals. Every individual is equipped with a techne nature. The meaningful life is living virtuously according to one’s techne nature. If the only difference in the performance of a techne was sexual differentiation, then Socrates concludes that the sexual nature made no real difference in the techne nature, including the city administration or guardianship. The idea Socrates seems to argue against is the view that one’s techne nature is determined or restricted by one’s sex nature as articulated by convention and verified by class performance. The same traditional evaluation would apply
to individuals: convention articulates and experience justifies. Socrates counters with the view that one’s techne nature is verified by individual performance not by sex nature and that one’s techne nature is not determined by one’s sex nature.

Socrates then turns the tables on his opponents by stating that it would be necessary for them to show how the male nature is different than the female nature when it comes to city administration. Socrates, anticipating his opponents’ test, lays out what he thinks they would say: the acid test for city administration is how quickly a man learns. If he learns quickly he has the nature for the job, if slowly, he does not have the nature for the job. This, in turn, raises the question as to whether there is any techne in which women outdo men. Glaucon answers that the male sex is superior in everything, but that many individual women excel at particular things over men. Glaucon’s comment that the male is superior in everything sounds sexist.

Socrates’ reply is that from this discussion it is clear that city administration belongs not to a man or woman because they are male or female, but according to their individual techne nature. Socrates goes on to conclude that some women are gifted with the wisdom nature needed to be a Guardian, and therefore fit to serve with male Guardians, since the Guardian nature is neither male nor female. He concludes that females as a class serving as Guardians is not against nature - i.e., neither techne nature nor sex nature, hence, their new law is not against nature but in accord with nature. Obviously, the proposal is possible, and it is best for Kallipolis.

Another significant exchange occurs when Socrates clarifies the beliefs of his verbal but absent opponents in a text which has often been cited as evidence of Plato’s sexism (455b4-d2). Socrates is here clarifying the opposing position. Socrates says they believe: (1) each person has an aptitude which is evidenced by the ease of learning the particular skill and (2) suitable bodily conditions that serve the mind; Socrates implies that they also preach that (3) man is superior to woman in everything, which, by implication means (4) all woman’s work is ridiculous (455b4-d2).

Then Glaucon responds. “It’s true that the one sex is greatly surpassed by the other in
virtually everything. Yet there are many women who are better at many things than many men; but overall it is as you describe” (455d3-5, Halliwell, tr.). This certainly sounds like Glaucon agrees with Socrates’ alleged sexism. Does this mean that Plato believes or writes that the male is superior to the female in everything - classic sexism? Whatever he meant, Glaucon appears to blithely agree, which makes the passage problematic for the equality hypothesis under consideration. If Socrates really means what this says then it is impossible that he could equally sincerely believe that women are equal to men in the performance of Guardian duties. However, when read in the following way, the passage actually lends support to the equality hypothesis.

In this conversation between Socrates and Glaucon, Socrates has just outlined his opponents’ position, a truly sexist point of view. Glaucon responds by apparently assenting. But to what is he assenting? The text gives us the words, “It is true that the one sex is greatly surpassed by the other in virtually everything. Yet there are many women who are better at many things than many men; but overall it is as you describe.” Does this mean Glaucon is agreeing to the sexist position just formulated by Socrates? I suggest the answer is ‘no.’ Socrates has been portraying his opponents’ sexist point of view. Glaucon has been mostly agreeing with Socrates, and in his response now he continues to agree. But to what is he agreeing? Contrary to those who read his words as an example of Plato’s sexism, I suggest that Glaucon is merely agreeing with Socrates’ characterization of their opponents’ position as accurate. To read Glaucon’s words as expressing his own point of view is in error. Glaucon is merely affirming that what Socrates has just said accurately portrays their opponents’ position, which in this case, was a sexist position, in contrast to Socrates’ limited egalitarian viewpoint.

This crucial exchange between Socrates and Glaucon (455b4-d5) is made clearer by the addition of these few words (in italics). Glaucon says in response to Socrates’ characterization of their opponents’ sexist view: “It is true that our opponents believe that the one sex is greatly surpassed by the other in virtually everything. Yet, as we properly distinguish natures, there are

45 By “classic sexism” I mean the view that the male sex is superior in all regards to the female sex. For a feminist definition see Marilyn Frye, The Politics of Reality (Crossing Point, 1983), pp. 17-40.
many women who are better at many things than many men; but overall the existing conventional view in our culture is as you describe” (Halliwell, tr., italics are my interpolations). With the addition of these few words, this treacherous quip brings a coherence to this text such that Socrates’ conclusion is in agreement with his main argument, as we shall see further. Socrates concludes, “So, my friend, there is no activity in the governing of a city which belongs to a woman qua woman, nor any to a man qua man; but natural capacities are distributed similarly among both creatures, and women can participate naturally in all activities, and likewise men, though women are weaker than men for all of them” (455d-e1, Halliwell, tr.).

Summary

Earlier (Chapter 2 above) we considered Socrates’ requirements for Guardianship as comprising three general areas: physical, dispositional, and intellectual. Does anything in the First Wave undermine or contradict those earlier requirements?

First, consider the physical requirement. Throughout his discussion of male and female eligibility for Guardianship in the First Wave, Socrates never excludes the female from the standard applied to males except in acknowledging the biological nature with its concomitant restrictions concerning childbirth, and the oft repeated exception that the female nature is physically weaker than the male nature. In both of these exceptions, the tenor of Socrates’ comments is that thoughtful consideration should be given to these two exceptions; however, this in no way, in Socrates’ thought, diminishes the capacity or potential of a female to serve alongside a male as a Guardian.

The physical requirements, it may be recalled, stipulate that the Guardian nature possess quickness, strength, and keen sight. Nothing in the First Wave, including the two exceptions, 46

---

46Are these additions to the text warranted? If Socrates is presenting the opposing point of view, as it appears he does from 455b4 then the additions are merely clarifications where Plato’s text is sketchy.
noted in the previous paragraph, undermines or contradicts the physical requirement. Glaucon observes that many women are better at many things than many men. Presumably, this would cover the fact that throughout the whole world, then as now, many individual females are physically stronger than many individual males. This general view expressed by the ancients that the male *nature* is stronger than the female *nature* still seems to be a prevailing view.

This, parenthetically, points out a subtlety in Socrates’ efforts at division. One way of dividing the species is according to sex - male and female. Certain general laws or beliefs might hold, like the belief that the male is physically stronger on average than the female. But when a feature such as strength is empirically measured or assessed, it is assessed on an individual basis. It appears that Socrates attempts to bring this division into sharper focus - i.e., the division between the class of males and females versus individuals who are either male or female. By focusing on individuals rather than the male - female classes Socrates challenges the conventional view of sex stereotyping.

From the standpoint of the physical requirements Socrates articulates nothing that might be construed as a contradiction or impediment to his claim that females are as equally capable and eligible to serve in the ranks of the Guardians as males. Does the First Wave offer any challenge to the dispositional requirement considered earlier (see p. 47f above)? The answer is an emphatic ‘no.’ In fact, quite the opposite is true. The dispositional requirement necessitates, first of all, that a Guardian candidate be spirited, in contrast to individuals who lack spiritedness. Spiritedness is essential because, following Socrates’ composite psychological profile in the GDA, spiritedness provides the drive for the aggression and fortitude needed by the Guardians. An absence of spiritedness would render a Guardian useless in the face of hostile forces. In the First Wave Socrates explicitly attributes spiritedness to individual women (456a4-6), thus implying both that spiritedness applies to individuals, not to the classes of male or female, and that it is not part of the sexual *nature*, since both individual males and females are said to possess the level of spiritedness required, but is part of a different nature. The dispositional requirement, however, is a tandem requirement linking two opposites together to form a whole.
Spiritedness is joined with gentleness to make the whole disposition. The matter of gentleness is not addressed in the First Wave. Presumably the discussion of gentleness in the GDA holds throughout the whole argument and applies equally to females as to males, especially since Socrates explicitly states that condition (540c). Discussion of spiritedness in the First Wave must be viewed as supportive of Socrates’ equality claim.

The third requirement for Guardianship involves the intellect. It is obvious by Socrates’ application of division that intellect is neither male nor female but a universal feature of human beings. This is evidenced by two different discussions in the First Wave. In the first (455b4ff) Socrates reiterates certain abilities of the intellect necessary for Guardianship, none of which are distinctly male or female; in the second (455e5ff) he lists positions a woman might occupy, for a woman might be suited for a career as a physician, musician, warrior, philosopher, or Guardian. It is interesting to note that each of the careers in the list represent critical functions of the Guardian, for the Guardians are commissioned to serve as physician’s who can diagnose the ills of the polis, choose appropriate music for the polis, fight for the polis, and rule from knowledge and not merely opinion or personal advantage. These are the functions of the Guardians and none of them, according to Socrates’ proposal, are restricted to males only. But, given that each of these functions is primarily an extension of the intellect - even the warrior function is primarily intellectual - and the intellect is neither male nor female, Socrates’ display of proper division shows that, contrary to the argument of traditionalists, the equality of females to males and the use of females who exhibit these traits as Guardians, is ironically not against nature but actually in accord with nature. When nature is properly discerned - a feat accomplished through proper division - nature herself shows that in the soul there is neither male nor female, but that all souls are equal in structure and composition although not all souls are equal in performance. Those souls which exhibit the rigid requirements for Guardianship are eligible for selection to the Guardian ranks, regardless of whether the soul lives in a male or female body.

The case for equality is based upon the equality of souls, not the equality of bodies, although Guardian bodies must reflect certain superior features accomplished through the work
of the soul on the body (see above, p. 47-52). The differential between male and female bodies (i.e., inequality due to reproduction and strength) is irrelevant with respect to the requirements of Guardians, which are primarily dispositional and intellectual, and hence, to the Guardian nature. Socrates’ exercise of division in the First Wave illustrates the bifurcation of the sex nature from the Guardian nature; this leaves the sexual body, but not sexual activity, irrelevant to the Guardian nature.

How, then, does the asexual hypothesis fare against the Equality Argument? It appears that nothing in Book II and the Guard Dog Analogy and the Equality Argument of Book V as examined here undermines or challenges the asexual soul. In fact, the GDA is silent concerning sex differentiation of guard dogs. The question of female guard dogs does not come up until the EA. The EA endorses the requirements for Guardianship found in the GDA. In addition to providing its own rationale for the isolation of sex differentiation from the requirements for Guardianship, the EA extends the view that the soul is asexual.

**Conclusion to Part One**

What conclusions can be reasonably drawn from this investigation thus far? In Chapter One the basis for Plato’s claim of equality between male and female Guardians was sought. Two competing myths (claims) were considered: The Myth of Er and a Myth from Timaeus. These two myths support the view according to Plato that the soul is asexual. In both cases the soul is portrayed as an entity independent of the body but incarnated within a body, without sexual identity, and accountable for the quality of moral life while in the body.

Where the two myths differ with respect to this investigation is on the origin of sexual nature and differentiation. Er is actually silent on the origin of sexual differentiation. In Er’s myth, sexual differentiation appears as a benign settled fact of nature. Individual souls preferred to be reincarnated into a male or female body largely due to previous experience, not to any fundamental fact of nature. Timaeus, on the other hand, gives a story about the origin of sexual
differentiation. In his case, the origin of the female is presented as a punishment for cowardly or wicked souls.

In an attempt to reconcile these two competing claims about the origin of sexual differentiation, consideration was given to Plato’s role of myth. From this consideration it is concluded that one way to read the myths is to regard those places where Plato gives competing or contradictory views as places where he is reluctant or unwilling to make a knowledge claim. The information or explanation available is not sufficient to rise to the level of knowledge for Plato in those instances. On the other hand, when relevant components in myths convey a consistent point of view, this probably indicates that Plato is presenting the viewpoint as knowledge. Following this hermeneutical approach, Plato uses the two myths to convey uncertainty as to the origin of the sexual nature of sexual differentiation given the competing views of the origin of sexual differentiation. On the other hand, since both myths uphold the view of the asexual soul, it follows that Plato means to present this as a knowledge claim about the soul. Hence, the soul is asexual (from Chapter One).

If the conclusion of Chapter One is that according to Plato the soul is asexual, even though he sees the origin of the sexual nature and its differentiation as undeterminable, the next question in relation to the hypothesis is this: If, according to Plato, the asexual soul is the basis for equality, does the asexual soul, according to Plato’s argument, accommodate the qualifications and requirements for Guardianship? The answer to this question is ‘yes’. The asexual soul must be in a body, of course, and the body must meet a threshold of competence. By Socrates’ reckoning, both the male and female bodies have the capability to rise to the required threshold. The female body is not automatically disqualified just because the body is female.

In the matters of disposition and intellect, which are the more crucial areas of concern for the Guardians, sexual differentiation of the body is virtually irrelevant. What is more relevant is intellectual achievement and dispositional harmony - both accomplishments of the soul. Clearly the asexual soul houses the crucial elements for Guardianship. When a soul is
housed in a suitably fit body, be it male or female, and the soul displays the necessary intellectual and dispositional requirements, the asexual soul is qualified to serve. All qualified souls are equal irrespective of sexual differentiation (from Chapter Three).

A look at the Equality Argument itself (Book V) confirms the conclusions of Chapter One (equality is based upon performance of asexual souls), and Chapter Two (sexual differentiation does not impinge upon the function of the soul). In the EA Socrates demonstrates the proper way to think about sexual differentiation as a feature of nature (*phusis*). In so doing he illustrates clearly that maleness or femaleness as a distinct nature (*phusis*) has no bearing on the performance of the soul as the source of Guardian function (from Chapter Three). The conclusion thus drawn from Chapters One, Two, and Three is that the hypothesis is confirmed. The basis for Socrates’ claim of equality among male and female Guardians is the asexual soul. Two questions remain. What kind of argument is Plato’s EA? This will be addressed in Chapters Four and Five, followed by the question of continuity from the *Republic* to the *Laws* in Chapters Six and Seven.
Chapter Four: The *Nomos - Phusis* Background Debate

Introduction

One of the underlying philosophical issues running through the *Republic*, and in particular in the arguments of the GDA (Book II) and the EA (Book V) is the place of *phusis* (nature). It is one of the most pervasive and complicated topics of ancient Greek philosophy. By Plato’s time the *nomos - phusis* debate had expanded from a controversy of the *nature* of physical nature to include questions of the *nature* of justice, equality, and *human* nature, including *female* nature. Are the traditional roles of women and men based on nature (*phusis*) or convention (*nomos*)?

The *Republic* begins with just such an effort: an attempt to define justice which leads to a discussion of nature later in the book. Book I introduces a litany of conventional views of justice. Each of the main characters in Books I and II - Cephalus, Polemarchus, Thrasymachus, Glaucon, and Adeimantus - offers a characterization of prevailing conventional and sophistical conceptions of justice. Cephalus and Polemarchus articulate traditional views of justice; Thrasymachus challenges with a sophistical view; Glaucon and Adeimantus challenge Socrates to prove his point that justice is good for its own sake and hence more profitable than injustice.
They both offer contemporary theories in their challenge. The moral conceptions illustrated in Book I and early II - deriving from religion, custom, politics, and positive law - are a virtual catalog of theories of justice. One might view the absence of *phusis* from Book I and its abundance in Books II-X along with the presence of *nomos* dominating Book I in its various applications as an eloquent staging of the pervasive debate between *nomos* and *phusis*.47

The fact that Plato uses *phusis* at least 185 times48 in the *Republic* suggests his interest is more than incidental. Looking at the use pattern of *phusis* in the *Republic* results in a notable pattern. It is quite striking that the word *phusis* is absent from only one book in the *Republic*, Book I. Book I, as a catalog of conventional conceptions sets the stage for the ensuing discussion of justice; to see *phusis* absent from the discussion is indeed noteworthy. After introducing a spectrum of conceptions of justice in Book I and the first part of Book II, Book II very quickly shifts the ground from conventional thoughts about justice to an investigation into various aspects of nature as it relates to designing the perfect *polis*.49

One way of looking at the *Republic* is to see Book II as a structuring of an argument for the nature of justice; Book II as a structuring of the nature of the inner life of the *polis* - a macrocosmic view of the individual; Book III anticipates the nature, including structure, of the soul (*psychê*) in Book IV; Books V through VIII as a structuring of the ethical life of the Guardians according to their nature; IX as an elaboration on faulty nature; and, X as a summary of what is good for the soul, the essence of human nature.

The two books of the *Republic* investigated in Part One, Chapter Two (above) illustrate Plato’s interest in *phusis*. Both the Guard Dog Analogy (Book II) and the Equality Argument

47Richard Lewis Nettleship, *Lectures on the Republic of Plato* (MacMillan and Co., Limited, 1937), p. 54 comments about the difficulty in defining the *nomos - phusis* debate: “The antithesis of nature (φυσις [phusis]) and law or convention (νόμος [nomos]) . . . is one which was widely current in Plato’s time. Like many other antitheses, it has different meanings in various scholarly views, and it generally owes its effectiveness to the fact of having no definite meaning but confusing different views.”


49G. B. Kerferd, *The Sophistic Movement* (Cambridge University Press, 1981), recognizes the inclusion of *nomos - phusis* language in Book II. “Thrasymachus does not actually use the terminology of the *nomos - phusis* antithesis. But he is rightly to be placed among those who employ it . . . in the language of the *nomos - phusis* antithesis, natural justice. This is recognized early in Book II (359c3-6) where Glaucon does not hesitate to express the problem raised by Thrasymachus in the actual terms of the *nomos - phusis* opposition” (p. 122).
(Book V) have \textit{phusis} as a central topic of discussion. In the GDA, Socrates asks Glaucon whether a well-bred puppy (\textit{skulax} in Greek) has a different \textit{phusis} than a well-bred lad when it comes to their respective performances as guardians (\textit{phulax} in Greek). In the EA, Socrates asks Glaucon whether the \textit{human} female has the natural ability to perform some, all, or none of the tasks of the male human.

To what is Socrates referring when he asks about the difference between the \textit{phusis} of a \textit{skulax} and a \textit{phulax}? Does he mean its physical composition or its physical design or its physical capability, or its psychological disposition or character, or intellectual capacity? To what aspect of \textit{phusis} is Socrates referring when he compares the female \textit{nature} to the male \textit{nature}? By contrasting the guard dog in Book II with the human in Book V, Socrates may have prefigured the \textit{nomos - phusis} antithesis. The female guard dog acts according to her nature, displaying equality including hunting and fighting alongside the male; except that the female is considered physically not as strong, and she births and nurtures her young. Otherwise, by nature she is equal in all respects. Juxtaposed to the equal-by-\textit{phusis} female guard dog is the unequal-by-\textit{nomos} female human. Her \textit{nature} is by \textit{nature} unequal to the human male, or so says \textit{nomos}. This structure of Socrates’ argument sets \textit{phusis} against \textit{nomos}. To locate Socrates’ argument in its broader context, we will look at a short history of \textit{nomos} followed by a short history of \textit{phusis}.

\textbf{A Short History of Nomos}

When \textit{nomos} is considered in the Socratic era it is usually defined as “law” or “custom” or “convention.” But law and custom and convention are three different things. The aggregation of these three words in general descriptions of \textit{nomos} in the variety of discussions that pervade the literature leave today’s reader confused or at least unclear. Today’s aggregated ideas of law, custom, and convention in \textit{nomos} were separate, albeit evolving ideas, among the ancients.
By the time Plato entered in the discourse the word *nomos* had taken the specific meaning of “statute”, whether written or unwritten. Martin Ostwald, in his extensive research on *nomos* says, “From the end of the fifth century on, the primary connotation of νόμος [nomos] in legal as well as non-legal literature and documents is that of ‘statute’; it signifies a --usually written--enactment which had either been embodied in the law code at the time of its completion in 403/2 B.C. or had been incorporated into it additionally through the cumbersome procedure of νομοθεσία [nomothesia].”\(^{50}\) However, this is not to imply that Plato or any other writer of the period used the word only to mean statute.\(^{51}\) According to Ostwald what it does mean is that “the law intended to deprive of legal validity any νόμος [nomos] which was not written and, we may assume, officially published in an authoritative manner” (p. 1). More precisely, *nomos* was “well established as the only current technical legal term for ‘statute’ by the time the law cited by Andocides was enacted in 403/2 B.C.” (Ostwald, p. 5). Ostwald’s research also shows that between the dates of 511/10 and 403/2 BC the technical term for ‘statute’ in Athens changed from *thesmos* to *nomos* and that the two terms exclude one another (p. 5). Ostwald discovered that the exact date of cleavage for the two terms was 464/3 BC.\(^{52}\)

To Ostwald the “first and most fundamental problem” was “why did the change take place at all” given the conservative tendency in most political institutions to conserve terminology. Ostwald concluded that the precipitous change in terminology reflected a change

\(^{50}\)Martin Ostwald, *Nomos and the Beginning of the Athenian Democracy* (Oxford: Clarendon Press, 1969), p. 1. It is worth noting that Ostwald restricted his research to the word *nomos* only and did not consider any derivative words. This restriction does not seem to present a problem to my interest in his research. *Nomothesia* carries the sense of the legislative process.

\(^{51}\)Ostwald lists the following uses by Plato, taken from his works at random: (a) a conventional linguistic usage (*Crat.* 384d7; 388d12; *Tim.* 60e2); (b) a customary practice (*Symp.* 182a7; *Laws* 7.795a1); (c) a conventional belief (*Gorg.* 482e6; *Laws* 10.889e6, 890d4, 6, 904a9); (d) a norm of individual behavior (*Rep.* 9.587c2, 10.604a10, b6, 9, 607a7; *Pol.* 291e2; *Laws* 2.674b7, 8.835e5, 836e4); (e) a religious practice (*Phaedo* 58b5; *Phaedrus* 256d7); (f) a condition of law-and-order (Rep. 9.587a10; *Laws* 6.780d5, 10.904c9).

\(^{52}\)Ostwald notes that the shift from *thesmos* to *nomos* was a precipitous action with complete silence from our historical sources about the action; he surmises that this took place at the time of the liberation from the Peisistratid tyranny and the establishment of democracy by Cleisthenes. “This radical difference between the two terms suggests that the change from θεσμός [thesmos] to νόμος [nomos] came about at a time when the Athenians were disenchanted with living under laws imposed upon them from above, and decided instead to consider as laws only norms which they had themselves ratified and acknowledged to be valid and binding” (p. 55).
in Athenian thinking, a development worthy of reflection (Nomos, p. 6). Ostwald sought for the significance of this change. Ostwald’s insights and conclusions concerning nomos and certain developments that led to the “antithesis” of nomos and phusis are of particular interest to us.53

*Thesmos, A Forerunner of Nomos*

Ostwald concludes that thesmos functions in two ways among Greek writers from eighth-century Homer to fourth-century Aristophanes. First, it carries the idea of “fundamental regulations sanctioned by powers outside of and apart from the human agent who is expected to obey them” (p. 15). So, for example, when “the location of the bed forms a subject of discussion between Odysseus and Penelope and crowns, as it were, Penelope’s recognition of her husband, θεσμός refers to both the couch and the place at which it is situated and describes, therefore, a thing placed in a significant location.”54 Aeschylus (Eum. 391-3) uses the term to describe “the place or position in the universe granted definitively to the Erinyes by the gods in accordance with the decree of fate.” Here the term ascribes status conferred by an external agency. From here it is only a short step to the “notion of θεσμός [thesmos] as the establishment of a fundamental institution.” (p. 13). Aeschylus uses thesmos in this sense later in the same drama (Eum. 484, 615). Pindar uses the word to describe the “institution of celebrating an Olympic victor in song (Ol. 7.88), the establishment of the Olympic Games by Heracles (Ol. 6.69, Nem. 10.33), and the Isthmian Games by Poseidon (Ol. 13.40)” (p. 13). Second, thesmos denoted “basic rules of propriety and good behaviour” sanctioned by forces from within the agent himself. Pindar excuses himself, for example, from telling a story in its entirety because of thesmos and the onrushing hours (Nem. 4.33) (p. 13).

A third set of references represent thesmos as “statute”. Each has a specific content,

53 Out of necessity I shall restrict my summary of Ostwald’s research to the points of relevancy to my investigation and hopefully do no violence to his extensive and magnificent work.
54 Ostwald, p. 12, who notes (fn. 4) that Busolt, GC 2.2, 173 n. 2, and W. B. Standord (ed.), The Odyssey of Homer 2. 404, do not go far enough when they interpret thesmos here merely as ‘place’, ‘location’. 
usually propounds an injunction, usually but not invariably political, and describing something that may or may not take a written form. For example, the thesmoi of Draco and Solon were written statutes (p. 13). However, Sophocles’ instructions about the use of his blood given by the centaur Nessus to Deianeira “were certainly not written” (Trach. 68.2). Neither were the sacrifices offered to the gods by Ajax (Aj. 712). “The problem of writing is also as irrelevant to Democritus’ demand (frg. 266) that a thesmos ought to be established for the protection of public officials as it is to Hecuba’s question in Euripides’ Trojan Women (266-7) which νόμος [nomos] or θεσμόν [thesmion] of the Greeks sanctions Polyxena’s assignment to the tomb of Achilles” (Ostwald, p. 17).

Ostwald summarizes his findings with respect to thesmos as follows. “In Greek writings down to the end of the fifth century, θεσμός [thesmos] is used to describe (a) a physical object placed in a significant location, (b) an institution or establishment, (c) the ordinance by which such an institution is called into being, (d) the propriety inherent in obedience to fundamental regulations, and (e) specific statutes or regulations of a political or religious character” (p. 18). Ostwald notes that what each of these connotations of thesmos has in common is (1) an imposition, (2) an agency making the imposition, and (3) a place or group as recipient of the imposition: in short, on the etymological rendering, a thesmos (from tithēmi) is “a thing imposed by a higher power upon those for whom the authority of the imposing agency makes the θεσμός [thesmos] an obligation” (p. 18-19).

Nomos as Successor to Thesmos

Ostwald separates his findings regarding nomos into universal and local applications, from which he devised 13 categories: five under universal, and eight under local. In the sequence which he gives them, they are: (1) nomos as a universal way of life for either humans or animals; (2) nomos as universally valid in a narrower sense, for example, as only applying to humans, or husband and wife, or the elderly, and the like; (3) nomos as the universally normal
way to get things done; (4) *nomos* as prescriptive of universal proper individual human conduct; (5) *nomos* as universal source of authority; (6) *nomos* as indicative of a particular group or city; (7) *nomos* as conventional social practices; (8) *nomos* as conventional beliefs; (9) *nomos* as contradictory to truth; (10) *nomos* as religious practices; (11) *nomos* as political or juridical practices; (12) *nomos* as positive law; and (13) *nomos* as rules for games.\(^{55}\)

In pursuit of the question asked earlier as to what drove *nomos* and *phusis* to an antithesis, Ostwald provides some help. With respect to (5) *nomos* as universal source of authority, Ostwald notes that this use differs in that it “connotes not so much the norm itself, but the source from which it emanates, the authority which issues and guarantees norms” (p. 26). In his collection of references he includes human authorities and the gods, including Zeus, Dike, and the Erinyes as sources of *nomoi*.

It is Heraclitus, however, who articulates a notion that is “at once its clearest definition and differentiation from other senses of νόμος [nomos],” noted by Ostwald in an allusion to Heraclitus’ fr. 114 (p. 26). Fr. 114 says, “If we speak with intelligence, we must base our strength on that which is common to all, as the city on the Law (*Nomos*), and even more strongly. For all human laws are nourished by one, which is divine. For it governs as far as it will, and is sufficient for all, and more than enough.”\(^{56}\)

Notwithstanding the difficulties in interpreting this text,\(^{57}\) Ostwald argues that Heraclitus’ intent is to say that a “divine” *nomos* informs human *nomoi*. “Heraclitus does indeed posit a divine νόμος [nomos] on which all human νόμοι [nomoi] depend for their sustenance,

---

\(^{55}\)Those ancient writers referenced by Ostwald as using *nomos* down to the end of the fifth century BC include: Hesiod, Theognis, Heraclitus, Hippias, Aeschylus, Pindar, Sophocles, Empedocles, Euripides, Herodotus, Antiphon, Democritus, Aristophanes, Thucydides, Anicides, and, of course, Plato. It is noteworthy that Homer does not use *nomos* but only *thesmos*, while Hesiod uses only *nomos* but not *thesmos*. Those authors using both include: Aeschylus, Pindar, Sophocles, Herodotus, and Aristophanes (see pp. 21-56).


\(^{57}\)Ostwald acknowledges the controversy over the relationship between *nomos* and *logos* in this text (see pp. 26-28 for his explanation). He refers to Stier, NB 237; H. Fränkel, *AJP* 59 (1938) 320-1; Heinimann, *NP* 66; Gigante, *NB* 52; Kirk 51; Kirk and Raven 214. Kahn, *ATH*, p. 117-8 also discusses the ambiguities in the text. Kahn and Ostwald deny any sense of ‘divine law’; Kahn characterizes the ‘common’ as the ‘divine’, while Ostwald sidesteps the issue by keeping the divine *nomos* as the ‘fountain-head.’
that is, a νόμος [nomos] which is the source of human νόμοι [nomoi] but stands sovereign above
them and is not exhausted by them. If this assumption is correct, we have here a sense of νόμος
[nomos] which we have not encountered so far. It is not the norm itself but the fountain-head
of norms, which it issues and which are regarded as binding by those who, in the words of fr.
114, ‘speak with intelligence’” (Nomos, p. 27-28). From Ostwald’s investigation, Heraclitus
shifted the focus on nomos from the norms themselves to the “fountain-head” of norms. This
shift is significant because it displaced the traditional authority of the gods or human ancestors
or universal customs and relocated the origin intrinsically in nature in what he called Logos.

J. A. Philip, in Pythagoras and Early Pythagoreanism,58 also suggests that Heraclitus
was instrumental in effecting a “shift”. The shift to which Philip refers is the shift from the
search for archai, first principles, by sixth century thinkers to the recognition of law.59 “The
shift from the search for arche to the recognition of physical law is complete with Heraclitus.
He believed that our universe is one, that its unity is observable in a logos or formula of
structure and that this universal formula is accessible to those who ‘use their minds’” (PEP, p.
46).60 Philip is addressing the topic of “opposites” when he speaks of Heraclitus’ recognition of
logos. The point of interest in Philip’s account is Heraclitus’ law. Heraclitus’ logos was in
substance a law of contraiety. “In human affairs and in the physical world the secret is to
recognize the existence of interacting opposites and the fact of conflict.” By positing contraiety
as Law, a move none of the sixth century physiologists would do in their search for the phusis or

58J. A. Philip, Pythagoras and Early Pythagoreanism (University of Toronto Press, 1966), p. 46. Hereafter, PEP.
59Archai, as used here - in the pre-Socratic sense, more than likely refers to an undetermined principle or cause
or force operating below the strata of matter as a causal or organizing principle.
60Philip follows Kirk who follows Gigon in arranging the fragments in the order of 1, 114, 2. Such an
arrangement reads (Freeman, tr.): Frg. 1 - “The Law [Logos] (of the universe) is here explained; but men are
always incapable of understanding it, both before they hear it, and when they have heard it for the first time. For
though all things come into being in accordance with this Law, men seem as if they had never met with it, when
the meet with words (theories) and actions (processes) such as I expound, separating each thing according to its
nature and explaining how it is made. As for the rest of mankind, they are unaware of what they are doing after
they wake, just as they forget what they did while asleep.” Frg. 114 - “If we speak with intelligence, we must
base our strength on that which is common to all, as the city on the Law (Nomos), and even more strongly. For
all human laws are nourished by one, which is divine. For it governs as far as it will, and is sufficient for all, and
more than enough.” Frg. 2 - “Therefore one must follow (the universal Law, namely) that which is common (to
all). But although the Law is universal, the majority live as if they had understanding peculiar to themselves.”
archai of our world, Heraclitus created a real dualism. The Law was not the phusis of our world, but rather preceded phusis. The point of interest is that Heraclitus introduces a new framework for thinking about ‘law’, not nomos as statute, but as a universal structure, available to every man through reason, and transcending the material phusis of the phenomenal world. On Ostwald’s reading, Heraclitus introduced a new meaning of the word nomos: as antecedent Law; on Philip’s reading, Heraclitus introduced a new ontology for nomos: Logos as the structure behind nomos.

The next development, according to Ostwald, was the attack on conventional beliefs by fifth century intellectuals (Number 8 above). Those involved in this development included Aeschylus, Pindar, Sophocles, Empedocles, Euripides, Herodotus, Antiphon, Democritus, Aristophanes, works attributed to Hippocrates, and Thucydides--an impressive list of sophists, dramatists, poets, medical writers, and historians. Ostwald describes this development in two steps (Ostwald, p. 37-40). Until attacked by these fifth century intellectuals, the nomoi as customary practices were generally accepted “as valid and correct by most people of the society in which they exist” (Ostwald, p. 37). In the first step a point of view, accepted without question by the group, is accommodated by intellectuals who know better (p. 37). However, Ostwald notes, the truth or falsity of nomos is still secondary as the term retains its traditional significance among public opinion. Ostwald explains this development, i.e., the accommodation of conventional beliefs, through four examples (see pp. 38-39). First, very early on Empedocles (fr. 9) drew a distinction between nomos and truth, when he distinguished the correct terminology of the philosophers in contrast to the accommodation of customary language among ordinary citizens.

“And when they [sc. the roots] are mixed in the form of a man and come to the air, or in the form of the race of wild beasts or of plants or of birds, then they say that this comes into being; but when they are separated, they call this wretched fate: they do not name them as is right, but

61Heraclitus is considered to have written around 500 BC, considerably ahead of Ostwald’s date of 464/3 BC for the institution of nomos as ‘statute’ in Athens.
I myself comply with custom.”

Second, Democritus (fr. 9, 125) “accepts the way in which people talk (νόμω [nomōi]) about colour, sweetness, and bitterness, even though he knows that in truth (ἐτεή [eteē]) only atoms and the void exist.” Third, the author of On the Sacred Disease uses nomos to discriminate between the ugly and beautiful, the bad and the good, and the pleasant and the unpleasant as though this belief were valid and true. However, a few chapters later, “he asserts that the popular belief (νόμω [nomōi]) in the diaphragm as the seat of understanding does not correspond to fact, although he seems amenable to using φρένες [phrenes, i.e., diaphragm or midriff] in ordinary parlance.” The fourth example comes from Herodotus (4. 39.1), where he condones a conventional belief (an assertion concerning the geography of the Arabian Gulf) even though the belief is factually in error.

The second step involves the rejection of conventional beliefs by intellectuals from the second half of the fifth century on. Conventional beliefs are rejected because they do not represent truth, as illustrated by Euripides and Aristophanes (p. 39). “In other words, conventional beliefs are contrasted with what is real, and however widely νόμος [nomos] is accepted, there are criteria measured by which it is proved wanting.” Then Ostwald says, “From here it is only a small step to the complete rejection of νόμος [nomos] as conventional belief in favour of φύσις [phusis], which we find most clearly articulated by Callicles in Plato’s Gorgias” (p. 39-40).

What motivated the antithesis between nomos and phusis? Ostwald’s analysis suggests three developments in the political and philosophical events of the fifth century. The shift from tyranny to democracy reflects a fundamental desire by the people for self-rule rather than rule from “above.” This exercise of autonomy in deciding laws and rules must have been bolstered by Heraclitus’ notion of “higher law” available to and operating in those who “use their minds.” Concurrent with these political and philosophical developments is the influence of the

-----------------------------

intellectuals, first, in their "accomodation" of conventional thought and common language followed by outright scorn and rejection for conventional beliefs and common practices.

A Short History of Phusis

Glenn R. Morrow writes, "The notion of physis belongs to an entirely different context. The idea of nomos is the product of reflection on political and moral experience; the conception of physis was worked out by the early Greek scientists - those men of Miletus, Ephesus, Clazomenae, and Acera, of Sicily and southern Italy, who attempted in terms of familiar elements and processes, the phenomena of the heavens and all the other varied occurrences in the cosmos that surrounds human life." The phusis side of the story begins with the Ionian physiologers. Terence Irwin refers to this development as the "naturalist movement", a period between Homer and Hesiod of the mid- to late-eighth century and continuing to Socrates in the late fifth-century. In his Metaphysics, Aristotle contrasted the school of Hesiod and all theologians, who dealt with mythology and religion with those who presented "rational demonstration." "The school of Hesiod and all the theologians considered only what was persuasive to themselves, and thought little of us . . . But it is not worth seriously examining the sophistries of mythology, whereas we must interrogate those who present a rational demonstration." Aristotle calls the second group ‘students of nature’ or ‘naturalists’ (phusiologoi), as opposed to Hesiod and his followers, because they abandon mythology to ask a new question, about the nature (phasis) of things" (CT, p. 20). Aristotle distinguishes those

64 Phusis’ is the English transliteration of the Greek φύσις. I consistently use the English transliteration, although some, like Morrow below, use ‘physis’ which is an alternate transliteration of the Greek physis. In the case of nomos, from the Greek νόμος, both the translation and transliteration are the same in English.
67 Aristotle, Met. 1000a9-20, as quoted by Irwin, p. 20.
who look to mythological and theological explanations for the nature of things from those who seek to provide more scientific explanations. The latter he calls physiologers.

Jonathan Barnes\(^6\) divides the period of the physiologers into three periods, lasting from approximately 585 BC to 400 BC. “There was first a century of bold and creative thought. Then the early adventures were subjected to stringent logical criticism. . . . Finally, there were years of retrenchment and consolidation, in which thinkers of very different persuasions attempted each in his own way to reconcile the hopes of the first thinkers with the rigorous criticisms of their successors” (Barnes, EGP, p. 10). I like to think of the three periods as creativity, criticism, and consolidation. Barnes credits the physiologers with significant inventions including (1) “the very idea of science and philosophy. They hit upon that special way of looking at the world which is the scientific or rational way” (Barnes, EGP, p. 16). (2) They invented new terminology to serve their new pursuit. Barnes highlights four important words invented or shaped by the physiologers: kosmos, to express an ordered view of the universe itself; phusis, from a verb meaning “to grow,” a word in part intended to help distinguish the natural from the artificial; arche, referring to a beginning or origin, often translated as “first principle” or “principle”; and, finally, logos, encapsulating both human capacity for reason and the production or presentation of a reasoned argument or logic. (3) The term logos expresses his third significant achievement by the physiologers: their emphasis on the use of reason or rationality. The physiologers, on Barnes’ account, were not dogmatists, nor even necessarily good arguers, but they initiated and developed their reasoning powers into both a scientific process and a rational presentation (Barnes, EGP, p. 16-22).

It was Anaxagoras, says Morrow, who actually introduced the inquiries and studies of these earlier thinkers into Athenian culture. “The speculations of these early thinkers were universally designated, from the fifth century onward and perhaps even earlier, as inquiries into physis (περὶ φύσεως, [peri phuseōs]).”\(^6\) The effect of the introduction of these earlier studies

\(^6\)Morrow refers to Plato’s Phaedo, 96ab.
into the established beliefs of fifth century Athens was one of “shock” and became “one of the major events of that century” (Morrow, “PLN,” p. 23).

It seems important for comprehending the impact of this debate upon Athens to note that until after Plato use of the terms nomos and phusis as two complementary things was unheard of. “These terms are uniformly treated . . . as if they referred to incompatible things - nomos standing for something peculiarly characteristic of human life, something variable, contingent, and often arbitrary; physis standing for an order of occurrences of a disposition of forces independent of human contrivance, something primal, unchanging, and universal” (Morrow, “PLN,” p. 19). There was a “common core” shared by all uses of physis: “Underlying all these investigations into physis was the assumption that there are certain characters or elemental forces which, if understood, would explain the origin and behavior of the cosmos and all its parts” (Morrow, “PLN,” p. 24).

Polarization of nomos and phusis is so antithetical during this period that, according to Morrow, “It is even difficult to find the idea of justice associated with physis, at least in the literature of this period” (Morrow, “PLN,” p. 19). To be clear, some of the physiologers had ideas of cosmic justice as well as cosmic equality. But, if Morrow’s analysis of a disassociation of justice with nature is accurate, then Plato’s application of justice and equality to nature in his dialogues is even more impressive in consideration of this revolutionary way of thinking in his own day as he applied physis to human justice, human equality, and human nature. Morrow concludes that the nomos-phusis antithesis was a transforming event. “It is evident, therefore, that between the close of the fifth century and the end of the fourth a notable transformation took place in the meaning of one or both of these concepts” (p. 20). The effect of the physiologers was twofold, however. On the one hand, as Barnes notes, the physiologers ushered in an era of creativity and investigation, the wake of which continues to this day in philosophic and scientific enterprises. But, on the other hand, the work of the physiologers drove a wedge into the Greek family.

John Burnet, in an early article, explains this wedge. The primary element of the world
according to the physiologers was corporeal, both in the real world and in the everyday world. This was a portent of trouble. “Now the fact that ultimate reality and the world of common experience were both regarded as corporeal had serious consequences. Both were of the same kind, and therefore comparison was inevitable” (Burnet, “L&N,” p. 329). As the details of *phusis* were worked out by the specialists, it was plausible to see how Thales’ water as the basic *phusis* might be vaporized or solidified. But Parmenides, on the other hand, had “shown once for all that, if we are going to take the reality of φύσις [phusis] seriously, we are bound to deny of it all motion, change, and variety. ‘It is,’ and that means that it always was and always will be,--or rather that time is a fiction,--that It is absolutely continuous, homogeneous, and motionless. This makes the breach between the world we seem to know and the world as it is for thought complete” (Burnet, “L&N,” p. 329-30).

“This explains,” Burnet suggests, “why the ethical problem, when once it was raised, took the form of a search for φύσις [phusis].” The reason, in short, is because the search for what is real in ethics followed an intellectual journey parallel to the physiologers. “We find, then, a close parallelism between the cosmological and the ethical problem of the fifth century B. C. The world of every-day experience was seen to be unreal in comparison with the ultimate φύσις [phusis] of things however that might be explained, and the ordinary codes of morals were felt to be unreal in comparison with a similar abstract ideal of right. In both cases the error, or rather the inadequacy, of the views held came from the same source. The underlying reality of the world and that of conduct were sought in pari materia” (“L&N,” p. 333).

This controversy swept across all categories of intellectuals, already noted above. The opposing of *nomos* to *phusis* was expressed in varying degrees. Two such examples follow, illustrating both variation in degrees of contrast between *nomos* and *phusis*, but also illustrating variety in the media involved in the debate. Antiphon the Sophist is noted for his stark opposition of *nomos* to *phusis*, while Euripides the Dramatist, for his unconventional treatment

of human *phusis*.

**Antiphon the Sophist and the Supremacy of *Phusis***

Antiphon the Sophist is known primarily for his radical opposition of *nomos* to *phusis*. He leaves “the only surviving texts from the fifth century that deal with the opposition of *nomos* and *phusis*, custom and nature.”[^71] Only fragments of Antiphon’s works survive but from these fragments it is clear that he wrote about both *nomos* and *phusis*. Fragments from Antiphon’s *On Truth* “provide the most extensive surviving discussion of the νόμος - φύσις [*nomos* - *phusis*] antithesis in fifth-century literature. As such they invite comparison with the treatments of this topic to be found in several of Plato’s dialogues, in particular in the *Gorgias* and the *Republic.*”[^72]

Two fragments particularly express different aspects of Antiphon’s opposition of *nomos* to *phusis*. The first of these is preserved by Aristotle and appears to the source of a popular motif in both Plato and Aristotle in discussions of *phusis* - the bed motif.

**On Truth, Frag. F15(b)**

To some people, the nature and essence of naturally existing entities seems to be the proximate material constituent present in each thing, which is in itself without form: wood, for example, is the nature of a bed, and bronze the nature of a statue. The proof of this, Antiphon claims, is the fact that if one were to bury a bed and the putrefaction were to get the power to send up a shoot, it would not be a bed but wood, since the one - the arrangement in accordance with convention and the artistic form (?) - exists accidentally, whereas the essence is that which persists, continuously undergoing these modifications. And if each of these is in the same situation in relation to some other thing (for instance bronze and gold in relation to water, bones and wood in relation to earth, and in the same way any of the others whatsoever), that thing is their nature and their essence. This is why some people claim that fire is the nature of entities, others earth, others again air, others water, others some of these, others all of them. For whatever any of them supposed is of this sort (whether one thing or more

---


than one), this thing (or this many things) he claims is the whole of substance, while all else is affections, states, and dispositions of it; and one or another of them he claims is eternal (for they do not change out of themselves), while everything else comes into being and perishes an unlimited number of times. (Aristotle, *Physics* 193a9-28, Pendrick, tr., p. 127-9).

Furthermore, a man is born from a bed, but not a bed from a bed. This is why they say that not the shape, but the wood, is the nature of a bed, because if it were to sprout, not a bed, but wood, would come up. (Aristotle, *Physics* 193b8-11, Pendrick, tr., p. 129).

‘Nature,’ furthermore, means the proximate material constituent - without form and incapable of changing out of its own character - of which any naturally existing entity consists, or from which it comes to be; as bronze is said to be the nature of a statue and of bronze implements, wood the nature of wooden things. And similarly in the case of other things: each is made from these, while proximate matter is preserved throughout. For the elements of naturally existing entities too they claim in this way to be ‘nature,’ some saying fire, others earth, other again air, others water, others something else of this sort, others some of these, others all of them. (Aristotle, *Metaphysics* 1014b26-35, Pendrick, tr., p. 129).

In this fragment Aristotle discusses the relationship between nature (*phusis*), essence (*ousia*), artifact (*nomos*), and artistic form (*techne*). Antiphon’s argument concerning the “buried bed” is, simply stated, that the *nature* of a bed is wood, not bed, evidenced by that fact that if one were to bury a bed and the bed were to sprout it would sprout wood not another bed. This shows, on the one hand, that the *nature* of the bed is eternal, while, on the other hand, the form or shape (*schema*) is a convention (*nomos*) resulting from the craftsmanship (*techne*) of human hands. Here we have *nomos* - in this case, that which is fabricated by human hands - imposed upon *phusis* - that which is eternal and persistent and natural. In the second of Antiphon’s fragments about nature, Antiphon opposes *nomos* to *phusis* as it relates to justice. In the passage below Antiphon makes the claim that it is in the interest of the individual to publicly obey the laws (*nomos*) of the city wherein one resides while privately disregarding city laws and carefully obeying nature (*phusis*).

73It might be noted here that Aristotle uses Antiphon’s example to distinguish his own view of the difference between matter and form.
On Truth, Frag. 44(a) and (b)

(a) Justice, then, is not to transgress the laws of whatever city one lives in. Now a man would make use of justice in a way most advantageous to himself if he were to regard the laws as great in the presence of witnesses, but nature as great when deprived of witnesses. For the laws are imposed, whereas nature is necessary; and the laws are not born but agreed upon, whereas nature is not agreed upon but born. When a man transgresses the laws, then, he is free from shame and punishment if he escapes the notice of those who agreed on them; but if he does not, he is not. If, on the other hand, he tries to do violence beyond what is possible to any of the things born with nature, the harm is no less if he escapes the notice of all men, and no greater if all see him. For he is harmed not through opinion but through reality.

The examination is being conducted for this reason: because the majority of what is just according to law and conventions is hostile to nature. For laws have been established over the eyes, as to what they must and must not see; and over the ears, as to what they must and must not hear; and over the tongue, as to what it must and must not say; and over the hands, as to what they must and must not do; and over the feet, as to what they must and must not go after; and over the mind, as to what it must and must not desire. Now, the things from which the laws try to dissuade people are no more friendly or akin to nature than the things to which they encourage them. Living and dying belong to nature; and living comes to nature from what is advantageous, dying from what is not. As for advantages, those established by the laws are chains on nature, whereas those established by nature are free. Things that cause pain, at any rate, do not, in truth, benefit nature more than things that give pleasure; things that cause pain, then, are not more advantageous, either, than things that give pleasure. For things that are truly advantageous must not harm but help. Now, things which are advantageous to nature . . . and those who take vengeance after suffering and do not themselves initiate the violence; and those who treat their parents well even when these have been bad to them; and those who tender an oath to others but do not swear one themselves. One would find that many of the things mentioned are hostile to nature, for there is present in them more pain, when less is possible; less pleasure, when more is possible; and suffering, when it is possible not to suffer.

Now, if there were some help from the laws for those who submit to such things, and loss for those who do not submit but resist, obeying the laws might not be unprofitable. But as it is, justice in accordance with the law is manifestly incapable of coming to the aid of those who submit to such things. First, it allows the sufferer to suffer and the perpetrator to act. And just as it fails (as we saw) at the time to prevent the sufferer from suffering and the perpetrator from acting, so also when it is referred to for the purpose of punishment, it is no more peculiarly in the power of the sufferer than of the perpetrator. For . . . that he suffered . . . and is left to the perpetrator to deny these things . . . (P. Oxy. 1364, fr. 1; Pendrick, tr.).

(b) [the laws of those near by] we know and observe, the laws of those who live far off we neither know nor observe. Now in this we have become barbarians in one another’s eyes; for by birth, at least, we are all naturally adapted in every respect to be either Greeks or barbarians. It is possible to examine . . . things by nature necessary for all human beings . . . none of us have been marked off as either barbarian or Greek. For we all breathe into the air by our mouth and nostrils; we laugh when we are happy and cry when we are sad; we take in sounds with our sense of hearing; we see with our sight with the aid.
of the visual ray; we work with our hands; we walk with our feet . . . (P. Oxy. 1364, fr. 2 + P. Oxy. 3647; Pendrick, tr.).

(c) . . . bearing true witness for one another is regarded as just and no less as useful for human pursuits. Now, whoever does this will not be just, if it is just to wrong no one and not be wronged oneself. For one who bears witness, even if his testimony is true, must nevertheless somehow wrong another . . . and be wronged himself . . . inasmuch as the one testified against is convicted because of the testimony given by him, and loses either his money or his life because of this man to whom he does no wrong. Now in this he wrongs the one testified against, in that he harms one who is not wronging him; and he is himself wronged by the one testified against, in that he is hated by him for bearing true witness. And he is wronged not only by the enmity, but also because he must guard himself his whole life long against this sort of man whom he testified against, since this is the sort of enemy who would do him any harm he could in word or deed. Yet it is obvious that these are no small wrongs, neither those he suffers nor those he commits. These wrongs, and the principle of wronging no one and not being wronged oneself, cannot both be just [sc. and the other unjust], or that both be unjust. It is obvious as well that judging, and deciding, and arbitrating are not just, however they are accomplished. For what benefits some harms others; and in this, those who are benefited are not wronged, but those who are harmed are . . (P. Oxy. 1797; Pendrick, tr.).

In this set of fragments we are exposed to a sample of the hostile and rigid attitude with which Antiphon wrote about justice. Justice, Antiphon claims, is self-advantage. Hence, it follows that it is to one’s advantage to honor the laws of the city when witnesses are present, but when no witnesses are present one should honor nature. The reason is simple: the city’s laws are imposed by agreement and are mostly hostile to nature. On the other hand, nature is born and is necessary. Living and dying belong to nature. Nature is advantageous to living; dying is not advantageous to nature.

Another problem with nomos is that it is impotent to advantage those who follow the law. The law allows perpetrators to perpetrate their crimes upon those who submit to the law, while it denies the victim an absence of suffering from acts by perpetrators. Or, take the case of testifying against someone. If justice entails both that one does wrong to no one and that one is not to be wronged by another, then it is unjust to testify against someone who has wronged another when the witness was not wronged. In this case, the witness commits a wrong by witnessing against the alleged perpetrator who did the witness no wrong. Further, it is through nomos that the distinction between Greek and barbarian is made. Nature does not distinguish
Greek or barbarian. Nature causes every person to see, hear, breathe, laugh, cry, and live according to the same needs and expressions. Law makes some Greek and some barbarian.

Any discussion of Antiphon’s conception of self-advantage as the supremacy of \textit{phusis} leads to an association with Plato’s discussion of the same theme in the voices of Thrasymachus and Glaucic in \textit{Republic} and Callicles in \textit{Gorgias}. Some have attempted to see Antiphon’s thought in Plato’s famous summary of atheistic materialism in \textit{Laws}\ 888e-889e.\textsuperscript{74}

Thrasymachus argues at length for the claim that “justice is what is advantageous for the stronger, while injustice is profitable and advantageous for oneself” (\textit{Rep}. 344c7-8, Reeve, tr.).

Thrasymachus’ claim can be distinguished by two differences from Antiphon’s. First, Thrasymachus appears to give nothing more than a descriptive claim about the way the world is. In the world as Thrasymachus sees it, the stronger rule for their own benefit, and in accordance with such a system injustice is more advantageous than compliance with justice for those who are not the rulers. This, it seems, is a descriptive claim about the way the world is.

Second, Thrasymachus does not frame his argument as an argument in the \textit{nomos - phusis} antithesis. He merely speaks to self-advantage, although his argument has the ring of the \textit{nomos - phusis} debate. Glaucic, on the other hand, offers an argument that sounds very close to Antiphon’s in its description of justice and advantage.

\textbf{Glaucic’s Speech, Rep. 358e1-359b5}

People say, you see, that to do injustice is naturally good and to suffer injustice bad. But the badness of suffering it far exceeds the goodness of doing it. Hence, those who have done and suffered injustice and who have tasted both - the ones who lack the power to do it and avoid suffering it - decide that it is profitable to come to an agreement with each other neither to do injustice nor to suffer it. As a result, they begin to make laws and covenants; and what the law commands, they call lawful and just. That, they say, is the origin and very being of justice. It is in between the best and the worst. The best is to do injustice without paying the penalty; the worst is to suffer it without being able to take revenge. Justice is in the middle between these two extremes. People love it, not because it is a

\textsuperscript{74}Pendrick, along with others, rebuts the claim that Plato had Antiphon, or any particular philosopher in mind in the \textit{Laws} passage. See Pendrick’s argument, pp. 56-57.
good thing, but because they are too weak to do injustice with impunity. Someone who has the power to do it, however - someone who is a real man - would not make an agreement with anyone, neither to do injustice nor to suffer it. For him, that would be insanity. That is the nature of justice, according to the argument, Socrates, and those are its natural origins. (Rep. 358e1-359b5, Reeve, tr.).

Here Glaucon, like Antiphon, clearly sets his explanation of the origin and nature of justice in terms of the nomos - phusis antithesis (see fn. 47, p. 80 above). Glaucon’s explanation resembles Antiphon’s speech in certain other respects, according to Pendrick (p. 64). Both add an additional antithesis of appearance and reality. Both identify justice with law. Both stress the conventional nature of law. Pendrick also points out differences between Glaucon and Antiphon. Glaucon characterizes justice as “a compromise between the greater good of committing injustice and the greater evil of suffering it” (p. 64). Antiphon’s view might be characterized as an accommodation rather than a compromise. Act according to the local laws while in public, but according to nature when in private. “Antiphon differs from Glaucon, however, in his consistent and conspicuous avoidance of the term ‘injustice.’ He speaks instead of ‘transgressing’ (παραβαίνειν [parabaiein]) the laws (cf. F44(a)II.3-5) and of not ‘submitting’ (προσισθαίνει [prosiesthai]) to them (cf. F44(a)V.25-33)” (Pendrick, p. 64).

While Glaucon’s representation of justice and its place in relation to nomos and phusis is descriptive, Callicles, on the other hand, “forcefully asserts the fundamental opposition of law and nature in a manner reminiscent of Antiphon” (Pendrick, p. 59). In the Gorgias, Callicles confronts Socrates for changing the rules of the debate taking place between Socrates and Polus. Callicles charges Socrates with setting up his interlocutors with contradictions by switching the context. Callicles says, “This is in fact the clever trick you’ve thought of, with which you work mischief in your discussions: if a person makes a statement in terms of law, you slyly question him in terms of nature; if he makes it in terms of nature, you question him in terms of law.”75 Callicles states his position of justice, self-advantage, and law in the following

I believe that nature itself reveals that it’s a just thing for the better man and the more capable man to have a greater share than the worse man and the less capable man. Nature shows that this is so in many places; both among the other animals and in whole cities and races of men, it shows that this is what justice has been decided to be: that the superior rule the inferior and have a greater share than they. For what sort of justice did Xerxes go by when he campaigned against Greece, or his father when he campaigned against Scythia? Countless other such examples could be mentioned. I believe that these men do these things in accordance with the nature of what’s just - yes, by Zeus, in accordance with the law of nature, and presumably not with the one we institute. (Gorgias 483d1-e4).

Scholars are perplexed by the appearance of Callicles here and have been unable to conclusively connect Callicles’ persona and argument with an historical person or point of view. Plato is generally credited with originating the striking phrase that occurs here, viz., “law of nature,” unless it comes from an historical person behind the character. Callicles’ speech on justice (482c3-484c3), only a part of which is reproduced here, has similarities with Antiphon. “Both Antiphon and Callicles identify the demands of nature with self-interest, the individual’s pursuit of his own advantage . . . Both regard the restraints imposed by law as ‘chains’ or ‘bonds’ on nature,” and both expressed similar views about being wronged in contrast to doing wrong (Pendrick, p. 59-60).

However, the differences are significant. “It is of fundamental importance that Callicles regards the ‘natural’ morality he formulates as normative or prescriptive in character: he speaks repeatedly of ‘natural justice’” (Pendrick, p. 60). By contrast, there is no evidence that Antiphon ever championed a normative conception of justice. Antiphon proclaims the supremacy of phusis over nomos but in so doing “he nowhere applies the label ‘just’ to behavior in accord with nature but contrary to law and convention” (Pendrick, p. 60). This detail, according to Pendrick, has been missed by those who would attribute a doctrine of natural justice to Antiphon. Pendrick notes two other differences between Callicles and Antiphon that bear some interest. First, he notes that Callicles holds the ideal of a “strongman” who seeks
political power for the sake of personal gain, a theme that is missing in Antiphon, but present in Thrasymachus. Second, he notes that Callicles appeals to animal behavior as a “standard of ‘natural’ conduct” (p. 63). This second difference is of interest because Plato appeals to animal behavior in the guard dog as exemplar of equality between sexes. When Plato’s three characters, Thrasymachus, Glaucon, and Callicles are compared with Antiphon on their conceptions of justice, law, and nature, it is easy to see why one would suggest that Plato entered into the nomos - phusis debate on these questions, placing into the mouths of his characters three different and competing views that contrast in various details with Antiphon’s conception.

Euripides the Dramatist and the Search for Phusis

The pervasiveness of the nomos - phusis debate cuts across all categories of professional communicators - philosophers, sophists, comedians, and dramatists, including Sophocles and Euripides. Halliwell places Euripides in the intellectual company of Socrates when he observes, “Euripides and Socrates are two major figures who have often been linked with a ‘free-thinking’ reappraisal of traditional views of women, though there are problems of evidence and interpretation in both cases” (Halliwell, Rep. V, p. 11).

Pomeroy observes the difficulty in determining what Euripides’ beliefs were exactly. Writing in Goddesses, Whores, Wives, and Slaves,76 Pomeroy opines, “Of all the images of women in classical literature, those created by Euripides pose the greatest dilemma to the modern commentator” (p. 103). This problem goes back to the ancients themselves. “Among ancient critics, Euripides was the only tragedian to acquire a reputation for misogyny,” Pomeroy writes, in reference to a claim made in Aristophanes’ comedy, Thesmophoriacusa, where an assembly of women accuse Euripides of “slanding the sex” by characterizing women as whores and adulteresses. (p. 103-4). This same claim was made by Aulus Gellius, mid-second century.

“Euripides is said to have had a strong antipathy toward nearly all women, either shunning their society due to his natural inclination, or because he had two wives simultaneously - since that was legal according to an Athenian decree - and they had made marriage abominable to him” (Aulus Gellius, 15. 20; quoted by Pomeroy, p. 105).

A contradictory anecdote is recorded by Athenaeus, late-second century. “The poet Euripides was fond of women. Hieronymus, at any rate, in Historical Commentaries, says, ‘When someone said to Sophocles that Euripides was a woman-hater in his tragedies, Sophocles said, “When he is in bed, he is a woman-lover”’ (Athenaeus, 13.557e, quoted by Pomeroy, p. 105). Pomeroy includes Euripides’ own writings, with qualification, as potential evidence that he was a misogynist. “In addition to the pronouncements of ancient critics, the plays themselves provides evidence of misogyny, although one ought not attribute to a playwright the remarks of his characters” (p. 105). So, the extent to which we know Euripides’ personal beliefs and sentiments remains an open question at this time. Pomeroy interprets Euripides’ misogynistic bent as a “vantage point” from which Euripides examined popular beliefs about women. Given the absence of a “brief for women’s rights” Pomeroy concludes that Euripides was “questioning rather than dogmatic. Judgments about his presentation of heroines vary, some critics believing he is sympathetic, some antipathetic.” Pomeroy gives a “favorable” rating to Euripides (p. 107).

G. B. Kerferd, in The Sophistic Movement,77 places Euripides in close relationship with the sophistic movement. Besides sharing some common themes, “Euripides was however associated with and influenced by the sophistic movement in deeper ways. It was in fact no accident that he came to be called in antiquity ‘the theatrical philosopher or philosopher of the theatre’” (Athenaeus, 158e, 561; quoted by Kerferd, TSM, p. 170).

Kerferd places Euripides squarely within the nomos - phusis controversy. Drawing upon a conversation between Hecuba, Priam’s widowed queen, and Agamemnon in which Hecuba says, “We are slaves, and yes, it may be, weak. But the gods have power and so has nomos

which is the master of the gods. For it is by nomos that we believe in the gods and recognise in our own lives a distinction between things that are right and things that are wrong.” Kerferd speaks to the suggestion that Euripides is here referring to the divine law which transcends even the gods. “But the statement ‘it is by nomos that we believe in the gods’ seems a clear reference to the nomos - phusis controversy, and this means that Euripides is here prepared to explain the gods as owing their existence to human belief” (Kerferd, TSM, p. 170-1).

C. E. Hajistephanou gives explicit attention to Euripides’ use of phusis in his dissertation about phusis and character.78 Hajistephanou examines the works of Aeschylus, Sophocles, and Euripides for the presence of phusis and its cognates. Euripides uses the term more often and in more ways than the other two. Hajistephanou summarizes his uses of phusis in four areas: (1) in the area of birth, not only in the sense of duties and rights associated with one’s birth station, but also the notion of heredity to account for specific qualities; (2) as a conception of growth in the sense of female nature as well as an attribution of the nature of the gods, a concept absent in Sophocles; (3) as nobility, in the sense of nobility of character, an aspect of character not as closely tied to nobility of birth as in Sophocles; and (4) as character with respect to its moral implications.

In this fourth category phusis “is used either by itself, as a neutral term, to denote simply ‘nature’ whether good or bad (according to the context), or it is with some other descriptive word . . . through which the moral implications of φύσις [phusis] are made more explicit” (p. 56). Hajistephanou points out a use in Euripides that never occurs in Sophocles. Phusis is used in the sense of nature, “but with particular reference to lower nature or passion. In this sense, φύσις [phusis] is contrasted to human reason or to convention, and it is shown to be at odds with the former or the latter” (p. 56). Euripides also utilizes both components of the nomos - phusis antithesis, using phusis “not only in the sense of nature, but also in that of birth and social position . . . Of the two sides of the contrast, φυσις represents the more important

78 C. E. Hajistephanou, THE USE OF ΦΥΣΙΣ AND ITS COGNATES IN GREEK TRAGEDY WITH SPECIAL REFERENCE TO CHARACTER DRAWING (Nicosia-Cyprus, 1975).
one,” while nomos represents the less valid side of the ideas contrasted (p. 56).

**Euripides’ Medea**

From Hajistephanou’s work I have selected one character, Medea, to illustrate Euripides’ participation in the nomos - phusis debate. Hajistephanou characterizes Medea (p. 57), with her complex personality, as follows. Medea is “an individual with distinct characteristics of her own; she is a woman with certain qualities pertaining to her sex, and finally, she is a mother.” In terms of Medea’s phusis, Medea is “self-willed and wise as an individual, resourceful and revengeful as a woman, and tender towards her children as a mother.” In addition to these qualities, “Jason adds a fourth quality, her cruelty and wildness, which he associates with Medea’s barbarian origin,” although Hajistephanou notes, Jason does not explicitly refer to it in terms of phusis. On Hajistephanou’s interpretation, Medea’s dominant feature is the self-willedness peculiar to her.

From this description of Medea at least three different roles can be observed in reference to her phusis: as an individual, woman, and mother. In addition, moral and psychological qualities are attributed to her phusis as well: she is self-willed, wise, resourceful, revengeful, tender, cruel, and wild. The first passage Hajistephanou cites that conveys Medea’s phusis comes early from Medea’s nurse as she cautions Medea’s children, having detected a wildness about Medea’s state of mind:⁷⁹

There, I told you, dear children
Your mother stirs her heart, stirs her wrath.
Hasten quickly into the house
And don’t come into her sight;
Don’t come near her, but watch out
For the savage bent, the hateful nature
Of her self-willed mind,
Go now, go quickly inside.

Here we are given an early glimpse into Medea’s nature - she is hateful (*stugeros phusis*) and self-willed (*authadia*). Podlecki notes that her “savage bent” (*ēthos*) prepares the reader for actions that will show Medea to be less than human (note on line 103, p. 18). This passage forcefully underlines two basic aspects of Medea’s character (*ēthos*, i.e., her nature), her fierceness and her self-willedness. Emphasis provided by “hateful nature” (*stugeros phusis*) suggests that it is “an essential part of Medea’s self-willed mind to be filled with hatred . . . As a self-indulgent woman, Medea will reveal hatred as well as stubbornness of purpose, and finally she will listen to the dictates of her passion rather than to the counsel of her reason” (Hajistephanou, p. 58).

Toward the end of the play Jason will compare Medea to a monster as he comments on his preference for her over other women when he married her.

> Yet I ranked you over them, and married<br> > You, a wife who hated and ruined me,<br> > A lioness not a woman, who have a nature<br> > More fierce even than that of Etruscan Scylla.<br> > But not by casting ten thousand insulting remarks<br> > Could I injure you, so brash is your inborn nature.  

True to her nature, Medea revels in the joy she feels for having hurt Jason as much as she could by murdering his children. She admits, however, that she is grieved by her children’s death, and that she too is a recipient of the misfortune she has perpetrated. “This admission shows the extent to which the natural love for her children had been submerged by her passion for revenge, and the ensuing satisfaction” (Hajistephanou, p. 60). Medea’s wild and fierce nature (*agrios phusis*), an “inborn nature” (*empephuke*) according to Jason, triumphed over her wife nature and mother nature.

The second important trait of Medea’s is her resourcefulness - a resourcefulness that equips her to carry out her nefarious plans. In a speech, immediately after an encounter with Creon, although she has many means of destroying her enemies it would be best for her to follow her natural strengths (Hajistephanou, p. 61).

> My death will give my enemies a laugh.<br> > Best to take the direct route, where my natural<br> > Skills can shine: murder them with poison.
Medea attributes her “resourcefulness” to her “natural skills” (pephukamen sophai). This conveys the idea that her resourcefulness was “inborn,” just as Jason earlier described her fierce and wild nature as “inborn” (empephuke). At the conclusion of this speech, Medea gives a shocking portrayal of woman’s natural capacities.

And what is more, 407
We’re women, quite unable to manage good,
But none more skilled when it comes to doing harm.

Medea finds an additional source of courage in the “natural wickedness of women” (pephukamen), confessing that she has the “necessary resourcefulness” to carry out her plans of vicious murder (Hajistephanou, p. 61). Throughout this theme we see phusis used as accounting for the lower or darker animal passions, a use emphasized by Euripides (see p. 105 above).

At this point the Chorus enters with its first Choral Ode.

The streams of sacred rivers run backwards: 410
Justice and everything go in reverse;
Men’s plans treacherous, faith sworn by gods
No longer fixed and secure;
But the tables will turn. I’ll have renown
Honor will come at last to the female race;
No longer will women be victims of bad reports.
The ancient songs will at least diminish
That sing of my faithlessness.
To us no talent of raising the lyre’s
Heavenly voice was given 425
By Apollo, leader of songs. I’d have sung
A contrary hymn against the male race;
For ages can tell as much of men as of us.
Medea, you sailed from your father’s home
With maddened heart, and passed the twin rocks
Of the sea. A foreign land 435
You live in. Your husband’s bed
You’ve lost, poor woman. The land now drives you away,
A dishonored exile.
The grace of oaths is gone. Shame no longer
Resides in great Greece, but has flown skyward. 440
And for you no father’s home
Will give shelter from sorrows. The bed
Now has another mistress standing over it,
A royal bride.

Interestingly, Pomeroy quotes the first part of the Chorus’ Ode under the title, “Euripides’ Women: A New Song” as she muses about the role of women in Euripides’ works
Goddesses, p. 103). If Pomeroy is correct that Euripides used misogynistic passages such as this one to examine popular beliefs about women and bring them into question, Medea certainly challenges what they thought they knew about female nature. The idea of reversal extrudes from Medea’s speech. “The streams of sacred rivers run backwards; Justice and everything go in reverse.” It seems as though Euripides does exactly this throughout Medea. Medea, a woman, wife, and mother, is given a role that reflects what would have been natural expectations of a woman, wife, and mother. Yet, Medea’s dominant features - expressed by her lower passions - show her as supra-human at times with her monster-like fierceness, and at other times as sub-human with her ability to kill her own children as well as commit murder on others.

While Medea is cast with extra-human qualities, Creon, on the other hand, is cast as a mild-mannered ruler, man, husband, and father. His most outstanding feature may be his unusual affection for his children, a quality expected in women and conventionally ascribed to woman’s nature. Creon’s nature, by some measures, looks more like the conventional woman’s nature. “Creon is constantly drawn as being by nature a weak ruler, ready or liable to make concessions, and as a father characterized by excessive tenderness of heart, who abandons his position twice to the detriment of his own house” (Hajistephanou, p. 63).

Jason too is treated by Euripides as a study in character (phusis) according to Hajistephanou, although not given the same importance as the characters of Medea and Creon (p.63). In particular, one feature of Jason’s nature is analyzed by Hajistephanou. Jason is portrayed as a faithless husband, and this faithlessness is attributed to his love for power. Hajistephanou asserts that Medea’s explanation (698) of Jason’s failure “is not simply a case of a startling change in her husband’s character, from goodness to badness, or one of a transitory nature, but it is in essence a revelation of a bad character, whose baseness was always there, although she had no opportunity to experience it and no sure means to have it tested so far” (p. 63). Again, we see Euripides cast the lower passions as part of one’s nature - a use unique to him according to Hajistephanou.

Both Medea’s and Creon’s natures might be seen as reversed, or at least contaminated,
from what was ordinarily expected of male and female according to nature and convention. Medea’s aspirations, however, represent yet another level of reversal of both *phusis* and *nomos*. Medea aspires to invert the status quo of male-female relationships by promoting women to the place of public honor, while exposing men for their dishonorable secrets. Of course, in the end it is Medea who is dishonored. From this look at *Medea* we get a glimpse of how Euripides explores the question of human nature - i.e., character. Euripides uses a variety of words to portray nature and character, most of which are related to *phusis*.

**Summary**

The *nomos*-*phusis* controversy intertwines two significantly different discourses into a common discourse. The question of *nomos* is, if Ostwald is to be followed, an historical development in which myths, theologies, and customs are supplanted to a great degree by the intentional construction of law-making apparatus in the form of legislative institutions along with the codification of long-standing traditional conceptions of social and political structures.

The *phusis* side of the controversy extends the scientific quest of the ancient physiologers for locating the basic nature of a thing to the fields of ethics and politics. With this shift the scientific investigations of the physiologers influenced the shape of the search for a basic grounding of ethics and politics in a theory of human nature. It must be emphasized, however, that not all voices in the *nomos*-*phusis* discourse offered a theory or prescription.

Euripides, for instance, offers no prescriptive or normative formula for male or female nature. Looking at *Medea* what one sees is a provocative reversal of certain conventional male and female roles. Hajistephanou concludes that “In the main, it is true to say that Euripides is a student of individual nature, and of human nature at large in its various aspects” (p. 137). Euripides is offered here as a dramatic example of the *nomos*-*phusis* debate, although he fails to make a normative claim.

Antiphon is offered as an example of one of the most noted descriptive arguments of
phusis as absolute champion over nomos. He tells us what to do in order to maximize nature for one’s own advantage, but he falls short in offering an analysis or explanation as to the basic make-up of human nature or how society might or should be organized on the basis of some deeper theory. One might speculate that Plato reacted to the historical Antiphon by constructing a variety of alternative arguments through the personae of Callicles, Thrasymachus, and Glaucon. Of the four characters considered in this study of Antiphon, only Callicles gives a normative account of nature and its application to justice.

Locating the Equality Argument in the genre of nomos - phusis literature aids in bridging the interpretative gap between those who want to see the argument as an ethical argument in contrast to those who want to interpret it as a political argument, or as a feminist or anti-feminist argument. Reading the EA as either only ethics or politics is to read it as an argument related to establishing norms for the role and place of women in society based upon either an appeal to custom, convention and even legislation or to phusis. It is to read it largely as a nomos argument. While the Equality Argument is not a metaphysical argument, to read it as resting upon a metaphysical foundation - in Plato’s case of an immaterial and sexless soul - dislocates the argument from an “either-or” argument to a richer and deeper quest. Recognizing that it need not be limited to either nomos or phusis, or either ethics or politics but it can be expanded to an integration of nomos and phusis and ethics and politics may produce a better outcome. This concept will be explored further in Chapter Six, as there are some indications that Plato sought for a more integrated solution, which accounted for his metaphysical foundation.

I am persuaded that Plato’s attention to the place and role of women in Kallipolis was, in part, an expression of his participation in the search for a real phusis upon which to construct a theory of human nature that would accommodate beneficial ethical and political structures. It is also my perspective that the Equality Argument is best interpreted when read in this way. When it is, it becomes more apparent that Plato’s argument is more than an ethical or political argument. Rather, it seeks a philosophical foundation for ethical and political applications in questions related to the place of women in the polis. Chapter Four is offered in support of the
claim that, at bottom, the Equality Argument is built upon a metaphysical argument with
emphasis on the soul, and that it offers a extension of Plato’s metaphysical conception of the
soul to ethics and politics. If this is the case, it offers an alternative among the many
interpretations of Plato’s Equality Argument.
Chapter Five: Xenophon’s Portraits of Female Natures

Introduction

In the previous chapter I offer a sketch of the nomos - phusis debate and argue that Plato’s purpose in the Republic is, in part, to enter into this debate. His contribution to the debate offers a third alternative to traditional appeals to nomos and phusis. For him, existing explanations of nomos and phusis fall short of accounting for an explanation what is permanent and unchanging, i.e., what is real and true; for Plato this real resides outside of the conventional or material world. Plato’s metaphysics pointed to a reality that transcends both the material world of coming-to-be and passing-away (the physiologers’ world of phusis), and the world of custom and law (nomos). Plato offers a metaphysical solution to what is real in his proposed two-worlds theory.

Chapter Five continues the question of what this nomos - phusis debate is about by looking more particularly at the question of the female nature: is there such a thing, and if so, what is it? For Plato, the ethical aspect of the question is contextual and follows from his metaphysical theory. As we see in Chapters Two and Three, the ethical question of a female
nature is informed by his metaphysics, his metaphysics providing a third alternative to popular views of nomos and phusis, effectively setting up a challenge to conventional views of a female nature. In this chapter I will attempt to contrast Plato with others by comparing three different views on the question of a female nature presented in the works of Xenophon, another of the Socratic philosophers. The question of a female nature is also a question, obviously, about nature. The quest for a female nature is, parenthetically, a question of as much interest today to those who seek for a clearly defined sexual nature, as to the ancients of Plato’s day. In some respects today’s debate very much mirrors the ancients’ debate.\(^80\)

According to the analysis of phusis provided in Chapters Two and Three, Plato’s answer in the Republic is shrouded in ambiguity. One of the ambiguities involves the question of what is real, i.e., what is permanent and unchanging. Plato’s argument suggests that there is no female nature in his real world. For those who locate the real world in the material world (one application of phusis) the female nature is a real fact in their real world. But for Plato, real nature transcends the material world. So, for him, the soul exists in the real world of real nature, while bodies exist in the coming-to-be and passing-away of the material world. Bodies do not exist in the real world the way souls do. Talk of male or female natures has reference only to bodies not souls for Plato. Talk of a female or male nature plays into another of the ambiguities in the discussion of phusis. I am suggesting that Plato espouses no female or male nature beyond the physical apparatus of each body, which he equates with a sex nature, be it male or female. Plato’s psychology seems to locate all of the essential and dynamic characteristics of an individual - i.e., intellect, disposition, character, and the like - in the soul, not the body. Sex as a differentiation of male or female is located in the body while the soul itself is asexual. Since souls are asexual it follows that a soul is neither male nor female. For Plato a female nature or male nature is not an appropriate designation for a soul, but only for a body since his conception of the soul, as outlined in Chapter One, is asexual. A body is female

\(^80\)In some respects, however, it does not. The contemporary gender discussion was virtually unknown to the ancients.
or male, but to speak of a female soul or male soul would be completely mistaken.

On the other hand, inasmuch as bodies have function, so also there is a female function and a male function, but, by this account, neither a male soul-nature nor a female soul-nature. In the Republic the female function manifests itself in two ways: as a receptacle for male seed and as a nurturer of male seed. The male function provides seed. Otherwise, according to Plato’s Socrates the difference between men and women is that women are physically weaker than men. It should be remembered, however, that beyond the physical strength differential and the procreative differential, all asexual souls are equal in the Republic according to their performance whether in male or female bodies. It would seem then, in Plato’s argument, that talk of a female nature or a male nature is misguided. Plato’s Equality Argument is about the nature (metaphysics) and performance (ethics) of souls, not bodies.

But not so with one of Plato’s colleagues and competitors, Xenophon. Both Plato and Xenophon were students of Socrates, and both give extensive characterizations of Socrates. It is from this standpoint that Xenophon provides a worthwhile comparison to Plato.

The phrase “the woman’s nature” conveys an interesting comparison. While similar expressions do occur in the Republic, Plato’s Socrates does not use this phrase as an

81 Some, however, do argue for a ‘manly’ soul or ‘womanly’ soul. I am here arguing that Plato’s metaphysical conception of the soul is asexual, and as such exhibits no sexual apparatus or tendencies. Exactly where Plato locates gender, feminine or masculine tendencies, and the like requires a look into his psychology in a different way and at a different level than this inquiry. Spelman (cf. above, p. 51ff along with fn. 35 and 36), on the other hand, argues for a gendered soul. Her argument rests on three controversial premises: (1) A radical disassociation of soul from body to the degree that one cannot tell anything about the soul by looking at the body. I answered this in Chapter Two, above. (2) There are different kinds of souls, which I interpret as an ontological claim about differences between souls. I argue in Chapter One that souls are ontologically equal and asexual at their origin. Souls may acquire differences over the course of their incarnations, but as I read Plato, in the beginning asexual souls were given equal capacities. (3) Souls are gendered, from (1) and (2). From the standpoint of her argument I cannot abide by her conclusion that souls are gendered. The question of gender, apart from Spelman’s particular argument, is a legitimate question but beyond the scope of this investigation. Spelman’s argument is faulty, I believe, on the two grounds given here. Given another argument, I may, however, be persuaded to think differently.

82 For example, see Rep. 453a2 and 453c3. There is an ambiguity that occurs in the translation of woman’s nature; Spelman focuses on the ambiguity in “woman.” As I develop my interpretation of Plato’s view, the nature of the woman is located in the body. Others may however locate the nature of the woman in the soul. I have argued for the body. Those who want sexual nature located in the soul no doubt have an argument for their view. Beyond these two locations for sexual nature, there may be a third way of using this phrase and that might be in the sense of gender. The intent of each interpreter, commentator, and reader is a vexing problem in the face of this ambiguity, an ambiguity which Spelman develops. My approach is straightforward: Plato located sexual
expression of the same thing as Xenophon’s Socrates. When Plato’s Socrates uses such
phraseology it is always to express a conception other than his own except where he means the
sexual nature only as distinct from the female nature in some other respect. By contrast, such
phraseology does show up in Xenophon, interestingly, in the mouth of Socrates as an expression
of the more conventional view. It comes in an exchange between Antisthenes, another of
Socrates’ disciples, and Socrates.

Xenophon devotes four works to Socrates: *Apologia Socratis*, *Oeconomicus*,
*Memorabilia*, and *Symposium*. Two of these works, the *Oeconomicus* and *Symposium* contain
episodes relevant to our discussion, including discussions of the “female nature,” with Socrates
in the *Symposium* and Ischomachus in *Oeconomicus*. Ischomachus is thought by some to be the
voice of Xenophon himself. The four major composers of “Sokratikoi Logoi” (discourses or
conversations of Socrates) known to the ancient world were Antisthenes, Aeschines, Plato and
Xenophon. 83 Although dating of Socratic works is very difficult, A. J. Bowen suggests that
Antisthenes was the first to write, although his works are largely lost to us. 84

Bowen discusses the place of Xenophon’s *Symposium* in the wake of Socrates’ death.
Since both Plato and Xenophon wrote a *Symposium* there is, quite naturally, interest in who
wrote first. Bowen follows the argument of Holger Thesleff 85 that Xenophon wrote a
*Symposium* first, much like the one we presently have. Plato reacted to it by writing his own
*Symposium*, which in turn pushed Xenophon to edit his original and produce a second edition,
adding Socrates’ long speech on passion (present Part VIII). “Remove that speech (it is not
wholly consistent with its context) and it could quite safely be argued that it is Plato who is
dependent on Xenophon” (Bowen, p. 8-9). Our interest is not so much in the chronology as the
discussion of female nature by Xenophon. W. K. C. Guthrie, a scholar upon whom Bowen

83 Charles Kahn, *PSD*, see p. 1. Kahn also includes Phaedo and Eucleides among the writers of Socratic
dialogues.

Xenophon’s *Symposium* are from Bowen.

85 Holger Thesleff, “The Interrelation and Date of the *Symposia* of Plato and Xenophon,” *BICS* 25, 157-70.
relies heavily, sees in Xenophon a lack of philosophic depth but nonetheless considers
Xenophon’s portrait of Socrates a reliable source, notwithstanding significant differences
between Plato and Xenophon in their characterizations of Socrates. Generally Xenophon’s
portrayal of Socrates is considered to be more pedestrian and lacking in deeper philosophical
content. Guthrie reminds us of Xenophon’s purpose in writing his *Symposium*. It is “to portray
the whole man Socrates, not simply the philosopher, and for this, as he tells us, he decided it was
important to show him in his lighter and more unbuttoned as well as his serious moods”
(*Socrates*, p. 21).

**Socrates’ Limited Egalitarian View in Xenophon**

This episode from Xenophon’s *Symposium* occurs at Book II. 9-13. Following a variety
of entertainments by a flute-girl and boy-citharist, some acrobatic dancing, a comic parody by
the professional buffoon, and a song by the boy, Socrates interrupts the festivities by requesting
that they turn to *logoi*, the intended entertainment for the evening. The entertainment at the
moment is provided by a dancing girl who is juggling twelve hoops while continuing to dance
and catch the hoops in sequence with the music. In response to the notable athletic ability
exhibited the female entertainers, Socrates made some remarks about the comparative powers of
men and women. Antisthenes “rudely” interrupts Socrates with a remark about Xanthippe,
Socrates’ wife. This spawns a discussion about whether virtue is teachable and whether women
are teachable.

---

differences between Plato and Xenophon on Socrates, see Guthrie, pp. 13-14; also see Waterfield’s
“Introduction” and especially pp. 12ff in *Xenophon: Conversations with Socrates*, Hugh Tredennick and Robin
Waterfield, eds. (Penguin Books, 1990); and Sarah B. Pomeroy, *Xenophon: Oeconomicus: A Social and
Symposium II. 9-13.87

(9) [Socrates] “‘It’s really very obvious, gentlemen, particularly in terms of what the girl is actually doing, that a woman’s nature is not inferior to a man’s at all, though there is a shortfall in power of decision and in physique. So any of you with a wife can instruct her in full confidence in whatever he’d like to have her know.’

(10) “Antisthenes inquired, ‘If that is your perception, Sokrates, how come you don’t teach Xanthippe, instead of having as your wife the most difficult woman not just of this generation, in my view, but of all generations past and yet to come?’

“‘It’s because I can see that people who want to be horse-trainers pick not the most docile animals but the most spirited. They reckon that if they can establish control of them, they’ll easily manage the rest. I chose my wife because of my desire for human society and conversation, knowing very well that if I can endure her, I can easily get along with everyone else.’ And these words seemed to be not far off the mark.88

(11) “After this a ring was brought in with swords close together on it, fixed point up, and the girl began diving in and out of them. The spectators were scared she might get hurt, but she kept going with confidence as well as safety.

(12) “Sokrates called to Antisthenes and said, ‘At least the people watching this won’t object any more, I take it, that bravery too isn’t a teachable thing, when this girl keeps launching herself into the swords so boldly, despite being a female.’

(13) “Antisthenes replied, ‘Would it then actually be a very good thing for this Syracusan to display his dancing-girl to the people and say that if the Athenians will pay him he’ll make all of them brave enough to charge the enemy spearpoints?’” (Xenophon, Symposium II. 9-13, Bowen, tr.).

In this short exchange two philosophers, Socrates and Antisthenes - a teacher and his student - engage in a discussion that touches upon at least seven themes that sound familiar: the woman’s nature (ἡ γυναικεία φύσις) (II.9); equality of male and female (9); teachability of women (9, 12); spiritedness (10); bravery (13); the teachability of bravery (13); and a reference to war (13). Each of these themes occur in the Republic: high-spiritedness and bravery in the GDA (Ch. 2, above), with the remainder in Book V (Ch. 3, above). In the GDA Socrates’ concern is to locate both high-spiritedness and its opposite, gentleness, in the Guardian nature with an appropriate balance between the two. On a more subtle level, in the GDA Socrates raised the question of the relationship of the thumos, as the location of high-spiritedness, to the soul (psyche). This relationship of thumos to psyche was a pressing question

88Bowen comments that Xanthippe’s reputation as “a shrew is largely owed to this passage (see also Mem. II 2). See Commentary, p. 97.
in the search for an explanation of human nature among the ancients, resulting in a pervasive polemic that pitted competing schools of thought against one another within the *nomos*- *phusis* debate (as seen in Chapter 4, above).

While in Xenophon’s discussion the point of high-spiritedness is directly connected to the female nature (II. 10), in the corresponding discussion in the GDA any reference to sexual difference is absent. This suggests that the question of *thumos* and *psyche* was of a more metaphysical interest to Plato than to Xenophon, while Xenophon’s characterization seems more narrowly focused on Socrates’ ethical interest, although the very presence of *phusis* suggests the background debate between *nomos* and *phusis*. This observation is more in concert with Guthrie’s general view of differences between Xenophon and Plato alluded to above (p. 110). Also worthy of note is that in both Xenophon’s and Plato’s conversations of high-spiritedness the discussion leads to the question of teachability. In Xenophon the question of teachability is raised by Socrates and immediately challenged by Antisthenes inasmuch as Socrates seems not to have accomplished the feat with his own wife (*Symp*. II. 10). Antisthenes’ barb seems to be directed at Socrates’ personal failure with his wife (10) while, at the same time, he appears to be in agreement with Socrates on the teachability of women (12, 13). Antisthenes also takes Socrates’ response as a forum for criticizing Athens for her lack of bravery in war (*Symp*. II. 13). From this brief exchange between Socrates and Antisthenes it appears that they were in agreement as to the teachability of women as well as the teachability of virtue.

On the other hand, in the GDA the question of teachability must wait as the question gives way to the more metaphysical question of the location of bravery. Bravery, as a feature of the guard dog, is located in the *soma*, not the *thumos*; however, as we have seen (Chapter 2, above), bravery in Plato’s Guardians is a function of the *philosophic* nature. In Book V of the *Republic* teachability reappears as both a metaphysical and ethical issue: does she have it in her nature, and how should she use it, respectively?

Of the five remaining topics listed above, each of them shows up in *Republic* Book V: the female nature; the equality of male and female; the teachability of the female; the teachability
of bravery; and war. The question in the GDA of guardian requirements in the dog’s *phusis* moves in Book V to a search for the Guardian requirements in the woman’s *phusis*, and the discussion continues the interplay between metaphysics and ethics, eventually showing that all Guardian requirements are met in the asexual soul regardless of the sex of the body - a metaphysical conception. While the sex of the body is irrelevant, a certain physical fitness of the body, male or female, must be met.

The most significant point of similarity between this discussion in Xenophon’s *Symposium* and Plato’s *Republic* has to do with the female nature (9). Here Xenophon portrays Socrates as saying something almost identical to Plato’s construal in Book V in his proclamation that the “woman’s nature is not inferior to a man’s at all.” In the *Republic* this formulation has the qualifier of limiting the discussion to Guardians. While the saying is almost identical, in one respect it is not. Xenophon shows Socrates talking about “a female nature,” a phrase already noted as absent from Plato’s terminology when representing Socrates’ point of view. Why does Plato deny Socrates a conception of “female nature”?

If the hypothesis guiding this inquiry is accurate, a simple explanation is available. Plato denies this expression, “woman’s nature”, to Socrates to avoid a conception which his argument rejects. Plato rejects “female nature” because it fit neither with his metaphysics - there is no such thing as a female nature in his real world, nor with his epistemology - reference to a “female nature” reflects a lack of knowledge of what is real. “Female nature” was a reflection of conventional thinking (*nomos*), the result of a shallow view of *phusis*. Conventional thought accepted the view that women had their own “nature” and men theirs, resulting in settled expectations for male and female roles. If people knew how to properly assess the matter and were acquainted with the world of knowledge they would know that neither *nomos* nor *phusis* in the vulgar sense of the word provided a satisfactory explanation for the question of female and male differences. Xenophon, on the other hand, by virtually all accounts a more conventional thinker, found it natural to place such terminology in Socrates’ mouth.
Antisthenes’ Anti-Hedonistic View in Xenophon

Socrates’ voice is not the only one in this short exchange hinting at a view of female nature. Antisthenes’ comments also suggest that he held at least a rudimentary view of the female nature. Antisthenes is a somewhat enigmatic figure, due primarily to a lack of primary sources from him. Most scholars agree that Antisthenes was a prolific writer and influential thinker, however virtually nothing of his writings survive except through scattered anecdotal material, much from Diogenes Laertius - a late and controversial source. Antisthenes is listed as one of the four major Socratics, along with Aeschines, Aristippus, and Plato. From surviving evidence, it appears that he and Plato had an antagonistic, if not hateful, relationship as a result of their competing philosophical views.

According to H. D. Rankin, “Xenophon provides our earliest and only character studies of Antisthenes in his Memorabilia Socratis and Symposium.” Rankin suggests that if Xenophon wrote these works late in his life “it is likely that this Antisthenes had moved close to [a] philosophical position which could fairly be described as Cynic” (p.11). It has already been noted that Antisthenes agreed with Socrates that the female nature is teachable (Symp. II. 13), although Antisthenes questioned Socrates’ ability to teach his own wife (Symp. II. 10). Antisthenes implies that he agreed with Socrates on the view that the female nature is not inferior to the male nature (Symp. II. 9, p. 111). We learn more of Antisthenes’ views when it comes his turn to speak to the topic of the evening, to tell what each one is most proud of in himself (Symposium, III. 3). Later Antisthenes gives insight into his definition of pleasure and how women fit into his view (Symp. IV).

------------------------------------

89 For additional comments concerning Antisthenes’ writings, see Kahn, PSD, p. 5-6.
90 H. D. Rankin, Antisthenes Sokratikos (Amsterdam: Adolph M. Hakkert, Publisher, 1986). Hereafter, AS.
Symposium IV. 34-44

34. “Come on then, Antisthenes,” said Sokrates. “Now you tell us how you think so highly of wealth when you own so little.”

“It is because I think, gentlemen, that people don’t keep wealth and poverty in their houses but in their hearts. 35. I see plenty of private citizens who have plenty of money but who are so poor in their own estimation that they undertake any task and any danger provided they can make more by it, and I know of brothers who receive an equal share of the inheritance, and one of them has plenty, more than he spends, while the other is short of everything. 36. I know of some tyrants, too, who are so hungry for money that they do things far worse than the poorest of men do, some turning to theft and some to burglary and some to the slave trade because of their neediness, presumably, and there are some tyrants who destroy whole households and kill the whole family and often enslave whole cities for the sake of money. 37 I really do pity these people: their disease must be so painful. I think they’ve got the same problem as a man who’s got plenty and eats plenty and never gets to be full. I’ve got so much I can scarcely find it all myself; and yet the net result is that I can eat and reach a point of not being hungry, and I can drink and not be thirsty, and I can clothe myself so that I’m not colder out of doors than millionaire Kallias there, 38 and when I’m at home my walls are a warm tunic, my thatch is a thick mantle, and my bedding is so adequate that it’s quite a task to rouse me. If ever my body wants sex, my present means are so adequate that because no one else is willing to approach the women I approach they greet me with enthusiasm. 39 All of this seems to me so pleasurable that in each bit of it I wouldn’t pray for more pleasure but less: some of it seems so much more pleasurable than is appropriate.

40. “The most valuable piece in my wealth I reckon is this: even if my present possessions were taken away, there is no job I can see so awful that it wouldn’t provide me with enough to live on. 41 When I want a fine time of it, I don’t go to the market for its luxuries (they’re expensive); I go instead to the cupboard of my soul. It makes a lot if difference to the enjoyment when I come to something after feeling the need for it, compared with the times when I get to taste something costly, like this Thrasian wine, which I’m drinking now without being thirsty. 42 Frankly, people with an eye for thrift are like to be much more juster people than those with an eye for spending. The ones who are most content with what they’ve got are least excited by what belongs to others. 43 It is worth realizing how wealth of this sort produces the people who are typically free. Here’s Sokrates, for instance, my source of this wealth: he never tried to serve me by score or by weight, but just kept giving me as much as I could carry away: and now here’s me, envious of no one. Instead, I display my generosity to all my friends and I share the wealth in my soul with any who want it. 44 As for the most luxurious of my possessions, that’s the leisure you see me forever enjoying: I can gaze at what’s worth gazing at, and I can listen to what’s worth listening to, and (the thing that I rate highest) I can spend all day at my leisure with Sokrates. He too fails to be impressed by the people who can claim most gold; he spends all his time with the people he likes.” That was how Antisthenes spoke. (Xenophon, Symposium IV. 34-44, Bowen, tr.).

Reading this short vignette one senses the influence of and gratitude for Socrates’ influence in Antisthenes’ life. The soul as the locus of significance as well as the repudiation of material wealth accompanied by the view that greed is a disease - these are Socratic markers.
The heart of this speech, however, may be Antisthenes’ emphasis on pleasure: labor (*ponos*), not indulgence, is the source of pleasure. This view of pleasure derives, to a great extent, from the heroism and the *muthos* that developed around Hercules. According to the sophist Prodicus, Hercules had to chose between a life of “low pleasure with ‘Kakia’, a female fiction personifying ‘baseness’ or a more austere path under the guidance of ‘Arete’, the personification of ‘virtue’” (Rankin, *AS*, p. 13). Hercules chooses the way of Arete, and so does Antisthenes. Antisthenes became noted for his anti-hedonistic philosophy. Rankin characterizes Antisthenes’ utterances as “attacks on the pleasure principle,” saying, “His disapproval of hedonistic motivation fits into a long tradition in Greek thinking which regards with fear emotional states that can overwhelm a reasonable and balanced appreciation of life and deprive people of their self-control” (Rankin, *AS*, p. 129). Plato, too, warns of the perils of pleasure and the necessity of self-control especially in the Guardians.

Beyond Xenophon, knowledge of Antisthenes’ views come from fragments scattered over a period of around 500 years. Among Antisthenes’ fragments, Rankin quotes several that highlight Antisthenes’ anti-hedonist philosophy. Several texts reproduce a quote of Antisthenes saying he would rather go mad than experience pleasure. “Antisthenes was the pupil of Socrates: he was a man of Herculean strength of mind, who said that being mad was better than feeling pleasure. And so he advised his friends not to lift a finger in the interests of pleasure” (Rankin, *AS*, p. 130, fr. 108e). In a related fragment, Antisthenes attacked pleasure derived from sexuality. “Antisthenes the companion of Socrates and teacher of Diogenes considered selfrestraint [*sic*] to be of the highest importance and ridiculed pleasure. He is said to have made the following comments about Aphrodite: ‘I would shoot Aphrodite, if I could catch her, because she corrupted many of our finest women’” (Rankin, *AS*, p. 131, fr. 109b). Rankin refers to another version of this theme which “maintains that those who are overpowered by pleasure are ignorant of its nature. They should not be eager to have it, even if it is called by a god; or rather it is something ordained by god to fulfill the need for procreation” (*AS*, p. 131, fr. 109a).

It is known that Antisthenes wrote a work entitled, *On Procreation, On Marriage: a
discussion of Eros. There are many fragments that remark on procreation, marriage, and eros which may have been in his book. One such fragment targeted philosophers. “The philosopher (sophos) marries in order to beget children. He unites with women who have the best nature (for that purpose). He will also feel sexual love: but only the philosopher understands what women he should love” (Rankin, AS, p. 132, fr. 115). Rankin comments, “Selection of a mate with whom to produce children is a philosophic enterprise. We are reminded immediately of the eugenic arrangements of Plato’s Republic” (AS, p. 132). While this does remind one of Plato, it also prompts recollection of Antisthenes’ retort about Xanthippe in the Symposium (II. 9). Antisthenes’ comment sounds like an attack on Socrates for his apparent failure to teach his wife, Xanthippe. When pressed for his motivation for marrying Xanthippe, Socrates says, “I chose my wife because of my desire for human society and conversation, knowing very well that if I can endure her, I can easily get along with everyone else.” Xenophon remarks, “These words seemed to be not far off the mark.” (Xenophon, Symposium, II. 10).

Socrates’ relationship with his wife as related here is complicated to understand. Here, in the first part of his comment, it sounds as though he sought his wife for companionship as a social and intellectual equal. This would closely cohere with Socrates’ prior statement about the female nature, although in II. 9 a woman’s intellectual stature is not quite that of a man’s (Symposium, II. 9), for she lacks something in the power of her decision-making. Nevertheless, the sentiment expressed still conveys that Socrates saw Xanthippe as a desirable companion for social intercourse, but probably more as his student than his equal. The second part of his comment, by contrast, casts a disparaging pallor over his marriage with Xanthippe. From his comment it appears that Socrates saw this part of her before he married her but saw her as a challenge to train. These two comments set up a kind of conundrum if it is the case that, one the one hand, Socrates desired Xanthippe for some type of social or intellectual companionship, but on the other, he took her on as a spirited horse to be tamed. Perhaps she was more equal than he anticipated!

Antisthenes’ criticism of Socrates further complicates this already complicated picture.
On the one hand, we have the fragment of Antisthenes’ in which he appears to extol the virtue of careful spousal selection in the case of the philosopher who marries. The philosopher clearly chooses his mate on the basis of her nature. He will also experience sexual love, but the proper motivation for marriage is the production of children. Marriage is clearly not for the sake of pleasure if Antisthenes’ comments in the Symposium (IV. 34-44) are to be taken seriously, where he describes the meeting of his own sexual needs as a need not a pleasure. In fact, he formulates his need as a need of his body, almost conveying the sense that his need is somehow distinct from his body’s need. To Antisthenes’ views about marriage, Rankin says, “nor has he anything positive to say about marriage, even as a social institution. According to Antisthenes, ‘When a man asked him what kind of woman he should marry, he replied, “If she’s pretty, you’ll find yourself sharing her with everybody else; if she’s ugly, she’ll be a scourge’” (Rankin, AS, p. 133, fr. 180).

The immediate issue at hand is Antisthenes’ views in his criticism of Socrates’ marriage (II. 10, 13); the broader question is how his criticism fits with his view of marriage, sex, and the feminine nature given in his later speech (IV. 38). What was Antisthenes’ point in criticizing Socrates and Xanthippe? If we follow Rankin’s construct of Antisthenes we get the following. 1. Antisthenes was anti-marriage, which is consistent with Xenophon’s characterization in the Symposium (IV. 38). 2. Antisthenes permitted sexual intercourse for meeting one’s need, but not for the purpose of pleasure. 3. As a matter of fact, many fine women are corrupted by the influence of eros, hence, Antisthenes would shoot Aphrodite if he could catch her. Presumably Antisthenes has in mind the idea that “fine women” are those women who have a capacity for virtue, but in a moment of weakness succumb to sexual intercourse and perhaps even marriage due to eros, enemy of virtue. Antisthenes is known to have held that female virtue is the same as male virtue. 4. On the other hand, Antisthenes appears to have agreed with Socrates that women are teachable and it is the role of the husband to teach his wife. This seems to be the challenge he issued to Socrates in II. 10.

In light of the above, what can be said about Antisthenes’ motivation for criticizing
Socrates and Xanthippe? Is Antisthenes’ challenge an attack on Socrates personally for his personal failures in his own marriage with respect to Xanthippe; or, is this to be read as an attack by Antisthenes on the institution of marriage, into which Socrates had early in his life unwittingly fallen? Socrates’ failure may be adduced as evidence by Antisthenes against the institution of marriage, which he holds as unnatural. Or, might we say that Antisthenes used Xanthippe as an example of a “fine woman” whose female nature was equal to the male nature within an institution, marriage, to which he felt hostility? It is not easy to detect what Xenophon’s Antisthenes had in mind or if any of these possibilities are even remotely related to the answer. What we can say is that Antisthenes ostensibly challenged Socrates for his failure to accomplish in his own life and marriage what he was exhorting others to do. Perhaps, from another vantage point, the reason this question is difficult to answer is because Xenophon’s characterization of Socrates with respect to husbands teaching wives is really not accurate. Perhaps Plato’s characterization in Book V is more reliable, in which case the teachability of women is upheld, but not the conventional aspect of a husband teaching his wife. For now, at any rate, it is a question that cannot be answered easily. Presumably Antisthenes would have agreed with Plato’s expression of teachability of women while disagreeing with the State as teacher.

Given our inability to answer so many questions, what is the benefit then of taking time to look at Antisthenes? While there are many, two are of particular importance here. First, Antisthenes provides a characterization of an anti-hedonistic view of female nature with which to compare to Socrates’ views in Xenophon and Plato. Here we bring together four Socrates engaged in a similar, if not, the same discussion, given to us from the pens of two student authors of the same teacher. Besides adding depth to the conversation, we are treated to a first-hand anti-hedonistic viewpoint. From what can be gathered from the evidence available, Antisthenes’ anti-hedonistic conception appears to have viewed the female nature as essentially a feature of the soul, capable of equal virtue as the male. In this view, sex differentiation is a fact of human existence, with male and female differences accommodating the need for sexual relief.
but not for pleasure. Antisthenes also seems to give allowance for sexual relations for the purpose of procreation, an activity in which philosophers, in particular, ought to engage after careful scrutiny for a partner.

However, not too much should be made of the idea that Antisthenes provides us with a bona fide ethical theory. John Ferguson characterizes Antisthenes as a “moralist” who had an intense interest, like Socrates, in ethics.91 Rankin warns that Antisthenes did not have “a developed ethical theory;” what we get from Antisthenes is a general view of his life’s principles (Rankin, AS, p. 134). Hence, whatever conception of Antisthenes we garner, it must be viewed as a general view and not a full-blown theory. Due to the lack of primary evidence, it must also be held tentatively. The second benefit of considering Antisthenes is that we get to see something of the influence of Socrates in Antisthenes. What we can see from Xenophon’s sketch is that Antisthenes reflected Socrates’ emphasis on the soul as the important fact of human nature. He also shared Socrates’ view of the equality of the “female nature” to the male nature and the teachability of women, three emphases that, coincidentally, reappear in Plato’s Republic in a unique proposal.

Ischomachus’ Mostly Conventional View in Xenophon

A third example comes from Xenophon’s Oeconomicus,92 a work about proper management of one’s personal estate, which, in this case, means the typical Greek farm of the fourth century. In it Ischomachus offers a conventional view of male and female differences and roles with certain unconventional aspects. It serves as a contrast from the pen of Xenophon between Socrates’ voice in his Symposium, in which an unconventional view of equality was expressed in the conversation between Socrates and Antisthenes, and Ischomachus in Xenophon’s Oeconomicus. Ischomachus is a “gentlemanly” husband who takes his duties very

91 John Ferguson, Utopias of the Classical World (Thames and Hudson, 1975), p. 55.
seriously, including the traditional duty to train his wife in her place and duties as manager her domain of their estate, a consistent theme in the mouths of both Socrates and Ischomachus in Xenophon. Xenophon’s Oeconomicus is regarded as the “earliest extant Greek didactic work” to focus on the subject of household or estate management (Pomeroy, p. 31). However, Pomeroy also suggests that Xenophon may have borrowed from earlier discussions. “Earlier philosophers had discussed themes similar to some of those in the Oeconomicus. The Sophist Protagoras treated household management (Pl. Prot. 318E) and the Socratic Antisthenes wrote an Oeconomicus (D. L. 6. 16). Xenophon might have adapted large sections of the Socratics’ works without rewriting them sufficiently for them to merge into a flawless whole” (p. 7-8).  

But more than being the first as a didactic work, it occupies a unique place in the history of literature because of the unusual perspectives Oeconomicus conveys. Pomeroy notes certain of these unique perspectives. One, “in contrast to Greek philosophical and literary traditions, Xenophon is the first Greek author to give full recognition to the value of women’s work.” This postures the relationship of husband and wife in their familial and economic roles as “complementary” rather than “polarizing” (p. 36). Second, Xenophon presents a unique description of gender-construction in Greek literature. “In order to support his idea that the division of labour is natural, Xenophon must argue that men and women have different aptitudes that make their distinct gender-roles inevitable” (p. 37, 36). Third, Xenophon comes close to asserting an asexual soul. “Like Plato in Rep. 5 (449c-472), Xenophon makes it clear that the qualities of the soul are neither immutable nor predetermined by gender: men and women are equal in their ability to exercise memory, diligence, moderation, and discretion. Women are teachable and can even learn to exercise the kingly skill of command (cc. vii-x). Both parents participate in the education of children (vii. 12)” (p. 36-7).

The passage which follows below has Ischomachus, husband and noted gentleman, explaining to Socrates why he subscribes to a complementary view of husband-and-wife, male-

93With respect to Antisthenes’ Oeconomicus, Pomeroy emphasizes that “it cannot be demonstrated that either Xenophon’s Oeconomicus was largely derived from Antisthenes’ treatise or even that the earlier work gave a historically accurate depiction of Socrates” (p. 25).
and-female, and how he trained his wife to excel in performance of her duties as his companion
and economic partner in their estate. As Pomeroy noted, Ischomachus stands alone in Greek
literature in his “complementary” approach to living with his wife and working together in their
estate.Only a portion of Book VII is extracted here. The narrative begins as Ischomachus
relates to Socrates his wife’s response to his comments about why they were selected to be
married.

Oeconomicus VII. 10-32.

14. ‘In reply to this, Socrates, my wife answered, “What should I be able to do
to help you? What ability have I got? Everything depends on you. My mother
told me that my duty is to practise self-control.”
15. “By Zeus, wife,” I said, “my father told me the same thing. But self-control
for both man and woman means behaving so that their property will be in the
very best condition and that the greatest possible increase will be made to it by
just and honorable means.”
16. “And what do you envisage that I might do to help improve our estate?”,
asked my wife.

“By Zeus,” I said, “try to do as well as possible what the gods have given
you the natural ability to do [ephusan, cognate of phusis], and which the law
[nomos] encourages, as well.”
17. “And what is that?”, she asked.

“‘I suppose,” I said, “that they are not trivial matters, unless, of course, the
activities that the queen bee presides over in the hive are trivial. 18. Wife, the
gods seem to have shown much discernment in yoking together female and male,
as we call them, so that the couple might constitute a partnership that is most
beneficial to each of them. 19. First of all, so that the various species of living
creatures may not become extinct, this pair sleeps together for the purpose of
procreation. Then this pairing provides offspring to support the partners in their
old age, at least in the case of human beings. And finally, human beings do not
live outdoors like cattle, but obviously have need of shelter.
20. “Those who intend to obtain produce to bring into the shelter need someone
to work at the outdoor jobs. For ploughing, sowing, planting, and herding is all
work performed outdoors, and it is from these that our essential provisions are
obtained. As soon as these are brought into the shelter, then someone else is
needed to look after them and to perform the work that requires shelters. The
nursing of newborn children requires shelters, and so does the preparation of
bread from grain, and likewise making clothing out of wool. 22. Because both
the indoor and the outdoor tasks require work and concern, I think the god, from
the very beginning, designed the nature of the woman for the indoor work and
concerns and the nature of man for the outdoor work. 23. For he prepared
man’s body and mind to be more capable of enduring cold and heat and travelling
and military campaigns, and so he assigned the outdoor work to him. Because
the woman was physically less capable of endurance, I think the god has
evidently assigned the indoor work to her. 24. And because the god was aware
that he had both implanted in the woman and assigned to her the nurture of newborn children, he had measured out to her a greater share of affection for newborn babies than he gave to the man. 25. And because the god had also assigned to the woman the duty of guarding what had been brought into the house, realizing the tendency to be afraid is not at all disadvantageous for guarding things, he measured out a greater portion of fear to the woman than to the man. And knowing that the person responsible for the outdoor work would have to serve as defender against any wrong doer, he measured out to him a greater share of courage.

26. “Because it is necessary for both of them to give and to take, he gave both of them equal powers of memory and concern. So you would not be able to distinguish whether the female or the male sex has the larger share of these. And he gave them both equally the ability to practice self-control too, when it is needed. 27. And the god granted the privilege to whichever one is superior in this to gain a larger share of the benefit accruing from it, whether man or woman. 28. So, because they are not equally well endowed with all the same natural aptitudes, they are consequently more in need of each other, and the bond is more beneficial to the couple, since one is capable where the other is deficient. 29. “Well, wife, because we know what has been assigned to each of us by the god, we must each try to perform our respective duties as well as possible. 30. The law encourages this, for it yokes together husband and wife, and just as the god made them partners in children, so the law has appointed them partners in the estate. And the law declares honourable those duties for which the god has made each of them more naturally capable. For the woman it is more honourable to remain indoors than to be outside; for the man it is more disgraceful to remain indoors than to attend to business outside. 31. If someone behaves in a way contrary to the nature the god has given him, perhaps the disobedience will not escape the notice of the gods, and he will pay a penalty for neglecting his proper business or for performing his wife’s work. 32. It seems to me”, I added, “that the queen bee toils constantly at such work appointed by the god.” (Pomeroy, tr.).

A number of familiar themes appear in this episode: the role of *phusis* and *nomos*, equality of male and female, and the soul apparently as asexual, among others. Ischomachus seems to offer a viewpoint something like the following. (1) The god(s) fashioned nature in a particular way. (2) Souls have equal capacity in their soul - powers of memory, care, and self-discipline, and the like. (3) Male and female were designed with distinct natural abilities to compensate for the deficiencies of the other sex. (4) Nature itself reflects the thoughtful and wise design of the god so that the pairing of male and female is necessary for the best advantage. (5) The laws of men regarding marriage harmonize with nature in support of economic advantage. (6) The greatest advantage of nature and law accrues to those who give their best to the management of their *oikos*.

Ischomachus’ portrayal as characterized here represents a conventional view of male and
female roles, an unconventional view of their equality, the role of divinity in the design of nature, and the inter-relatedness of *phusis* and *nomos* by Xenophon’s time (see Chapter 4, above). His characterization of the relationship between husband and wife is regarded by some as an idealized portrait, while others, like Pomeroy, see it as a complementary presentation of male-female relationships in a time of substantial social and political upheaval. As with the episode from Xenophon’s *Symposium*, our primary interest in this episode are the issues related to the equality of male and female and the relationship of soul to sex differentiation. Certain aspects of Ischomachus’ narrative, which Socrates certainly seems to endorse, frame up the debate over the question of male-female equality and relationship with similar topics as seen in Plato. When comparing Xenophon with Plato, of the six topics listed above two show at least an ostensible similarity to Plato’s views (2 and 6), one is ambiguous (1), and three topics are incompatible (3, 4, 5).

Number (2) shows a very close similarity to Plato’s view in *Republic* V in certain respects. Xenophon appears to present the soul as asexual and as containing mental and dispositional features, with the implication that souls are equal in their capacity.

Early in the discussion (15) Ischomachus puts himself and his wife on equal footing when it comes to developing “self-control”, a quality given significant attention in Plato’s GDA, an issue related to spiritedness and the *thumos*. Ischomachus’ frame of reference is husband and wife and their management of their own estate. Plato discusses it as a problem relating to the *thumos* and the ability of the soul to balance aggression with gentleness in the Guardians. Notwithstanding the difference in the frame of reference - Plato’s is the *polis*, Ischomachus’ is the individual family estate - both argue for self-control as a necessary ingredient for good management of external goods beginning with good self-management. And, both argue that self-control is not a male matter nor a female matter but a matter of the soul which, it appears

------------------------------------

94 See Waterfield, “Introduction” in *Conversations with Socrates*, p. 287, where he concludes that this work is “fiction” and not at all related to “accurate historical settings.” Further, he offers an intriguing scenario whereby Ischomachus’ literary wife, whose name is never uttered in the work, was actually the “scandalous Chrysilla” who was married to the historical Ischomachus who possibly divorced her.
for both, is neither male nor female. In addition, both locate other mental activities in the soul.

Later (26), Ischomachus explains to his wife that both man and woman have “equal powers of memory and concern” to the extent that one is not able to distinguish whether the male or female has the largest share of these. Xenophon imbues both male and female with an equal capacity for memory, also an important qualification for Plato’s Guardians (see Ch. 2 above), as well as “concern,” a word which refers to the ability to manage, also an essential characteristic of Plato’s requirements for Guardianship (Ch. 2 above). Later on in his narrative, Ischomachus commits to following the rule of his wife should it bear out that she has earned more merit in the management of their estate than he. This is one of the highly unconventional aspects of Ischomachus’ perspective. Besides this similarity, the most obvious difference between the positions of Xenophon and Plato on this particular point is the object of good management. Both appear to argue for an asexual soul, with equal capacity in soul powers in both male and female, and both male and female are equally able to exercise self-control.

The difference is that Xenophon locates the sphere of social importance in the marriage and estate of the individual family. This, of course, reflects a conventional and long standing political view in Hellas - that the basic foundation of the polis lay in the natural and legal family and their family farm. Plato’s thought experiment in the Republic dismantles the natural family for the ruling Guardians, along with private property including the family farm, and replaces the family and private property with communal provisions by the State. Ironically, Socrates endorses both of his students’ accounts, according to the respective authors!

The second similarity is (6), in which the greatest advantage of nature and law accrues to those who give their best according to their nature to management of their estate. Both male and female share in equal capacity for self-discipline (15, 26), one of the highest virtues in Greek values, and certainly a primary contributor to individual excellence in management. Self-discipline results in “the greatest possible increase” along with property in its “very best condition” as a result of “just and honourable means” (15). This means each one doing what nature has equipped her or him to do best (20-25, 28, 29). This reminds one of Socrates’ oft
repeated exhortation for “each one to do his own,” referring to each one doing what his nature has uniquely equipped her or him to do, resulting in justice in the soul as well as the *polis*.

So what is different between Xenophon’s prescription for husband and wife and Plato’s prescription for the citizens of Kallipolis? The obvious difference already noted is the economic frame of reference. We see Xenophon making the individual husband and wife the objects of Ischomachus’ exhortation to do their best according to their nature and capacity. This might be categorized as a political difference between Xenophon and Plato. For Plato, we see the individual soul and the *polis* as the benefactors of doing one’s own in the best possible way with the Guardians in particular as the objects of Socrates’ prescription. With these two topics (2 and 6) we see an ostensible similarity punctuated by an obvious difference. This, I am referring to as a political difference with respect to the frame of reference: for Plato it is the *polis*; for Xenophon it is the family. This theme will occur again when we look at the *Laws*, where Plato restores the family as the object of economic stability, reversing his action in the *Republic* where the State is the unit of economic stability at least for the Guardians.

One topic presents an interesting ambiguity between Xenophon and Plato. The first topic (1), the role of the god(s) in fashioning the world, raises an ambiguity in the comparison. Ischomachus’ position seems pretty straightforward. Ischomachus attributes one’s natural ability to the work of the gods (16), as well as to the female-male, wife-husband arrangement (18). Ischomachus expresses his belief that the god, from the very beginning, designed the woman for the indoor work of taking care of babies, preparing food, looking after clothing, managing the affairs of the household and guarding the assets of the household, while the god designed the man’s nature for outdoor work, with such things as ploughing, sowing, herding and guarding the land and *polis*. The god arranged nature to function in this way (20-25).

Ischomachus’ conception of the gods is fairly unambiguous on this point. Plato, on the other hand, is more ambiguous in the role of the god(s). It is true that in the *Republic* Plato stresses the need for belief in and reverence for the gods, going so far as to ban *mousike* wherein it fails to properly honor the gods. It is also true that Plato seems to tacitly agree that the Demiurge
had a hand in shaping the phenomenal world as it was. Although, in all candor, it is difficult to say exactly what Plato’s full thought was regarding the role of god(s) in individuals for their betterment, this much can be said: when Plato attributes human function to something, he is not likely to attribute it to the way the god(s) shaped the earth or our physical bodies. Plato’s primary attribution of human function is to autonomous exercise of the soul through the powers of the soul. For Plato it is not so much the work of the god(s) in the uniquely designed male and female that results in virtue in the family, it is rather the work of the soul by the individual soul that achieves virtue in the soul first, then in the *polis*.

Topics (3) and (4) together postulate a constellation of views about the nature of male and female *nature* which run contrary to Plato’s argument in the *Republic*. Topic (3) is that male and female were designed with distinct natural abilities to compensate for the deficiencies of the other sex; and, (4) is that nature itself reflects the thoughtful design of the god so that the pairing of male and female is necessary for the best advantage. These two topics are built around male and female natures. Ischomachus is very clear in his view that (a) there exists a male *nature* and a female *nature* with (b) characteristics peculiar and exclusive to the respective nature, that these two distinct and independent *natures* (c) exist by design of the god (whoever the god may be) for (d) the accomplishment of particular purposes, and that the design of the god includes (e) the pairing of male and female for their mutual advantage as a couple as well as for (f) the advantage of the species.

Ischomachus develops these viewpoints in his training discussion with his wife. Ischomachus exhorts his wife to do to the best of her ability what “the gods have given you the natural ability to do” (16). Ischomachus believes that “the nature of the woman” was purposefully designed for “indoor work” and “the nature of the man” for “outdoor work” (23). In Ischomachus’ view, the male *nature* is “more capable of enduring cold and heat and travelling and military campaigns,” while the woman’s *nature* is “physically less capable of endurance” (23). Ischomachus discerns that the god had “implanted in the woman and assigned to her the nurture of newborn children,” “giving to the woman a greater affection for newborns” than to
the man (24). He sums up this training session on the role of male and female, husband and wife, by affirming, “Well, wife, because we know what has been assigned to each of us by the god, we must each try to perform our respective duties as well as possible” (28). Ischomachus does not explicitly state how he knows this to be the case, but it seems apparent: nature has revealed this and convention has confirmed it. Furthermore, he concludes, if people disobey this order of nature, the gods will not miss such disobedience and fail to punish it. Remember the queen bee who faithfully does what the god has appointed her to do.

This conventional position is precisely the sort of viewpoint Socrates attacks in Book V of the Republic. The only points that Socrates will concede are that the female is physically weaker than the male as a class and that the female serves a different function in procreation than the male. Ischomachus places his emphasis on the difference of male and female in procreation on the dispositional aspect, i.e., that the woman is designed with a special affection for babies and their care. Socrates avoids the affective aspect directly, although it surely cannot go unnoticed that in the Second Wave in Book V babies are taken from biological father and mother and raised by state nannies. In the Republic Socrates also attacks, pervasively, the notion of distinct female and male natures as embedding unique psychological or intellectual functions beyond strength and procreation. Ischomachus, on the other hand, reiterates duties that are the result of sexual differentiation. Women sew, cook, clean house, tend babies, and guard their belongings and goods, while men travel, fight, protect, plough, and harvest. Socrates’ argument concerning Guardians is that male or female is a superfluous distinction when it comes to the work of Guardianship, including going to war. Socrates’ Guardian women will be on the battlefield alongside the men.

Xenophon’s Ischomachus and Plato’s Socrates could not be further apart in their characterization of nature’s part in male and female place in their respective cultures, nor could they be further apart in their respective positions relating to (6), the greatest advantage of nature and law accrues to those who give their best to the management of their oikos. In (6), at least two controversial ideas are present: (a) the idea that nature and law are at work harmoniously
in the conventional view of female-male relationships, and (b) the idea that nature and law endorse the oikos as the chief building block of culture.

Ischomachus is very articulate and deliberate in establishing with his new bride the divine design behind the yoking of female and male for their mutual benefit. “Wife,” he says, “the gods seem to have shown much discernment in yoking together female and male, as we call them, so that the couple might constitute a partnership that is most beneficial to each of them” (18). The reasons for this “yoking,” according to Ischomachus, are for procreation which provides offspring to care for them in their old age and manpower to contribute to the labor necessary for shelter, food, clothing, and mutual care (19-21). Ischomachus’ description of social design is, once again, not only expressive of conventional thinking about the matter but also the exact of opposite of Socrates’ take. When Socrates gave his description of primitive times and communities the prescription was much different. Referring to (18), Pomeroy has this to say: “It is illuminating to compare this passage with Pl. Rep. 369D, where the necessities of life can be provided by a farmer, a builder, and a weaver, and perhaps a cobbler and someone else who serves physical needs. No one in Plato’s primitive city is female, not even the weaver or the person who provides for the needs of the body” (Pomeroy, p. 276).

Further, Ischomachus’ emphasis on “yoking” certainly entails procreation, but his emphasis greatly surpasses just procreation. The mutual benefit far exceeds that one purpose. Socrates, on the other hand, concedes the procreative purpose for “yoking” but denies the rest. In the Second Wave, suitable male and female candidates are brought together on “marriage” weekends for the purpose of procreating babies for the Guardian ranks. But, the babies are removed from the progenitors upon birth. Rules are in force to strictly deny either parent or child the identity of the other. Rules are also in force to avert incest as the Guardian children grow into adulthood, making them eligible for “marriage” weekends. “Yoking” among the Guardian class in Socrates’ scheme is more aptly applied, beyond the marriage weekends, to the yoke of service placed upon the Guardians to the polis.

It could be fairly easy to see Plato’s scheme as a direct counterpoint to Xenophon’s
point if one were to adopt the view that Xenophon wrote first followed by Plato. The point-counterpoint symmetry is clearly discernible in such a view. However, if Plato’s purpose in writing the Republic were deeper than merely a counterpoint to Xenophon’s writing, and this is entailed in the hypothesis of this dissertation, then the matter cannot be so lightly be dismissed. There must be more to the debate than descriptions of competing social constructs. Certainly ideas of nature (phusis) and convention and law (nomos) make their presence known in this particular comparison. Ischomachus clearly instructs his wife from the standpoint that nature orders and convention supported by legislated laws endorses nature. This is clearly a problem for Plato’s Socrates.

Early in the discussion of the First Wave (Rep. 451e) Socrates lobbies for equal education of females if they are to share equally in the duties of guarding. Glaucon agrees. Socrates foresees the problem: “But perhaps many of the things we are now saying, because they are contrary to custom (nomos), would seem ridiculous if they were put into practice” (452a5). Toward the end of the First Wave, Socrates throws a battery of questions at Glaucon intended to confirm that their proposal for women Guardians is both possible and best for the city, having confirmed earlier that their proposal is “not against nature,” Socrates reiterates, “Then the law [nomos] we were proposing was not only possible, but also best for a city?” Glaucon affirms (457a3). Here we see an example of the clash of meaning of nomos talked about by Ostwald (Chapter 4 above). Socrates appeals to the same concepts that Ischomachus appealed to in his speech to his wife - phusis and nomos. But it is clear that the nature and laws to which Ischomachus refers are different than the phusis and laws to which Socrates refers. What is the difference? The phusis to which Socrates refers is the phusis of non-material psyche, the soul. The law to which he refers is not law enacted by a duly constituted legislature, but law that accords with eternal reality, the Forms, and enacted by fiat by those who are philosophically enlightened. Ischomachus’ phusis is the nature visible to his eyes; his law the law of like-minded legislators.

To read Xenophon and Plato as living in and describing conditions in two different
worlds is exactly correct. Xenophon paints a portrait of the conventional world of fifth century Hellas with a splash of unconventional complementarianism; Socrates paints a portrait of a society trying to order around eternal verities all the while attempting to free itself from the baggage of unenlightened well-doers.

Summary

In this chapter three different conceptions of the female nature have been examined from the works of Xenophon: conceptions of Socrates, characterized as limited egalitarian; Antisthenes, as anti-hedonistic; and, Ischomachus as mostly conventional. At least five different aspects of the question were encountered: (1) equality of female to male; (2) husband as teacher and wife as student; (3) distinct husband/male and wife/female roles; (4) the institution of marriage; and (5) the relationship of nomos to phusis in the question.

On the question of (1), equality of female to male, all three of Xenophon’s characters are in general agreement with the equality of female to male. Socrates speaks of this equality as the female nature not being inferior to the male. Antisthenes agreed with Socrates, while Ischomachus was explicit in his view that the female nature is equal to the male nature with respect to intellect and virtue. This aspect can also be compared to Plato’s Socrates. The case for equality in Plato’s Socrates is both stronger and more limited than in Xenophon. In Plato’s case, Socrates limits his argument for equality to just the Guardian class, but his argument is much stronger and more elaborated.

In Xenophon, Socrates limits the female nature as physically weaker and diminished in the powers of decision or judgment, which is taken to mean a diminished capacity for reasoning. In Plato, Socrates repeatedly notes that the female is physically weaker, in common with Xenophon, although in Plato suitable women may be admitted into the military. Unique to Plato is the limitation imposed upon the female by her role in procreation. Both limitations - procreation and physical weakness - are limitations which, in Plato, are minimized and
discounted for the woman’s role in Guardian ranks.

What is most notably different is Socrates’ extensive argument for the intellectual equality in Plato, in contrast to Xenophon’s Socrates’ caveat about decreased decision powers. In the Republic, Socrates permits no hint of a diminished mental capacity in his equality argument. What accounts for this difference? I argue that this difference is the result of Plato’s view of the soul. For Plato, any intellectual capacity of male or female is determined by his conception of the soul. The soul is the location of intellectual capacity and activity, and since the soul is asexual, intellectual performance is an extension of the powers of the soul.

It might be objected, however, that this is not unique to Plato’s Socrates since Ischomachus also comes very close to this same view. Ischomachus located both intellect and virtue in the soul, and appears to have equally agreed that the soul is possibly asexual at least in these two functions. But, it must be recalled that Ischomachus imposed discrete female and male natures through which virtues of the soul were filtered. In this sense, Ischomachus clearly parts company with Plato’s Socrates. In consideration of (2), husband as teacher, wife as student, a clear divide occurs when Plato is compared to Xenophon. Xenophon’s Socrates subscribes to the husband as teacher, wife as student construct clearly. Antisthenes throws the issue up in Socrates’ face, and in so doing it appears that he also subscribes to the view. But it is not clear that he personally agrees with the view. Rather it appears that he seeks to undermine the conventional view of husband as teacher by pointing out Socrates’ failure, or to undermine Socrates by pointing out his failure in this aspect of Socrates’ life. The first option seems more likely and is preferred, given Antisthenes’ affection and appreciation for Socrates as expressed in Xenophon.

Ischomachus, however, is in full accord with Xenophon’s Socrates when it comes to the husband as teacher, taking his responsibility very seriously. And, it should be observed, that Ischomachus succeeds in this even as Socrates fails. Plato’s Socrates, on the other hand, offers a very different rendering of this conception. Among Plato’s Guardians, there are no husbands to serve as teachers and no wives to teach. Teaching is reserved as the exclusive domain of the
State for those who meet Guardian requirements. In this difference, we see, not a difference in metaphysics, as in (1), but a difference in political outlook. In Xenophon’s Socrates and Ischomachus, there is a conventional view of political organization. The family is the central unit of organization of the polis. In the Republic, the conventional family is abolished among the Guardians, replaced by the State.

Comparison of (3), distinct husband/male and wife/female roles again brings up a great divide between the two Socrates, and again based upon a very different metaphysic. On this topic Xenophon characterizes three different views among Socrates, Antisthenes, and Ischomachus. Antisthenes’ views of distinct roles between the sexes is muddled. On the one hand, from his speech in the Oeconomicus he holds to very different roles in relation to sexual behavior. But in his criticism of Socrates and Xanthippe in Xenophon’s Symposium, Antisthenes appears to agree with Socrates, who expresses an unconventional view of distinct and discrete roles for male and female. Ischomachus, on the other hand, is a paradigmatic exemplar of conventionalism. He is rigid in his view of sex roles. The male is fitted for outdoor work, the female for indoor. The husband is equipped for the man’s work, the wife for woman’s work.

Interestingly, Xenophon places no metaphysical explanation in Socrates’ mouth for his unconventional view, leaving the impression that his Socrates’ view is primarily driven by his ethical views. With Ischomachus the case is entirely different. In his mouth Xenophon places a clearly stated metaphysical view that is primarily religious. It is the god - just which god we do not know - who designed the male and female with their particular natures and roles. If this approach can be seen as metaphysical, then we are presented with the somewhat unusual situation of being treated to a metaphysical morsel from the pen of Xenophon. Plato, on the other hand, places extended metaphysical explanations in the mouth of his Socrates as he extols the nature of the soul and its centrality in the performance of human behavior and activity. Once again we see, by contrast, the role that Plato’s metaphysics plays in his proposal for a polis built upon a rationalistic foundation.
The institution of marriage (4) presents an interesting combination of viewpoints. Socrates, himself married, and Ischomachus, also married stand together against Antisthenes, not married, and Plato’s Socrates, also married, who argues against marriage in his Guardian proposal. Antisthenes militated against marriage in his own personal life. Xenophon’s Socrates does not enter into dialogue as to any philosophical reasonings for marriage, but rather is portrayed as seeking marriage for the sake of companionship and sociability. Plato’s Socrates dismantles marriage for Kallipolis. His argument, already alluded to, seems to have had some basis in Plato’s metaphysical reasoning.

When the relationship between nomos and phusis is considered, we again see an interesting development. It is generally the case in the nomos - phusis debate that one of the two horns is privileged. In Xenophon’s characterizations, it appears that both Socrates and Antisthenes privilege phusis over nomos. It is known from other sources that Antisthenes was a champion of phusis, nature here in the conventional sense. Socrates’ conception of phusis in Xenophon seems to hold elements of both conventional and unconventional views. He expressed his view that there is a feminine nature, this in keeping with convention of the day. But he expressed an unconventional view in espousing that the feminine nature was in no way inferior to the male nature. In this sense he appears to have privileged phusis above nomos, going so far as to challenge nomos (conventional roles) by the acrobatic girl’s nature. But Plato’s Socrates leaves no ambiguity or question. His view was wholly unconventional, espousing a new view of phusis. Socrates’ conception posited a transcendent phusis that informed all other phusis and nomos.

**Conclusion to Part Two**

Part Two begins with a look at the diversity of interpretation of Plato’s Equality Argument followed by the question, “What is the Equality Argument about?” What does it argue for - ethics, politics, feminism, misogyny, what? In light of Chapter Four’s claim - that the
EA fits in the literature of the *nomos - phusis* debate over the place and role of women in society, and Chapter Five’s claim - that the search for a feminine nature was a frequent topic in men’s conversations, it seems justified to conclude that Plato’s EA is part of the *nomos - phusis* debate as a statement of the nature of women in a well-ordered State given a particular metaphysical foundation.

That metaphysical foundation, as developed in Part One, established the *nature* of soul as the foundational *phusis* upon which the ideal life, male or female, as well as the ideal *polis* can be built. In one sense, Part Two merely opened a window to the context and certain competing conceptions of the larger debate. It is my hope that by establishing the controversial environment in which the *Republic* was written a better formed hermeneutic can be brought to bear upon the EA itself. To argue that Plato’s EA is about ethics or politics or feminism or misogyny to the exclusion of his metaphysical foundation is to limit the scope of the argument too severely. It forces polarization on the meaning Plato’s conception of equality. One must, in that approach, argue that the EA is about one thing or the other, rather than seeing the EA as an extension of a more foundational argument. When the EA is located upon its metaphysical foundation many of the criticisms can be more easily handled and Plato’s argument takes on a greater coherency. However, if a cogent reading can be given to the Equality Argument and the *Republic*, the question naturally arises as to how this fits into Plato’s later works. Thus far most of the discussion in this inquiry has centered around Plato’s *Republic*. In the next chapter the Equality Argument will be considered in light of one of Plato’s final works, if not the final work, his *Laws*.
Chapter Six:  *Nomos, Phusis, Sex and the Soul in the Laws*

*Nomos - Phusis and the Laws*

The *nomos - phusis* phenomenon is referred to by a variety of expressions: the *nomos - phusis* debate, controversy, and antithesis. The historical discussion possesses the aura of a discourse, utilizing both language and rhetorical styles.\(^9\) While it appears that no extended argument may have yet been offered to the effect that Plato’s *Laws* is an example of the *nomos - phusis* debate, consideration of its language and rhetorical style, especially in light of Part Two above, leads one to the possibility that the *Laws* is a continuation of the *nomos - phusis* discourse. Why, one might ask, is this important? The *nomos - phusis* debate itself is a polemic between proponents of *nomos* and *phusis*, each arguing that their pole offers the best explanation for the world as it is or ought to be. Plato, according to my argument, enters the debate but not as a partisan for either side. On my interpretation, Plato uses the debate to introduce a new principle or source of authority - the soul and its knowledge. I argue that in the

\(^9\)At minimum I mean the language of *nomos, phusis* and their derivatives; by rhetorical style I mean the structure of opposing these two concepts to each in an antithetical, polemical way.
**Laws** Plato continues the debate in two specific ways. He offers a refutation of the physiologers’ explanation for the way the world is, and in turn presents “soul” as the first principle of life and source of knowledge.

One of the problems Plato faces in the *Laws* is a reconciliation of past customs, conventions, traditions, and existing legislations with the new legislation for Magnesia under construction in the *Laws*, similar to the problem he faced in the *Republic*. Opposition of *nomos* to *phusis* is engaged immediately in the *Laws*, in contrast to the *Republic*. In the *Republic* *nomos* dominated Book I. *Phusis* was absent until Book II and then dominated the remainder of the dialogue. In the *Laws* both *nomos*, in the sense of custom and legislation, and *phusis* appear in the first few exchanges. In fact, the search for an authoritative foundation for lawmaking begins from the very first line.

624a1⁹⁶ ATHENIAN: Tell me, gentlemen, to whom do you give the credit for establishing your codes of law? Is it a god, or a man?
CLEINIAS: A god, sir, a god - and that’s the honest truth. Among us Cretans it is Zeus; in Sparta - which is where our friend here hails from - they say it is Apollo, I believe. Isn’t that right?
MEGILLUS: Yes, that’s right.
ATHENIAN: You follow Homer, presumably, and say that every ninth year Minos used to go to a consultation with his father Zeus, and laid down laws for your cities on the basis of the god’s pronouncements?
CLEINIAS: Yes, that’s our Cretan version, and we add that Minos’ brother, Rhadamanthus - doubtless you know the name - was an absolute paragon of justice. We Cretans would say that he won this reputation because of the scrupulously fair way in which he settled the judicial problems of his day.

Plato opens the *Laws* with this intermingling of the human and divine sources of law (*nomos*). Zeus and Apollo are described as divine sources of *nomos*, while Minos and Rhadamanthus serve as human conduits for the revelations of divine *nomos*. With the addition of Homer (in the next line of the text) the whole mixture of human and divine *nomos* is further muddled. Very quickly the discussion turns to peculiarities of the Cretan system, communal meals, physical training and military equipment. “Why is it that you give all this the force of law [*nomos]*?” the Athenian asks (625c6-8). Cleinias answers that it is really pretty simple. These

---

customs were instituted by their legislators to serve the warlike nature of Crete. Common meals, physical training for the hilly terrain of Crete, and the light armor all serve the fighting nature of Crete.

625d6  CLEINIAS: All these Cretan practices have been developed for fighting wars, and that’s precisely the purpose I think the legislator intended them to serve when he instituted them . . . [626a4] The legislator’s position would be that what most men call ‘peace’ is really only a fiction, and that in cold fact all states are by nature (kata phusin) fighting an undeclared war against every other state. If you see things in this light, you are pretty sure to find that the Cretan legislator established all these institutions of ours, both in the public sphere and the private, with an eye on war, and that this was the spirit in which he gave us his laws for us to keep up.

The Athenian goes on to clarify from Cleinias that this warring spirit trickles down to communities, neighborhoods, and even individual families. It is their nature to be warring. The Athenian counters that the greatest good is neither war nor civil war but peace and goodwill among men (628c6). Cleinias responds that Crete, as well as Sparta, has been “wholly oriented toward warfare (628e4). The Athenian says that there is no benefit to dispute the matter, but rather, “an inquiry” is better served.

In the Republic an inquiry into justice pitted nomos against phusis. In the Laws an inquiry into the practical aspects of how justice is achieved through good laws again pits nomos against phusis but with differences; in this case the existing laws of the Cretans were previously founded upon the very nature of the Cretans. The human legislator instituted laws that serve the nature of the Cretans, these of course derived from the divine law-givers, Zeus in the case of Crete, and Apollo in the case of Sparta. The problem, on Plato’s account, is that unless human legislators correctly perceive the world of truth they err. Thus Plato begins the Laws with the god, law, and nature in tension. The Athenian proceeds to investigate a variety of institutions and topics relative to the challenge before Cleinias and Megillus - to construct a new constitution for a new colony. We will examine three topics with an eye to seeing how Plato addresses the issue of nomos. Three topics are considered here - drinking parties, music, and a pun on nome - with an eye to how Plato presents nomos in this array of views.
Drinking Parties, Drunkenness and Nomos in the Laws

Having opened the Laws with some measure of confusion between god, law, and nature, the Athenian proceeds to examine a nomos of Crete and Sparta - a law that prohibits the customary drinking party or symposium in order to prevent drunkenness (636e4-650b10). Crete and Sparta prohibit drunkenness. Athens, by contrast, permits it. Contrary to the intuitive view of Megillus that drinking parties should be prohibited, the Athenian shocks his audience by claiming that drinking parties have “educational” value. The value, he argues is that drinking parties provide a forum for training in the virtue of “modesty” (647a8). Further, insight into the nature of drunkenness and modesty are invaluable insights to aid the legislator whose aim is Statesmanship (650b9).

Besides the creative argument the Athenian offers against prohibitionism, this portion of text is interesting for its treatment of nomos. Immediately into the conversation it is apparent that competing customs (nomoi) regarding drinking parties and drunkenness are regulated with competing laws (nomoi). In response to Megillus’ view that abstention is the best policy, the Athenian suggests that a foreigner who questions an unfamiliar custom, whether it is public drunkenness or abstinence, gets the same answer everywhere. “When a foreigner is taken aback at seeing some unfamiliar custom [nomos] there, the reply he gets on all hands is this: ‘There is no need to be surprised, stranger: this is what we do here; probably you handle these things differently’. Still, my friends, the subject of this conversation is not mankind in general but only the merits and faults of legislators” (637c4-d2). The obvious point is that drunkenness and abstinence are relative to the laws which local legislators have instituted. On the Athenian’s point of view, however, it is a custom - i.e., the symposium - that needs more serious attention, because law is at stake. Good law makes good citizens, the Athenian reasserts - this in contrast to Cretan law which follows nature.

The Athenian then moves to set their discussion upon a correct course of inquiry into the matter. Drunkenness is an important practice, thousands of states differ in their views of it, and
the only way to find a proper position on the matter is to construct a correct inquiry. Megillus is somewhat skeptical but amenable to the Athenian giving it a try. The Athenian diverges long enough to assert that education is for the purpose of instilling virtue in children who grow up to become “perfect citizen[s] who know how to rule and be ruled as justice demands” (643e5-6). His argument is that men with a correct education become good, good men control themselves, hence, education is crucial to instilling self-control for the making of good men (644a-b). When men drink they “calculate” the relative merits of the pleasure it may bring or the pain it may cause. This “calculation,” when expressed as a public decision of a state is called “law” (645a1-4). In fact, this “law” is “golden!” The Athenian offers a story in which emotions are likened to the cords that work a puppet.97 We must hang on to the golden cord when other cords are pulling at us. With this one we must resist.

645a1 ATHENIAN: This cord, which is golden and holy, transmits the power of ‘calculation’, a power which in a state is called the public law; being golden it is pliant, while the others, whose composition resembles a variety of other substances, are tough and inflexible. The force exerted by law is excellent, and one should always co-operate with it, because although ‘calculation’ is a noble thing, it is gentle, not violent, and its efforts needs assistants, so that the gold in us may prevail over the other substances.

In the Republic Books II-X “law” is almost always set against nature, except when Socrates proposes a new law, like his new law of equality in Book V.98 Most of the time, laws represent outdated, defunct, contrary-to-nature strictures on what is regarded good for the individual or the State. Suddenly, in the Laws, nomos is golden: a golden law, in contrast to manifold competing laws on drunkenness, all of which, in the Athenians eyes, are only cheap imitation brass, or worse. For the reader wondering about the Athenian’s attitude toward nomos, this leads to some confusion. Is nomos good or bad? Is nomos fixed by humanity or divinity, the work of man or god, directed by thoughtful traditions and conventions or by whimsical customs? What value does the Athenian attribute to nomos? On my interpretation,

98At 456c1-2, “So, we are not legislating impossibilities or mere fantasies, at any rate, since the law we are proposing is in accord with nature”; again at 457a3-4, “Then the law we were proposing was not only possible, but also best for the city?”
Plato is here making the point that *nomoi* may be good or bad: it all depends on the source of the *nomos* in particular. When *nomoi* are derived from the soul’s acquaintance with and knowledge of the truth and reality, *nomoi* are good. When they are derived from opinion, they are deficient.

**Music and Nomos in the Laws**

The Athenian takes up another interesting topic, this time in relation to Athens. It is a story about the corruption of the Athenian democracy: about how music was used to subvert the “old laws” (700aff). According to the Athenian, under the old laws (*nomoi*), music was well-regulated. There were five forms of music, each with its own characteristics and rules. Under the old laws society followed the proper decorum, both by composers and performers as well as audiences. Authorities were in place who knew and enforced the rules when needed. In time, however, talented but ignorant composers started breaking the rules. Lust for pleasure drove these composers to mix and mingle musical forms and tunes and lyrics, resulting in a total confusion of styles. In place of the formerly “musical meritocracy” there arose a “theatrocracy” (701a1-3). License in music led the way to complete license. The Athenian closes this speech on music by asking what is the point of the speech. Megillus, apparently either inattentive or just slow, doesn’t get the point, requiring the Athenian to reiterate. The point is the same point that has already been made and reaffirmed: Good laws make good citizens, although the Athenian says it this way this time: “We said that a lawgiver should frame his code with an eye on three things: the freedom, unity and wisdom of the city for which he legislates.”

In this excursus on music, the Athenian presents the matter of law in a way that conflicts with his previous presentation of *nomos*. In this instance he argues that the old law brought control and decorum into Athenian society through established rules of music. Breach of the old law opened the gates for a flood of license. In this example, *nomos* as old law is clearly characterized as good and beneficent, with the implication that a return to it would be
advantageous. This seems considerably counter to the direction travelled in the Republic where
the old laws were outdated and insufficient for Kallipolis, or even in the previous example in
which abstinence laws of Sparta and Crete were outdated. The openness and method of inquiry
with which the Athenian approached drinking parties and music apparently serve to relax the
two interlocutors, Cleinias and Megillus. Cleinias reveals that he has been commissioned, along
with nine others, to compose a legal code for a new colony. The Athenian agrees to address a
set of topics of interest to him.

“Nomes”99 and Nomoi in the Laws

In the course of discussing music, the Athenian gives five categories of songs: hymn, lament, paean, dithyramb, and “nome” (700b2-7). “Nome” comes from nomos. Saunders, among others, calls this a pun.100 The way Plato uses “nome,” however, gives reasons to think that, even though it may be a pun, his use was more serious.

In Laws Book III the Athenian complained that the forms of the five songs had been compromised by talented but ignorant musicians who mixed the forms, tunes, and appropriate texts. Hymns were prayers to the gods, laments were a different type of prayer, paeans were praise hymns to Apollo, while dithyrambs were praise to Dionysius; a nome was a form of poetry sung by a chorus or soloist to the accompaniment of the kithara, sometimes referred to as a harp or lyre. The kithara was used for artistic performance. The Athenian explains, “There existed another kind of song, too, which they thought of as a separate class, and the name they gave it was this very word that is so often on our lips: ‘nomes’ (‘for the lyre’, as they always added). Once these categories and a number of others had been fixed, no one was allowed to

99 Saunders (Penguin Ed.) gives the following notes: “Nomes” is translated from the Greek nomoi (plural of nomos), which means ‘laws’ (p. 153, fn. 15); nomoi also means ‘melodies’ (p. 185, fn. 6). Plato adds a new meaning, ‘preamble.’

100 Saunders (Penguin Ed.) calls this a pun at 722d8; 734e5; 775b6; technically this probably is a pun. However, as I argue a little later, it is a pun with a purpose.
pervert them by using one sort of tune in a composition belonging to another category” (700b). From this exchange we learn that a nome was a fixed song form presented in an artistic form.

This word play shows up again in Book IV when the Athenian introduces his two elements of laws. Just prior to this the Athenian made the point that legislators in the past used only coercion as a means of enforcement, overlooking the power of persuasion (722b-c). Now the Athenian offers yet a third method of enforcing laws: the preamble, or prelude.

722c-e ATHENIAN: Everything we’ve said up till now has been simply legislative preamble. Now why have I pointed this out? I want to make the point that the spoken word, and in general all compositions that involve using the voice, employ ‘preludes’ (a sort of limbering up, so to speak), and that these introductions are artistically designed to aid the coming performance. For instance, the ‘nomes’ [melodies] of songs to the harp, and all other kinds of musical composition, are preceded by preludes of fantastic elaboration. But in the case of real ‘nomes’ [laws], the kind we call ‘administrative’, nobody has ever so much as breathed the word ‘prelude’ or composed one and given it to the world; the assumption has been that such a thing would be repugnant to nature. But in my opinion the discussion we’ve had indicates that it is perfectly natural.

With this the Athenian then proposes that legislation be broken into two parts: the preamble and the law itself. The preamble would be attached and offered as a persuasive device to bring citizens into a sympathetic and more understanding acceptance of legislation. The text of the law itself would be distinguished from the preamble. Some consider this proposal one of Plato’s original contributions to political philosophy. What is the significance of this use of nomos? It looks as though two things could be at work in the passages just cited as they fit into the overall project of the Laws. First, that hymnody played an important, perhaps even crucial, role in the civic life of Athens is assumed. It appears, from what Plato writes here, that hymnody even took on some kind of defined role reminding, if not memorializing, certain nomoi as law-like patriotic or religious verses that guided the polis in civic, social, or religious practices. If this is so, then, secondly, it seems that the Athenian means to associate his conception of preamble with the established institution of nomes. His nome, the preamble, would function like Athens’ musical nomes. If this speculation is correct, then an intriguing dimension of nomos is here added to what has already been seen. Plato here elevates the status of nomos to the level of law, or at least law-like, leading one to ponder what Plato is up to with
his treatment of *nomos* in the *Laws*.

If the three examples of Plato’s use of *nomos* offered here are considered in relation to each other, it is not difficult to see the discussion engendering some confusion as to his intention. In the first example of drunkenness existing *nomoi* are postured as variable and without merit from *polis* to *polis* in contrast to the golden *nomos* he proposes concerning drinking parties and their educational value. In the second example, it is the *old* nomes, inherited from tradition, that are honored in the enforcement of song forms. In the third example, nome as a revered song form carries the importance of law as it is transmuted to the Athenian’s conception of preamble or prelude to legislated law.

These three examples, their values conflicting with each other, send a message that is conflicting if not confusing when compared with the message conveyed in the *Republic* concerning the value of *nomoi*. Are *nomoi* to be trusted and relied upon, or are they to be debunked and either removed or replaced? What is the status of *nomos*?

I argue that Plato’s manipulation of *nomos* is not merely a pun but functions like equivocation. He does so for a specific reason. Through his punning he equivocates between *nomos* as custom versus law-like,\(^{101}\) and nome as a song-form versus preamble (i.e., prelude to legislation). My argument is that Plato does this in order to telegraph, once again, that *nomoi* may or may not be based upon knowledge. Each *nomos* must be considered on its own merit as to whether it is a product of knowledge or just opinion. In this interpretation, the *Laws* themselves are a *de facto* argument to the legitimacy of *nomos* when founded upon the correct principle. Plato’s punning undermines the one referent, *custom*, while it legitimizes the other, *law* or *law-like*. His apparent objective is to be able to establish a source for true *nomoi*. Plato will employ the same methodology with respect to *phusis*, as will be seen next. He will undermine the physiologers’ strong claim concerning *phusis*. Ultimately he will show that soul - the origin of all motion and reason - is the *real* *phusis* through which correct *nomoi* can be discovered, as well as a true opinion of the material world as transitory and imperfect.

\(^{101}\)See reference to 637d, p. 147 above, as compared with the golden thread, 645a, p. 148.
Plato’s Refutation of Phusis in the Laws

Anything conventional was held to mean, virtually universally, something of human origin. This was in contrast to *phusis* which was viewed as existing irrespective of human origin or alteration. So Callicles could assert that certain human behaviors were according to the *law of nature* by invoking the animal kingdom as the basis for such natural behavior in contrast to, say, building a house or a boat. *Phusis* was considered immutable and universal, where *nomoi* varied from place to place, as illustrated by the Athenian in his talk about drunkenness. The search for *phusis* was the search for an immutable foundation for explaining both the physical and behavioral domains of the world. Perhaps Plato’s most noted treatment of this problem comes in Book X of the *Laws*. At one point the Athenian explains the problem as follows.

886c-e ATHENIAN: In Athens a number of written works are current which are not found in your states (which are, I understand, too well run to tolerate them). The subject of these writings (some of which are in verse, others in prose) is theology. The most ancient accounts, after relating how the primitive substances - the sky and so on - came into being, pass rapidly on to a description of the birth of the gods and the details of how once born they subsequently treated each other. On some subjects, the antiquity of these works makes them difficult to criticize, whatever their influence - good or bad - on their audience; but when it comes to the respect and attention due to parents, I for one shall never recommend them either as a good influence or as a statement of the honest truth. Still, there is no need to bother with this old material: we may freely allow it to be arranged and recounted in any way the gods find amusing. But the principles of our modern pundits do need to be denounced as a pernicious influence. Just look at the effects of their arguments! When you and I present our proofs for the existence of gods and adduce what you adduced - sun, moon, stars and earth - and argue they are gods and divine beings, the proselytes of these clever fellows will say that these things are just earth and stones, and are incapable of caring for human affairs, however much our plausible rhetoric has managed to dress them up.

Here the Athenian captures the antagonism involved in trying to argue morals from *phusis*; this was in the heart of the controversy between *nomos* and *phusis* in Plato’s day. The Athenian acknowledges that the antiquity of some of the arguments gives them credibility, but when it comes to morals like honoring and respecting parents, they have no currency with him. The source of the problem is “the principles of our modern pundits” which need to be
denounced, a task to which the Athenian sets himself. The primary principle under attack is the priority of the material world according to the physiologers. The first argument the Athenian attacks is the claim of the pundits that the world developed naturally out of \emph{phusis} and chance.

[889b1] ATHENIAN. They maintain that fire, water, earth and air owe their existence to nature and chance, and in no case to art, and that it is by means of these entirely inanimate substances that the secondary physical bodies - the earth, sun, moon, and stars - have been produced. These substances moved at random, each impelled by virtue of its own inherent properties, which depended on various suitable amalgamations of hot and cold, dry and wet, soft and hard, and all other haphazard combinations that inevitably resulted when the opposites were mixed. This is the process to which all the heavens and everything that is in them owe their birth, and the consequent establishment of the four seasons led to the appearance of all plants and living creatures. The cause of all this, they say, was neither intelligent planning, nor a deity, nor art, but - as we've explained - nature and chance.

The Athenian then continues on with a characterization of the pundits’ opposition of \emph{phusis} and \emph{nomos}:

[899e5] In particular goodness according to nature and goodness according to the law are two different things, and there is no natural standard of justice at all. On the contrary, men are always wrangling about their moral standards and altering them, and every change introduced becomes binding from the moment it’s made, regardless of the fact that it is entirely artificial, and based on convention, not nature in the slightest degree.

One of the things that is striking about this passage is the rhetorical polarization the Athenian gives to certain of his opponents - the modern pundits. They bifurcate justice into justice according to \emph{nature} and justice according to \emph{nomos}. What is noteworthy about this is its relationship to arguments about justice in the \emph{Republic}. In the \emph{Republic} Socrates argued for justice according to \emph{phusis} against the conventional \emph{nomoi} of the day. His Equality Argument is a case in point. It was \emph{nomos} - those conventions and traditions that hindered women from exercising justice and rising to the level of the Good life of which they were endowed by \emph{phusis}.

Now, here in the \emph{Laws} there is a sort of reversal. It is not \emph{nomos} and its adherents that the Athenian separates himself from here, but rather \emph{phusis} and its adherents, sometimes referred to as pundits, sometimes modern wise men, and at other times, physiologers. In the \emph{Republic}, ironically, after Socrates establishes that their egalitarianism between Guardian men and women is in accord with \emph{phusis} they make a new law. Here in the \emph{Laws}, the Athenian both condemns
and complements nomos, while he exposes and attacks the physiologers, the upholders of phusis. What is common among these antagonists is their principle that the world developed out of the basic material of nature, and their profound bifurcation of goodness according to phusis and goodness according to nomos.

As hinted at throughout this inquiry, Plato seeks to reconcile these two factions, nomos and phusis. One way of reading this conundrum between the Republic and the Laws is to see it as a forecast of his intention to reconcile this antithesis. The reconciliation comes, I argue, in the Athenian’s answer to the pundits’ and physiologers’ error. The problem is their conception of soul.

The Athenian’s Metaphysical Conception of the Soul

When pressed for an explanation of how law can be properly grounded in the realities of the world, the Athenian is only too pleased to explain.

[892a] ATHENIAN: It’s the soul, my good friend, that nearly everybody seems to have misunderstood, not realizing its nature and power. Quite apart from the other points about it, people are particularly ignorant about its birth. It is one of the first creations, born long before all physical things, and is the chief cause of all their altercations and transformations . . .

[892c1] When they use the term ‘nature’, they mean the process by which the primary substances were created. But if it can be shown that the soul came first, not fire or air, and that it was one of the first things to be created, it will be quite correct to say that soul is preeminently natural. This is true, provided you can demonstrate that soul is older than matter, but not otherwise.

The controversy between nomos and phusis comes down to this: if matter is first the physiologers are right; if soul is first the Athenian is right. The error of the physiologers is that they call primary substances ‘nature.’ The Athenian contests this by arguing that the soul is first and preeminent in creation. He argues that the soul is the source of both motion and reason in the world. Plato’s intent is to show that soul as the sole source of motion and soul as the sole source of reason is the sole source of phusis and nomos, and hence, when true nature is apprehended and utilized, nomoi will be brought into conformity with phusis under the tutelage of true phusis, the soul.
896b CLEINIAS: It has been proved up to the hilt that soul, being the source of motion, is the most ancient thing there is . . .
896c ATHENIAN: So it was equally correct, a final and complete statement of the truth, when we said that soul is prior to matter, and that matter came later and takes second place. Soul is the master, and matter its natural subject.
CLEINIAS: That is indeed absolutely true.
ATHENIAN: The next step is to remember our earlier admission that if soul were shown to be older than matter, the spiritual order of things would be older than the material.
CLEINIAS: Certainly.
ATHENIAN: So habits, customs, will, calculation, right opinion, diligence and memory will be prior creations to material length, breadth, depth and strength, if (as is true) soul is prior to matter.
CLEINIAS: Unavoidably.
ATHENIAN: And the next unavoidable admission, seeing that we are going to posit soul as the cause of all things, will be that it is the cause of good and evil, beauty and ugliness, justice and injustice and all the opposites.
CLEINIAS: Of course.

Here is the crux of the argument I wish to make. By establishing soul as prior to anything physical (this would be phusis on the physiologers’ account) Plato grounds reality upon a metaphysical principle that precedes, both in time and hierarchy, anything physical (the elements, earth, and creatures) and artifactual (tools, edifices, behaviors, customs, and man-made laws). Nomos versus phusis, the perennial antithesis, can now be reconciled by Plato’s argument as nomos in harmony with phusis as founded upon true phusis - soul. A polis fabricated through the work of nomos, as legislation, upon soul, the seat of reason, will result in a community that harnesses nature to its full capacity. Kallipolis is the ideal; Magnesia, second-best.

Glenn Morrow treats this subject and text in a similar way. Morrow identifies the object of Plato’s refutation as the writings of “modern wise men” (tôn neðn kai sophôn, 886d), which Plato regards as the cause of the wrong opinions he deplores. “In a sense it is the whole of previous physical science, from Thales to Democritus, that he criticizes here, but it is the application of these principles of natural science to questions of morals, politics, and religion that he has chiefly in mind,” the application of which was not fully realized until the fertile period of the Periclean age (PCC, p. 479). From this we conclude that the refutation in Book X was,

102Saunders uses “spiritual” to translate ta psyches here and elsewhere.
as Saunders indicates, aimed at the physiologers and the application of *phusis* to matters of ethical and political import. “All the thinkers Plato has in mind here were inquirers into ‘nature’ (*φυσις* [*phusis*]), not ‘nature’ taken as the environment in which human life is lived, but as what is permanent, primary, and elemental in this environment and what, if known, would enable us to understand the origin and behavior of the cosmos and all its parts” (*PCC*, p. 479).

Morrow points out that Plato was “engaged in combating this body of ideas since the very beginning of his philosophical career and he had already formulated a decisive refutation of it.” This, of course, was his Theory of Forms. “If we are looking for what is truly real, in contrast to the variable world of sensation, opinion, and convention, we can only find it in the Ideas, the unchanging and intelligible entities that alone enable us to understand the flux of existence, and of which the sensible world can best be regarded as an imperfect imitation.” The Ideas are “what is truly real (ὁντως ὄντα [*ontos onta*]); they are what exists by nature (φυσει ὄντα [*phusei onta*]). One of these Ideas is the Idea of Justice; ‘justice itself’ (αὐτὸ τὸ δίκαιον [*auto to dikaion*]) is the ‘natural justice’ (φυσει δίκαιον [*phusei dikaion*]) whose existence these thinkers denied . . . In the present context Plato presents an argument that endeavors to meet the physiologers on their own ground, the sphere of physical occurrences” (*PCC*, p. 480-1).

In an earlier paper104 Morrow showed how Plato met the physiologers “on their own ground,” to which he referred again to the *Laws*, Book X, 890b ff. In explaining the processes of change in the visible world, Plato showed that “soul is prior to fire, water, earth, and air” (“*PLN*,” p. 35).105 “Since the alleged primary realities of the physicists, water, air, and the other elements, are capable of motion only when acted on by something else, they are obviously secondary to the self-moving soul. Thus the advocates of nature ‘have argued their case fallaciously’” (“*PLN*,” p. 35). Plato’s argument, following Morrow, is that soul is prior to the material elements since the material elements require some external motion or force to act upon

---

105 This argument is a more elaborate version of the doctrine that the soul is the source of change as found in the *Phaedrus*. See “*PLN*,” p. 35.
them for them to experience motion, and soul, as is clearly the case, is prior to the material elements. So, what the physiologers called the “grand primal works and deeds” are in fact, according to Plato, secondary and derivative from the truly primary, art (technê) and mind (noûs), both functions of the soul (see Laws 892a-c, “PLN,” p. 35).

Morrow uses the case of“justice” as an exemplar to show Plato’s solution to one of the leading problems of the fourth century. The problem was the reconciliation of law with justice (“PLN,” p. 28). Morrow shows in his argument how a reversal had occurred in the relation of law to justice. According to his analysis (“PLN,” pp. 19-33), prior to the fifth century law had been regarded as “finding its norm in justice”; law in this sense being the customary way of thinking and adjudicating justice. But during the course of the fifth century something almost revolutionary took place by which “justice came to be defined in terms of law” (“PLN,” p. 22). This reversal of law and justice, in which the law of the polis pre-empted ancestral customs (patrioi nomoi), universal law (nomos), and the unwritten law (agraphos nomos) motivated an appeal to a higher law. As nomos failed to provide the grounding for justice, attention was re-focused on phusis as the primary basis for true justice (“PLN,” p. 24-5). “What then could be more logical than to attempt to do, by means of the concept of physis, what had been impossible with nomos, i.e., to distinguish between real justice, a justice that exists by nature, and the more or less imperfect embodiments of justice found in the law?” (“PLN,” p. 25).

“This is precisely the problem that Plato set himself to solve” Morrow asserts (“PLN,” p. 25). Two solutions were in the offing by the time Plato addressed the problem. “Two distinct conceptions of‘natural justice’” were on the table, so to speak: one that later came to be called the “Law of Nature” and the other, the “Social Contract” (“PLN,” p. 28). The “Law of Nature” was based upon a conception of“natural justice” (phusis), while the “Social Contract” was

106Morrow is here generalizing from the work of R. Hirzel, Themis, Dike und Verwandtes (Leipzig, 1907). It is interesting to note that neither Hirzel nor Morrow had the benefit of Ostwald’s work, referenced earlier. Ostwald describes how thesmos dropped out of the language and was subsumed by nomos which, after 464/3 BC came to be the sole term representing positive law. See above Ch. 4.
based upon a conception of “natural justice” by virtue of human agreement. These two conceptions were “universally regarded in antiquity as antithetical; the partisans of the one were sharply opposed to those who espoused the other” with “Plato and Aristotle on the one side, and the ‘sophists’ on the other” (“PLN,” p. 29). Parenthetically, Plato treats both versions of “natural justice” in the Republic and the Laws.

According to Morrow’s two-stage argument, this is how Plato develops his answer to the problem. First, he attempts to define justice, “not as it is embodied in and identified with law, but ‘justice itself,’ auto to dikaion. We can readily understand why the problem of justice is central in the Republic, and why law plays such a minor role in the argument and in the construction of the ideal state . . . In this examination the Platonic Socrates employs the methods and presuppositions of the theory of ideas. For Justice is a universal and therefore is an Idea, a reality truly existing (οντως ον [ontos on]).” It is the task of dialectic to bring out “those reminiscences by means of which the mind may clearly apprehend the object of its search” (“PLN,” p. 29-30).

The second stage of this argument is to recognize that “this order of intelligible entities, the οντως οντα [ontos onta], is described by Plato as existing ‘by nature’ (φυσι [phusei]), or ‘in nature’ (ἐν τῇ φύσει [en tē phusei]).” So Morrow points to Parmenides, where Socrates considers the forms of justice, beauty, and goodness as “established in nature (ἐστάναι ἐν τῇ φύσει [estanai en tē phusei]) as paradigms which other things imitate (130b)”; the Republic, where inferior imitative arts are based upon imitations of sense objects which themselves are imitations of the intelligible world (for example, a bed; 597b-d); in the Republic, Socrates will constantly look to his models, the “naturally just,” “naturally noble (φύσει δίκαιον, καλόν

\[107\] “PLN,” p. 28. Morrow’s argument is, in part, that Plato’s Ideal conception of justice contributed to the philosophical basis of the Stoic “Law of Nature” while the Social Contract was the basis of Epicurus’ “natural justice,” a contract of mutual expediency.

\[108\] Morrow notes that “this particular turn given to the doctrine of Ideas has been seldom noted and its significance has therefore been overlooked. Likewise Plato’s concep­tion of φύσις [phusis] has not received the attention it deserves.” Concerning Mansion, Introduction à la Physique Aristotélicienne, 2nd ed. (1946), Morrow comments: “in overlooking Plato’s identification of the Ideas with the φύσει οντα [phusei onta], he regards Plato as replacing the older theory of physis by a theory of soul, whereas it would be truer to say that what Plato does is to set up a new conception of physis” (see fn. 26, p. 31, “PLN”).
[phusei dikaion, kalon]), and all the rest, endeavoring to create imitations of them in human society (501b)."

“For Plato, in short, ‘justice itself’ and ‘natural justice’ mean the same thing; natural justice is the Idea Justice, the paradigm to be followed by the legislator and statesman. These passages should suffice to make it clear that Plato has identified the order of nature and the order of true being, which for him is the Ideas” (“PLN,” p. 31).109 Morrow’s insight with respect to justice does not end there. Plato’s paradigm is much more sweeping. Morrow observes this when he says, “This identification must be kept in mind, if we would understand the numerous references in the dialogues to what is ‘according to nature’ (κατὰ φύσιν [kata phusin]) and what is ‘contrary to nature’ (παρὰ φύσιν [para phusin]). Not only does Morrow’s observation apply to justice, but it applies to phusis itself. Morrow comments, “Plato’s identification of the world of Ideas with the natural order--of the ὄντως ὄντα [ontōs onta] with the φύσει ὄντα [phusei onta] -- was a momentous event in Greek philosophy” (“PLN,” p. 32).

If this analysis is correct, then the arguments presented in this section on nomos and phusis support the claims that (1) Plato supplanted traditional views of nomos and phusis with his metaphysical view of the soul, among other doctrines, both in the Laws as well as the Republic; and, (2) that his idealistic proposed equality between male and female Guardians in the Republic was a distinct possibility in his metaphysical view. On the reading given here, Plato accomplished this by showing that phusis, as conveyed by the early cosmologists and physiologers, could not account for the visible, material world, which, in turn, offered no satisfactory explanation for knowledge. In the Republic realization of his idealized Kallipolis was thwarted by the pervasiveness and resistance of entrenched conventional thought (nomos). How this plays out in the Laws is yet to be seen.

109Morrow (fn. 27, p. 31) notes other examples: Phaedo 103b where ideal opposite is distinguished from concrete opposites; Republic 597b; Cratylus 389b; Epistle VII, 341d, 344d;
The Athenian’s Ethical Conception of the Soul

The primary question of this chapter is the question of continuity between pertinent doctrines of the Republic and the Laws, mostly doctrines related to the soul. In this section, the more particular question is of ethical treatment of the soul in the Laws. The Athenian’s conception of the soul as the source of motion and reason as seen in the previous section is only part of his conception of the soul. In a preamble to the proposed legal code dealing with matters from handling wealth to dealing with criminals, the Athenian gives something close to a ‘care-for-your-soul’ sermon. It is moral in content and tone, in contrast to the more tedious outlining of legal codes that follow. The sermon might be titled, “Honor of the Soul is Supreme.”

726b2 ATHENIAN: Of all the things a man can call his own, the holiest (though the gods are still holier) is his soul, his most intimate possession. There are two elements that make up the whole of every man. One is stronger and superior, and acts as master; the other, which is weaker and inferior, is a slave; and so a man must always respect the master in him in preference to the slave. Thus when I say... a man must honor his soul, my recommendation is correct. But hardly a man among us honors it in the right way: he only thinks he does. You see, nothing that is evil can confer honor, because to honor something is to confer marvelous benefits upon it...

727d6: When a man values beauty above virtue, the disrespect he shows his soul is total and fundamental, because he would argue that the body is more to be honored than the soul - falsely, because nothing born of earth is to be honored more than what comes from heaven; and anyone who hold a different view of the soul does not realize how wonderful is this possession which he scorns...

728a5: To sum up, the legislator will list and classify certain things as disgraceful and wicked, and others as fine and good; everyone who is not prepared to make all efforts to refrain from the one kind of action and practice the other to the limits of his power must be unaware that in all such conduct he is treating his soul, the most holy possession he has, in the most disrespectful and abominable manner...

[728c6]: To put it in a nutshell, ‘honor’ is to cleave to what is superior, and, where practicable, to make as perfect as possible what is deficient. Nothing that nature gives a man is better adapted than his soul to enable him to avoid evil, keep on the track of the highest good, and when he has captured his quarry to live in intimacy with it for the rest of his life.

While this speech is set in the framework of a religious exhortation, the priority given to the soul is consistent with the emphasis given the soul in the Republic. Here the Athenian uses religious language of honor, virtue, intimacy, holy possession, and evil. These standard themes associated with Plato’s discussions of the soul remain. Here future legislators are exhorted to
keep the soul as the object of all legislation, and virtue as the ideal of what is lawful. Laws should be enacted which encourage and enhance virtuous lives, while they at the same time discourage and punish vicious lives. In this context of religious exhortation, the hearers are urged to “honor” the soul. By honor, the Athenian means to privilege with benefits. The soul is honored when it is bestowed with benefits. Many think they benefit their souls, but are mistaken. Flattery, gifts, and indulgence dishonor the soul even though they may feel like honors (727a). Some think they honor the soul by praising it and telling it what to do. But this only brings harm not honor (727b). Blaming others for one’s own faults, indulging one’s pleasures in place of discipline, giving up when one should persevere - these dishonor the soul (727b). Clinging to this life at all costs dishonors the soul and undermines preparation for what the soul might find in the next life (727c). Valuing beauty above virtue particularly dishonors the soul because this places more value on the body than the soul (727d). Later, the Athenian reinforces this idea in a different context. “The union of body and soul, you see, can never be superior to their separation (and I mean that quite seriously)” (828e4-5).

One theme in particular expresses a common conception in both the Republic and the Laws. In this speech it is the master - slave motif. Here the soul is characterized as master, the body as slave. For the virtuous, the soul rules and the body obeys. In the Republic Socrates discusses the relationship of body to soul. In that context, fitness of the body is instrumentally important so that the body may serve the soul (see p. 45ff above). The body as servant of the soul is reiterated in a discussion of crime and punishment (Book IX). “The best and noblest policy for all cities to follow is to tell the truth about wealth, namely that it exists to serve the body, just as the body should be the servant of the soul” (870b2-4).

In the Republic emphasis on the soul was primarily in the context of the Guardians: what features are desired, what Guardian equality should look like, and what duties could male and female Guardians be expected to share. In the Laws emphasis on the soul is focused largely on how laws ought to be structured so as to produce the most virtuous souls of all citizens in Magnesia. After spending considerable time structuring an administrative organization for the
implementation of legislation, the Athenian turns his attention to the heart of the matter. For laws to work well, laws must be inculcated willingly into the lives of the citizens. For laws to succeed they must be constantly attended to, which means that new generations of legislators must be produced who will faithfully protect and preserve them. At this point in the discussion the Athenian suggests that they should turn their attention towards the junior guardians who will follow in this footsteps in providing laws for Magnesia by combining “our law-giving with an attempt to turn them [i.e., the next guardians] into law-‘givers’ as well as law-‘guardians’, as far as we can?” (770a7-9). To this end of making “law-givers” out of the next generation of “law-guardians” the Athenian suggests they provide them with a statement expressing a guiding principle or purpose in their work. His statement, in part, contains their central aim.

770c4 ATHENIAN: We want you to be sympathetic to our way of thinking and become our pupils, keeping in view this aim which the three of us are unanimous a giver and guardian of laws should have. The central point on which we agree amounted to this. ‘Our aim in life should be goodness and the spiritual virtue appropriate to mankind. There are various things that can assist us: it may be some pursuit we follow, a particular habit, or something we possess; we may get help from some desire we have or some opinion we hold or some course of study; and all this is true of both male and female members of the community, young or old. Whatever the means, it’s this aim we’ve described that we must all strain every muscle to achieve throughout our lives. No man, whoever he is, should ever be found valuing anything else, if it impedes his progress - not even, in the last resort, the state. Rather than have the state tolerate the yoke of slavery and be ruled by unworthy hands, it may be absolutely necessary to allow it to be destroyed, or abandon it by going into exile. All that sort of hardship we simply have to endure, rather than permit a change to the sort of political system which will make men worse.’ This, then, is the agreed statement; now it’s up to you to consider this double aim of ours and censure the laws that can do nothing to help us; but you must commend and welcome the effective ones with enthusiasm, and cheerfully live as they dictate. You must have no truck with other pursuits which aim at different ‘goods’ as people call them.

This statement leaves no doubt as to the guiding aim of Magnesia and its laws. Goodness and spiritual virtue are central. By “spiritual virtue” the Athenian means “virtue of the soul” (arete tês psuchês, 770d2). Guiding the soul into virtue and goodness must be the exclusive aim of Magnesia even to the point of destroying or abandoning any other political system. This is a radical position reflecting a univocal conception of the value of the soul. Even though the Republic has no comparable statement to this, a similar sentiment underlies the
overall proposal in it. Given this lofty aim for Magnesia, it comes as no surprise that the hierarchy of goods spelled out by the Athenian reflects his political aim. He lists three categories of goods, accompanied by a stern warning for those legislators who might stray from his formula.

697a10 ATHENIAN: We maintain that if a state is going to survive to enjoy all the happiness that mankind can achieve, it is vitally necessary for it to distribute honors and marks of disgrace on a proper basis. And the proper basis is to put spiritual goods at the top of the list and hold them - provided the soul exercises self-control - in the highest esteem; bodily goods and advantages should come second, and third those said to be provided by property and wealth. If a legislator or a state ever ignores these guide-lines by valuing riches above all or by promoting one of the other inferior goods to a more exalted position, it will be an act of political and religious folly.

That the good of the soul is the aim of legislation for the virtuous state can hardly be minimized as a goal of the Laws. In Kallipolis, Plato’s ideal state, the good of the soul was clearly in view. In Magnesia, Plato’s practical state, the good of the soul is clearly in view. This central aim of Magnesia, as outlined here, is ethical in its formulation. This ethical emphasis, with its stress on holiness (726b2-728d2) and spiritual virtue (770d5-771a4) is an accurate expression of the Athenian’s deeper conception of and concern for the soul. Perhaps, however, the best description of the place of the soul in the Laws occurs in Book I. The Athenian lays out what he considers the proper approach to framing laws, noting the soundness of Cretan law.

631b6 ATHENIAN: The benefits fall into two classes, ‘human’ and ‘divine’. The former depend on the latter, and if a city receives the one sort, it wins the other too - the greater include the lesser; if not, it goes without both. Health heads the list of the lesser benefits, followed by beauty; third comes strength, for racing and other physical exercises. Wealth is fourth - not ‘blind’ wealth, but with the clear-sighted kind whose companion is good judgment - and good judgment itself is the leading ‘divine’ benefit; second comes the habitual self-control of a soul that uses reason. If you combine these two with courage, you get (thirdly) justice; courage itself lies in fourth place. All this take a natural precedence over the others, and the lawgiver must of course rank them in the same order. Then he must inform the citizens that the other instructions they receive have these benefits in view: the ‘human’ benefits have the ‘divine’ in view, and all these in turn look towards reason, which is supreme. The citizens join in marriage; then children, male and female, pass through childhood and later life, and finally reach old age. At every stage the lawgiver should supervise his people, and confer suitable marks of honor or disgrace.

It is clear from this speech that the soul occupies the place of supreme concern in the
informed legislator. All human benefits come from divine benefits. The Athenian has the soul in view as the source of divine benefits. Human goods are listed as fourfold: first, health, then, beauty, strength, followed by wealth in fourth place. The divine goods are also fourfold with good judgment in first place, followed by self-control, justice, and fourthly, courage. Each of the divine goods is a function of the soul, each of which “looks toward reason, which is supreme.” Given this distinction between body and soul, and the privileged place of the soul, it comes as no surprise that education plays an important role in the development of the soul and in the fashioning of legislation, nor that women could also qualify for Guardianship.

Education begins in early childhood in the well constructed Magnesia as well as Kallipolis. The underlying reason for this is because education must be calibrated towards virtue - i.e., instilling and habituating virtue in the lives of citizens. In the Republic, such education is limited to those children, both male and female, who are anticipated candidates for Guardianship. In the Laws, education includes practically all children, both male and female, in preparation for a life of productive service in Magnesia. The Athenian articulates his philosophy of education:

643e3 ATHENIAN: What we have in mind is education from childhood in virtue, a training which produces a keen desire to become a perfect citizen who knows how to rule and be ruled as justice demands. I suppose we should want to mark off this sort of training from others and reserve the title ‘education’ for it alone. A training directed to acquiring money or a robust physique, or even to some intellectual facility not guided by reason and justice, we should want to call coarse and illiberal, and say that is had no claim whatever to be called education. Still, let’s not quibble over a name; let’s stick to the proposition we agreed on just now: as a rule, men with a correct education become good, and nowhere in the world should education be despiséd, for when combined with great virtue, it is an asset of incalculable value. If it ever becomes corrupt, but can be put right again, this is a lifelong task which everyone should undertake to the limit of his strength.

There is, perhaps, hardly a more eloquent statement about the goal of education and its potential for good than penned here. In Magnesia, the goal not only of education, but of the laws themselves, is to inculcate into the heart and soul of its citizenry the disposition to rule and be ruled as justice demands. To this end laws are legislated and citizens are educated, beginning with children and including both male and female children. It would appear that the Athenian
builds upon the psychology of the Republic. Besides the priority of soul and its privilege as the seat of reason, the challenge of a balanced disposition is treated in the Laws. In the Republic one of the noted requirements for Guardianship was evidence that one’s disposition showed the right balance between high-spiritedness (thumoeides) and gentleness. Its necessity in the Republic (376b, 410c; see p. 52ff above) was demanded so as to insure that the Guardians would respond with the right mix of aggression towards intruders and gentleness towards citizens in protecting the polis. In the Laws the context of this discussion is in relation to handling criminals. “Every man should combine in his character high spirit with the utmost gentleness, because there is only one way to get out of the reach of crimes committed by other people and which are dangerous or even impossible to cure: you have to overcome them by fighting in self-defense and rigidly punishing them, and no soul can do this without righteous indignation” (731b3-8). In this context, the need for this balanced disposition is so that those who come face to face with crime will react properly when self-defense is appropriate, on the one hand, and on the other hand, appropriate punishment for those perpetrating criminal acts.

Summary

It seems that it would be difficult to read the Laws and not see the metaphysical foundation of the soul with its ethical emphasis continuing from the Republic to the Laws. In the Laws the function of law (nomos) is to shape and nurture the soul. The soul is the seat of reason, a divine good. Care of the soul is paramount to any other care in life. The body along with all material possessions are instruments of and servants for the good of the soul. When the

---

110 For a discussion of the similarity of a tripartite structure in the Laws as is seen in the Republic, see Trevor J. Saunders, “The structure of the soul and the state in Plato’s Laws,” in Eranos 60 (1962), pp. 37-55. While Saunders concedes that there is no explicit evidence for a tripartite soul in the Laws, he goes on to argue (1) that the significant treatment of the thumos (the spirited part) throughout the Laws (p. 37ff), as well as (2) the similarity between the three classes in Kallipolis (Guardians, Auxiliaries, Workers) with the three classes in Magnesia (Nocturnal Council, Magnesian citizens, Magnesian metics and slaves) combine to give the cumulative effect of the tripartite soul (p. 43).
soul is good the State is good. It is the mission of the legislator to fashion good nomoi for the sake of the soul.

It appears that Plato’s conception of the soul, at both the metaphysical and ethical levels, is consistent in both the Republic and the Laws. Certainly there are differences in the context between the two dialogues, but when it comes to the essential metaphysical and ethical implications of these two doctrines as developed in Part One of this dissertation, I argue that there is no significant difference between the Republic and the Laws except for one area: there appear to be no expressions whatsoever of the asexual nature of the soul as illuminated in the Republic, with its concomitant corollary of equality irrespective of sex differentiation. The real test of equality occurs precisely at this point: Does the equality of male and female among Guardians proposed in the Republic continue in the Laws for all citizens?
Chapter Seven: Equality and the Laws

Introduction

The argument set forth in Part One is that the basis for Plato’s claim of equality between male and female Guardians, an ethical claim, is based upon a metaphysical claim which is his radical dualism of soul and body. The essential characteristics for Guardianship are features resident in the soul (physical qualifications relating to strength are secondary). The soul is asexual, hence, sex differentiation is irrelevant to the soul qualifications for Guardianship. From the previous Chapter, it appears that the place of and care for the soul expressed in the Republic continues in the Laws. However, the question of equality in the Laws remains to be answered.

Equality

One of the articulate critics of Plato’s equality doctrine is Sarah Pomeroy, who makes a noteworthy critique. Pomeroy locates Plato’s Republic and Laws in the category of “utopian” literature. Utopian literature in the Classical period espoused a return to a more matriarchal structure which eliminated monogamous marriage and paternal claims over children, as well as a more public life with sexual freedom for women (Goddesses, p. 115). While she regards Plato’s

111Another noteworthy feminist critic is Susan Moller Okin, Women in Western Political Thought, who will be considered at the end of Chapter Seven.
provisions for Guardian women in the Republic as “remarkable,” still “Plato’s philosophy was not undiluted feminism” (Goddesses, p. 117-118).

In the Republic Plato “stated that males and females were similar in nature, and that the only significant distinction between the sexes was that the male begets and the female bears children. Since they were similar in all respects except physical strength, they were assigned similar duties.” Plato also gave Guardian women the same education as Guardian men since they were expected to perform the same tasks (Goddesses, p. 117). This, by all measures, is a fairly stated characterization of Plato’s placement of Guardian women in the service of the State. Pomeroy correctly notes that Plato’s emancipation of Guardian women was not for the sake of women qua women, but for the sake of the polis, a point which Julia Annas accepts. According to Pomeroy, the emancipated Guardian women, along with children, were viewed by Plato as “property” of the Guardian males, a point which Annas rejects.112 “There was no equality between sexes in Utopia,” Pomeroy writes (Goddesses, p.115).

When it comes to the Laws, Plato’s place for women was “less utopian” than in the Republic, the result of a compromise between the “idealism of the Republic and the reality of Athenian life” (Goddesses, p. 118). Beyond the reproductive differences between men and women, Pomeroy lists some of the differences. “In the Laws Plato reinforced traditional sex roles, making females obedient, modest, temperate, and gentle, and males competitive and aggressive . . . Married women were to exercise clothed (8.833D), rather than nude as in the Republic.” Women would serve as warriors only after childbearing years and only in emergencies (7.814). “The sexes were distinct even in music: modest songs were appropriate to women, noble and manly music to men (7.802E)” (Goddesses, p. 118). In the Laws, monogamous marriage was mandatory. After childbearing years women were free to serve the

112Pomeroy, Goddesses, p. 116. See also her 1974 paper, “Feminism in Book V of Plato’s Republic” for her argument in support of this assertion. Annas, in “Plato’s Republic and Feminism,” lauds Pomeroy’s insights into the meaning of koinonia, but disagrees with Pomeroy on its application. “Pomeroy holds the implausible view that because Plato uses of the male Guardians’ relation to the female Guardians language which can be used of property-owning, it is his considered conclusion that the female Guardians are simply the property of the males” (p. 276, fn. 21). It seems more likely that both males and females - adult and children - are the property of the state.
community in other ways, some prestigious, however, always in concert with traditional sex roles (Pomeroy, *Goddesses*, p. 118). With respect to equality of sexes Pomeroy’s conclusion is that Plato falls short of feminism in the *Republic* and that he reverts back to a traditional, albeit revisionary, role with more public involvement for women in the *Laws*. Pomeroy’s view is relevant because it represents a well-crafted feminist critique of Plato’s treatment of women in his two relevant texts. Notwithstanding her scholarly treatment, Plato’s argument must be examined on its own merits on the question of equality.

That equality of the sexes is uppermost in Plato’s mind as he composes the *Laws* is unmistakable, I argue. Exactly what conception of equality he has in mind is another matter. But that he was engaged in the question of equality with Magnesia’s constitution is plainly observed. The concept of equality emerges in general conversation about a variety of subjects. The Athenian expresses concern in the choice of spouse for those seeking marriage. Recognizing that specific laws concerning detailing rules for spouse selection are implausible, the Athenian suggests they follow the path of persuasion. At issue: individuals tend to want to marry their economic equal. This is not a good idea according to the Athenian, so people ought to be persuaded that it is more important to choose a spouse on the basis of producing well-balanced children than “to marry his equal” (773d5-e2).

When considering the relationship of slaves to masters, the Athenian instructs, “The best way to train slaves is to refrain from arrogantly ill-treating them, and to have them even less (assuming that’s possible) than you would your equals” (777d3-5). On the other hand, when it comes to the distribution of food the food supply should be divided equally among the three class of members. “None of the three shares - for masters, slaves and foreigners - must be better than the others: when the distribution is made, each group should be treated on an equal footing and get the same share” (848b7-c1).

The concept of “equals” plays into discussions concerning friendship (837a), punishing acts of wrongdoing (861a), and commerce. Regarding commerce, citizens of Magnesia must never “become a retailer or a wholesaler, or perform any service whatever for private individuals
who are not his equals in status,” except for family and those older than himself (919e). Each of these examples shows that equality, class, and status were very important to the Legislator in the Laws. They also show that the application of equality varies from one context to another. But it would seem that some awareness of equality among people was not far from the Athenian’s thought processes as he developed a plausible constitution.

**Proportional Equality and Property**

Beyond these general expressions of equality, a goodly amount of attention is given to a formal structure of equality within the Constitution. The standard of equality applied in the Laws is referred to as “proportional inequality.”

744b4 ATHENIAN: So for a number of reasons, and especially because the state offers equality of opportunity, there must be graded property-classes, to ensure that offices and taxes and grants may be arranged on the basis of what a man is worth. It’s not only his personal virtues or his ancestors’ that should be considered, or his physical strength or good looks: what he’s made of his wealth or poverty should also be taken into account. In short, the citizens must be esteemed and given office, so far as possible, on exactly equal terms of ‘proportional inequality’, so as to avoid ill-feeling. For these reasons four permanent property-classes must be established.

The Athenian proposes four property classes in order to facilitate complete representation in the Assembly. Proportional inequality is proposed as a means of qualifying property owners for inclusion on the Assembly in as equitable way as possible without reverting to arithmetic equality. Saunders identifies another section as “The Notion of Equality” (Penguin ed., p. 229). In this discussion the Athenian explains that there are two concepts of equality which use the same term.

757b1 ATHENIAN: The first sort of equality (of measures, weights and numbers) is within the competence of any state and any legislator: that is, one can simply distribute equal awards by lot. But the most genuine equality, and the best, is not so obvious. It needs the wisdom and judgment of Zeus, and only in a limited number of ways does it help the human race; but when states or even individuals do find it profitable, they find it very profitable indeed. The general method I mean is to grant much to the great and less to the less great, adjusting what you give to take account of the real nature of each - specifically, to confer high recognition on great virtue; but when you come to the poorly educated in this respect, to treat them as they deserve. We maintain, in fact, that statesmanship too consists of essentially this - strict justice. This is what we should be aiming at now, Cleinias: this is the kind of ‘equality’ we should
concentrate on as we bring our state into the world. The founder . . . must always make justice his aim, and this is precisely as we’ve described it: it consists of granting the ‘equality’ unequals deserve to get . . . So though force of circumstances compels us to employ both sorts of equality, we should employ the second, which demands good luck to prove successful, as little as possible.

The Athenian distinguishes between arithmetic equality and proportional equality, sometimes referred to as proportional inequality, as in the above example. Arithmetic equality anyone can do, as it requires but simple addition and division for its distribution. Proportional equality distributes honors, offices, and awards on a meritorious basis. Proportional equality requires judgments to be made of candidates, and therefore is practiced on a more subjective basis, hence, more vulnerable to favoritism.\(^{113}\)

However, there is a strong dissatisfaction running through the Athenian’s proposed legislation, regarding his formula for equality. In both of the texts cited above this dissatisfaction can be detected. In the first text, proportional equality is given as an accomodation to the inclination of people to make close comparisons of each other. In the second, he suggests that proportional equality should be used as little as possible. But, his dissatisfaction is expressed in much stronger terms than these. The Athenian launches a general critique of their present undertaking which is clearly a complaint. His complaint, in short, is that the ideal state is impractical and therefore the best they can hope for is second best.

739a3 ATHENIAN: Reflection and experience will soon show that the organization of a state is almost bound to fall short of the ideal. You may, perhaps - if you don’t know what it means to be a legislator without dictatorial powers - refuse to countenance such a state; nevertheless the right procedure is to describe not only the ideal society but the second and third best too, and then leave it to anyone in charge of founding a community to make a choice between them. So let’s follow this procedure now: let’s describe the absolutely ideal society, then the second-best, then the third.

The legislation set forth in the Laws is Plato’s second best polis. But the second best is not to be proposed without a clear disclaimer from Plato that it is second best, and not to be confused with the ideal state.

\(^{113}\)Plato’s discussion of justice is reminiscent of Aristotle’s discussion at NE Book V. Here, as often elsewhere, the student’s large debt to his teacher shows through.
ATHENIAN: You’ll find the ideal society and state, and the best code of laws, where the old saying ‘friends’ property is genuinely shared’ is put into practice as widely as possible throughout the entire state. Now I don’t know whether in fact this situation - a community of wives, children and all property - exists anywhere today, or will ever exist, but at any rate in such a state the notion of ‘private property’ will have been by hook or by crook completely eliminated from life . . . To sum up, the laws in force impose the greatest possible unity on the state - and you’ll never produce a better or truer criterion of an absolutely perfect law than that . . . And so men need look no further for their ideal: they should keep this state in view and try to find the one that most nearly resembles it.

Can this endorsement of the community of wives, children and property not be interpreted as an endorsement of the same community proposed in the Second Wave of Book V, the Republic? The elimination of private property is presented here and in the Republic as a foundation pillar in the construction of an ideal polis. Even though the Second Wave (Rep. Book V) has not been considered in this inquiry, it is generally considered as a tandem argument to the Equality Argument proposed in the First Wave. As such, this Second Wave “community” argument can be seen as the property side of a larger egalitarianism. In a sense, it is possible to see the community argument as an economic principle of egalitarianism, while the Equality Argument as an ethical principle. If viewed in this light, the First and Second Waves in the Republic present a coherent view of an ideal egalitarianism (limited to the Guardians in the Republic). Here, in the Laws, Plato is tenacious in his reluctance to let go of the ideal. While second best is the best he can now offer, for whatever his reasons or motivation, he still makes it known that it is second best and definitely not his ideal proposal.

When the Athenian lays out his scheme for the four propertied classes in Magnesia he once again seizes the opportunity to contrast second best with the ideal. “It would have been an advantage if no one entering the colony had had any more property than anyone else; but that’s out of the question” (744a-b1-2). Given the fact that in the present state of society, private property is unavoidable so he proposed a second best solution to the problem - codify and control ownership, growth and decline of private property in Magnesia for the best outcome short of no private property. Plato’s divided loyalties to the ideal and the second best seeps through certain other laws related to property, along with a slight hint as to his willingness to
accede to second best. Concerning the distribution of lands and houses to the citizens of Magnesia, he says, “First of all, citizens must make a distribution of land and houses; they must not farm in common, which is a practice too demanding for those born and bred and educated as ours are” (739e8-740a2). Here the Athenian concedes that the present state of nomos - i.e., enculturation - is too entrenched to challenge. “Farming in common” is therefore impractical. Still, even with this concession, his ideal state extrudes as he continues: “But the distribution should be made with some such intention as this: each man who receives a portion of land should regard it as the common possession of the entire state. The land is his ancestral home and he must cherish it even more than children cherish their mother; furthermore, Earth is a goddess, and mistress of mortal men” (740a2-6). With this cryptic comment, one gets the sense that Plato cannot let go of his conception of “community” as the ideal relationship for a superior state. Even as individual citizens are allotted their portion, it should be received as a “common possession of the entire state.”

Equality and Education

Property is not the only topic where Plato’s ambivalence between the ideal and second best works itself out. In his structure for education we also see this ambivalence at work. In the Republic both Guardian girls and boys were to be given equal education in preparation for sharing the same tasks. In the Laws the same sentiment is expressed in the structures for education.

804e1 ATHENIAN: Let me stress that this law of mine will apply just as much to girls as to boys. The girls must be trained in precisely the same way, and I’d like to make this proposal without any reservations whatever about horse-riding or athletics being suitable activities for males but not for females. You see, although I was already convinced by some ancient stories I have heard, I now know for sure that there are pretty well countless numbers of women, generally called Sarmatians, around the Black Sea, who not only ride horses but use the bow and other weapons. There, men and women have an equal duty to cultivate these skills, so cultivate them equally they do. And while we’re on the subject, here’s another thought for you. I maintain that if these results can be achieved, the state of affairs in our corner of Greece, where men and women do not have a common purpose and do not throw all their energies into the same activities, is absolutely stupid. Almost every state, under present conditions, is only half a state, and develops only half its potentialities, whereas with the same cost and
effort, it could double its achievement. Yet what a staggering blunder for a legislator to make!

CLEINIAS: I dare say. But a lot of these proposals, sir, are incompatible with the average state’s social structure. However, you were quite right when you said we should give the argument its head, and only make up our minds when it had run its course. You’ve made me reproach myself for having spoken. So carry on, and say what you like.

ATHENIAN: The point I’d like to make, Cleinias, is the same one as I made a moment ago [i.e., legislation on communal meals, a topic to be considered below], that there might have been something to be said against our proposal, if it had not been proved by the facts to be workable. But as things are, an opponent of this law must try other tactics. We are not going to withdraw our recommendation that so far as possible, in education and everything else, the female sex should be on the same footing as the male.

Two things jump out of this passage as pertinent to our present discussion. First, the Athenian clearly and unambiguously states that girls and boys will be given the same education, that is to say, not different but equal, but the same. Second, his position is that women be on the same footing as men, which I take to mean the same equality as proposed for his Guardian women in the Republic, only here in the Laws, the proposition applies to all citizens, not just Guardians. Again we see that Plato has a hard time letting his ideal go. He invokes other states as examples of the workability of the ideal; he suggests that a state, by its conventional approach, is only half a state, a theme already established (794D5), going so far as to call any state that fails on this point stupid. The lesson to be drawn from this is, in part, that even though Plato concedes the strength of conventional culture, he nonetheless decries it as overlooking a point so plain and clear - the failure to see females as equal to males is to do harm to the state - a theme no less plain and clear in the Republic.

Equality and Common Meals

One of the most radical proposals in the Laws, even more radical than his education doctrine, expresses his lingering commitment to his ideal polis: communal meals.

780d4 ATHENIAN: Listen to me, then: let’s not waste time lingering over this business. The blessings that a state enjoys are in direct proportion to the degree of law and order to be found in it, and the effects of good regulations in some

114 The claim that equality in the Laws has all citizens in mind, both male and female, unlike the Republic which extends equality only to females and males in the Guardian class, is of course controversial.
field are usually vitiated to the extent that things are controlled either incompetently or not at all in others. The point is relevant to the subject in hand. Thanks to some providential necessity, Cleinias and Megillus, you have a splendid and - as I was saying - astonishing institution: communal meals for men. But it is entirely wrong of you to have omitted from your legal code any provision for your women, so that the practice of communal meals for them has never got under way. On the contrary, half the human race - the female sex - the half which is in any case inclined to be secretive and crafty, because of its weakness - has been left to its own devices because of the misguided indulgence of the legislator. Because you neglected this sex, you gradually lost control of a great many things which would be in a far better state today if they had been regulated by law. You see, leaving women to do what they like is not just to lose half the battle (as it may seem): a woman’s natural potential for virtue is inferior to a man’s, so she’s proportionately a greater danger, perhaps even twice as great. So the happiness of the state will be better served if we reconsider the point and put things right, by providing that all our arrangements apply to men and women alike.

Here is an interesting insight into Plato’s thinking about the equality of women and men. Using the Spartan system as an example, the Athenian argues for equal access for women to share in the communal meal. Nothing new about this; it continues the scheme set forth in the Second Wave. Two aspects of this argument beckon for attention. First, the half-a-state theme is repeated. By neglecting the potential contribution of women to the administration and production of the state, the state is, in effect, operating at only half of what it could be. The argument here for the inclusion of women is not merely an economic argument. It is based upon a prior perception of Plato’s, and that is the inherent equality of the soul which is neither male nor female and with equal training can perform equal tasks. The Equality Argument of the Republic still serves as a basis for a continued expression, albeit modified by practicality, in the Laws.

It may seem, however, that the Equality Argument of the Republic is repudiated by what follows the “half-state” mantra. For the Athenian seems to denigrate women with his comments about their weakness and their alleged inferior virtue, a point of view which also shows up in the Republic. It is admittedly difficult to know with precision whether these denigrating claims are given as descriptions of present conditions, or whether Plato intends these as normative expressions. If they are given as descriptions they can be reconciled with the overall claim being made in this dissertation. As descriptions of present conditions they would not represent Plato’s
expectation if his ideal *polis* were instituted. If, on the other hand, they are made as normative claims then they set up a contradiction which undermines the claim set forth in this inquiry. Read as descriptive claims, the preferred reading here, they can be reconciled.\textsuperscript{115}

First, he seems to be saying that the female sex has a weakness which has resulted in an inclination towards secrecy and craftiness. What is meant by “weakness”? One way to read it is to follow the distinction made in the *Republic* that the female is physically weaker than the male as a class. If read in this way, on the one hand, the failure of legislators to legislate female activity more closely would be laid to the traditional notion that the female is weaker than the male and not susceptible to the same demands of work and supervision in the public sphere. This would have left women on their own in the private sphere, where two outcomes could be expected: (1) the tendency to naturally develop skills of secrecy and manipulation given their being kept away from the public sphere, and (2) lack of development of skills normally associated with work and responsibility in the public sphere. If read this way, the idea of having left women out of public life and accountability created a vacuum which was naturally filled.

Second, he seems to make the claim that a woman’s natural potential for virtue is inferior to a man’s. This results in her being potentially double the trouble to the state. Does the Athenian mean, however, to assert that the woman’s nature is inferior to the man’s? If one recalls the *Republic*, the answer is an immediate ‘no’. In the *Republic*, outside of being physically weaker, whether one was female or male was irrelevant to virtue in the soul. If Plato has given up virtue in the soul in the *Laws*, then it would clearly be the case that the woman’s nature could be claimed to be inferior to the man’s nature. But it appears that no such ground is given up in the *Laws*. The role and importance of the soul with respect to virtue continues in the *Laws*, although we are given no statement concerning the status of the soul as asexual. Since that claim is not addressed, are we safe to conclude that there is no change from the *Republic* to the *Laws*? If we conclude that there is no change, then the argument of the asexual soul as the

\textsuperscript{115}Consider the work of K. J. Dover, *Greek Homosexuality*, (Cambridge: Harvard University Press, 1978), who gives similar descriptive accounts.
seat of reason, with its concomitant claim of potential for virtue must stand. If this stands, then
the claim of inferior potential for virtue must be read in a different light. What light? In the
light of education and accountability. If given equal education and corresponding equal duty,
and held to the same level of accountability as males, there would be no reason to deny the
potential for equal virtue between males and females. However, in a conventional structure in
which females were denied equal education and duty, and shorted with a lack of accountability
for personal performance, the argument could easily be made that the female nature appears to
be inferior to the male. Recall that the Athenian repeatedly reminds legislators to strive for the
ideal.

The essence of the argument for the communal meal is that legislators have been
misguided and derelict in their duty to structure public life in such as way as to maximize the
potential of women for positive and beneficial participation in the communal life of the state.
Read in this way, the egalitarian spirit of the Republic simply does not go away, in spite of
concessions to conventional strongholds. But a third text may more intriguingly reveal Plato’s
egalitarian ideal in the Laws. The Athenian gives an unusual address to the issue of ambidexterity
(794ff). In this speech, we are once again presented with an interesting discourse of the conflict
between nomos and phusis with the added bonus of what some believe to be a cryptic statement
of egalitarianism.

794d5 ATHENIAN: People think that where the hands are concerned right and
left are by nature suited for different specialized tasks - whereas of course in the
case of the feet and the lower limbs there is obviously no difference in efficiency
at all. Thanks to the silly ideas of nurses and mothers we’ve all been made lame-
handed, so to speak. The natural potential of each arm is just about the same,
and the difference between them is our own fault, because we’ve habitually
misused them . . . The Scythian practice is an illustration of this: a Scythian
doesn't use his left hand exclusively to draw his bow and his right hand
exclusively to fit in the arrow, but uses both hands for both jobs indifferently.
There are a lot of other similar examples to be found - in driving chariots, for
instance, and other activities - from which we can see that when people train the
left hand to be weaker than the right they are going against nature . . . All these
points should come under the supervision of the male and female officials, the
latter keeping an eye on the training the children get at play, the former
superintending their lessons. They must see that every boy and girl grows up
versatile in the use of both hands and feet, so that they don’t ruin their natural
abilities by the acquired habits, so far as they can be prevented.
Note these points. *Nomos* as training that follows a traditional way of thinking is contrasted to *nature*. Training people to favor the right hand over the left hand is going against *nature*. Notice also that both male and female officials are commissioned with the task of training both girls and boys so that their natural potential is developed equally. If this speech were exclusively about the right and left hand, it would ostensibly be a trivial topic to include in the formal legislation of a new colony. Some, however, read this as a backhanded reminder that a less-than-egalitarian state is only half a state using only its right hand to the detriment of nature and to the harm of the state.

Pomeroy’s critique is good as far as it goes. Her perception that Plato’s equality is only for the good of the state is stated fairly. Her characterization of the role of women as following traditional patterns in the *Laws* is stated fairly - in part. But, it seems that Pomeroy may have overlooked some aspects of Plato’s argument in the *Laws*. Women were not confined exclusively to the private sphere but were admitted into public offices and administration of the proposed legislation. Girls were given the same education as boys, with equal access to sports and military training. But possibly the most significant omission was Pomeroy’s silence with respect to the radical equality continually referred to by the Athenian in his *ideal* laws. Placing women in public offices and political administration was radical, even though, regrettably, the Athenian never includes women in the highest offices. Calling for women to be included in the communal meals was radical. Perhaps most notable is the repeated complaint that even though second best is the best they can do at the present, they should never let go of the *ideal* with its radical equality. She is correct, however, on all accounts of one thing: Plato is no undiluted feminist. Whether he is a feminist in any respect is an argument for another day.

As far as this present critique is concerned, it leads to the conclusion that the *Laws*

\---


117 Bluestone, *WIS*, where she acknowledges Pomeroy’s textual expertise, but complains, “In Pomeroy’s eagerness to emphasize the anti-feminist aspect she downplays the evidence for the existence of contradictory tendencies in Plato” (p. 92).
should be read as a pragmatic argument: a compromise between the ideal and what the culture would accept. The Athenian clearly recognizes that the present state of the culture is too entrenched in conventional thought and the grip of unenlightened human nature to accept his ideal polis. But the Athenian, in the force and mindset of Socrates in the Republic, never loses sight of the capacity and power of the soul when properly cared for and understood. And, it appears, Plato never let go of his ideal in which equal souls were equal to equal tasks irrespective of their male or female body.

**Okin’s Challenge to the Continuity of Equality in the Laws**

Susan Moller Okin\(^{118}\) articulates a significant challenge to my claim that Plato persisted in his views of equality from the Republic to the Laws. Surprisingly, Okin begins, in one respect, at the same point as I but ends up with much different conclusions. Her beginning point in reference to the First Wave sounds very similar to my beginning point. After laying out a well-constructed outline of Socrates’ argument about the nature of women, she concludes that Socrates “argues, rather, that since it is the characteristics of the soul that determine whether a person has the requisite nature for a certain pursuit, and since sex is no more related to the soul than the presence of absence of hair, members of both sexes will be skilled in all the various arts, depending on the nature of their individual souls” (p. 39-40).

But then Okin criticizes Plato for what she sees as an “ambivalence” toward women which glaringly shows up in his return to private property. “His dilemma results from his inability to reconcile his increasingly firm beliefs about the potential capabilities of the female sex with the reintroduction of private property and the family into the social structure of his city” (Okin, p.42). I shall argue shortly that the reintroduction of private property was not as a result of any ambivalence about women, but, rather, the result of factors apparently beyond Plato’s control or so he thought. Christopher Bobonich considers two of Okin’s objections in his

commentary *Plato’s Utopia Recast*, which are relevant here. Bobonich first notes her complaint that in the *Laws* Plato put women “firmly back into their traditional role” (Bobonich, p. 385). I suggest that two issues are pertinent in Okin’s charge, raised here for consideration: (1) a substantial assessment with respect to the return to the traditional role in the *Laws*; and (2) analysis of the argument she offers for her claim. Can we make a substantive assessment of the claim that Plato put women firmly back into their traditional role? Bobonich responds to Okin’s first charge by offering the following. (1) The Athenian urges the legislators to structure legislation for all members of the community, both male and female, to develop the virtue that befits a human being (cf. *Laws* 770c7-d2). Says Bobonich, “This passage suggests that there is a single virtue, the virtue appropriate to human beings, that makes both men and women virtuous and good” (p. 385). (2) Citing the call for women to have equal education as men (*Laws* 805c-806c) Bobonich suggests that “we should expect that in Magnesia women will share equally in eligibility for holding political offices and in the right to participate in the selections of officeholders” (p. 386).

After noting these two provisions for women Bobonich goes on to discuss claims that their evidence is more equivocal. He lists three problems: (1) that the *Laws* is ambiguous in that exactly which offices a woman may hold is never specified; (2) that women’s participation in military service does not rise to the level of qualifying them to vote; and (3) that Plato makes a number of derogatory comments about women in the *Laws* (781a2-b4; 802e6-11) (p. 387). Bobonich dismisses (1) and (2) as not decisive, saying that textual ambiguities should be

---

120Establishing the “traditional role” of women in Ancient Greece, however, is far from settled. The phrase “traditional role” is understood here in the general sense that women were confined to the roles of wife, mother, and keeper of the hearth and that these were roles were carried out in the private sphere. However, David Cohen, “The Legal Status and Political Role of Women in Plato’s Laws” makes two observations about the traditional view of the “traditional role” argument: first, he points out that women served as priestesses in the religious sphere which meant that they were “public officials with the administrative responsibilities and capacities appropriate to their office” (p. 29). Second, that drama, as a source of information, may indicate that women were more involved in political activity. Referencing Aristophanes’ *Lysistrata* and *Ecclesiazusae* as examples, “It would be surprising, however, if these plays were entirely unrelated to women’s desires to have a voice in the fate of their cities and their families” (p. 30). Cohen refers to D. Daube, *Civil Disobedience in Antiquity* (Edinburgh 1972) for more discussion.
resolved in accordance with Plato’s theoretical statements at *Laws* 804d-806c (p. 387). He dismisses (3) by observing that some “negative evaluations” of women may be nothing more than a reflection of points of view that were current in Athenian society at the time (p. 387).

David Cohen, “The Legal Status and Political Role of Women in Plato’s Laws,” enumerates the offices in which women may participate. They include: primary education for all children of both sexes (*Laws* 764c); the choruses are composed of both sexes (*Laws* 764e); it appears that the office of chorus leader is open to both sexes (*Laws* 765a); both girls and boys are afforded the same physical education, including archery, sword and shield training (*Laws* 794); the general director of education appears to be open to both sexes (*Laws* 766); priestesses (*Laws* 759b); supervisors of primary education (*Laws* 794); supervisors of marriage and divorce (*Laws* 784); supervisors of physical training (*Laws* 795d); officials who preside over the communal dining halls (*Laws* 781a-c); the office of archai (*Laws* 785b); and it appears that women would serve as electors by virtue of serving in other qualifying offices (p. 34). Cohen goes on to argue that women were clearly eligible for military service at the levels of which they were capable (*Laws* 785b; p. 37).

From this list of offices available to women in Magnesia, it is difficult to uphold Okin in her claim that women were firmly returned to their traditional roles if by this she means that women were confined only to a traditional role for their whole lives. On the contrary, it appears that women had access in Magnesia to virtually all public offices involving public service, as well as the communal meal; the exception to full access appears to be the Nocturnal Council nor the Guardians of the Laws. There appears to be no reliable direct evidence, according to scholars, as to why Plato excluded women from these two offices, leaving the problem open to speculation. However, this notwithstanding, there is a caveat that may explain her claim. It is


122 It appears that exclusion from these two offices is inferred from Plato’s silence as there seems to be no specific directive to exclude women from these two just as there is no specific provision to include them in these two offices. Thus we are left with this dilemma: women were not specifically included nor excluded. Is this an intentional Platonic ambiguity, an oversight, and intentional omission, or, as feminists argue, evidence of his undervaluing women? I tend to think of it as an intentional ambiguity, given the gist of my argument a little
the case that women were not eligible to participate in public service until after the age of 40,
except in the case of military service, which could commence after “she had borne her children”
(La. 785b) and continue until age 50 (Cohen, p. 36, 37).

While Okin’s claim can be granted in the sense that women were configured back into
a traditional role during child-bearing years, her claim appears to be overstated. Plato’s concern
was to see a full-state productively engaged, not just an half-state. To this end he gave virtually
full and unfettered access to women for public service following their child bearing years - only
the Nocturnal Council and Guardians of the Law were not specified as open to women. The
second issue with Okin’s first complaint is an analysis of her argument. Okin argues that the
emancipation of the female resulted from Plato’s dismantling of the family. She says, “Thus it
was his dismantling of the family which not only enabled Plato to rethink the question of
woman’s role and her potential abilities but, more accurately, forced him to do so” (Okin, p. 42)

This is one way to read Plato. But it seems to overlook both the spirit and content of
Plato’s arguments in both the Republic and the Laws. In the Republic, Book V, the
emancipation of women comes as a result of a proper distinction of the many and varied
meanings of phusis. Socrates arrives at his conclusion that women may serve equally with men
because of the nature of their souls. I suggest that the dismantling of the family follows as a
result of discovering the capability of the soul. Socrates did not begin with the dismantling, but
rather began with a metaphysical view of the soul and then proceeded to make both ethical and
political applications. The political arrangement of the family follows from the ordering of the
soul in the Republic. In the Laws, returning women to the family during the child-bearing years
seems to follow from an economic necessity rather than a fundamental re-evaluation of the
asexual soul. This shift in the political arrangement of the family does not have to be the result
of a shift in metaphysics. It appears that this return to the traditional family arrangement is

later.

Okin’s claim is: “Despite all his professed intentions in the Laws to emancipate women and make full use of
the talents that he was now convinced they had, Plato’s reintroduction of the family has the direct effect of
putting them firmly back into their traditional place” (Women in Western Political Thought, p. 50).
motivated by some sort of necessity, economic necessity being the most easily recognized.

Okin’s second criticism raises a “deeper and more troubling worry” according to Bobonich (Bobonich, p. 388). This has to do with the reinstatement of private property. “The reinstatement of private property, one of the most far-reaching differences between the Laws and the Republic, brings with it in the same paragraph the reintroduction of marriage and the family” (Okin, p. 44; cf., Laws 740a). Bobonich’s characterization of Okin’s concern is that women are repositioned as property, lose their autonomy and their access to full participation in political and social life (Bobonich, p. 388). Bobonich appeals to Trevor Saunders for his response to this objection. “The right question is not, ‘Did Plato intend women to hold office in Magnesia?’, as if the answer had to be disjunctive yes or no, but ‘Would he have intended it, once convinced it was feasible?’ On his own functional and pragmatic premises, he would surely have regarded any state in which women hold major office successfully as a better state than one in which they do not” (Bobonich, p. 388-9; quote from Saunders, p. 604).

Bobonich suggests two possible reasons for the equivocation. “First, the attitudes that the colonists - both male and female - bring with them are quite unfriendly to such innovations.” Second, Bobonich suggests that attitudes among Magnesians will change as they are educated in under the new laws, resulting in a more equal status for women. “We can accept the somewhat equivocal nature of the evidence from the Laws without undermining Plato’s commitment to his programmatic and theoretical remarks” (Bobonich, p., 389). Okin’s complaint about the reinstatement of private property must be acknowledged fairly. Private property, reinstitution of marriage, family, and inheritance laws are a fact in the Laws and are a major shift from the arrangement of the Guardians in the Republic.

On my reading of the Laws, the issue of private property is part of a larger question of distributive justice. In the Laws distributive justice might be separated into two categories on my reading: real property and intangible property. Real property includes real estate, tools,

machinery, and resources needed to fulfill one’s economic support and occupation - most were destined to be farmers in Magnesia. Intangible property includes honors, offices, and other distributions. It appears that women *qua* female could not own property. If a daughter inherited property it appears that the daughter had to be married to receive the inheritance. Okin’s complaint has merit on this point. In the economic arrangement for Magnesia private property and the traditional family forms the organizing unit. But it does not follow from a shift in the economic or organizing arrangement that Plato shifted his idealistic view of equality between equally competent men and women. It only follows that Plato saw some need to change the political arrangement based on some necessity, perhaps economic, perhaps political, or possibly just simply too stout a resistance to his revolutionary arrangement in the *Republic*.

On the other hand, it appears that in Magnesia women could receive offices and the intangible benefits inherent in those offices, just as men would. Intangible distributions were made, not on the basis of wealth - i.e., one was not chosen for intangible distributions on the bases of riches which were tied to men - but on the basis of performance with respect to the law. In matters of intangible property, it appears that equal souls, whether male or female, were recipients of equal distributions, with the noted exceptions of the Nocturnal Council and Guardians of the Law. Here, it appears, that Plato continued his idealistic view of equality from the *Republic*.

The pertinent question now is whether Okin’s criticism concerning private property and return of women to a traditional role undermines my claim that the ideal equality espoused in the *Republic* continues theoretically in the *Laws*, albeit with some accommodation to economic and conventional pressures, or some unknown motivation. Okin’s argument implies that the return of private property incarcerated women in a traditional role from which they had been freed in the *Republic*. My response is that Okin’s criticism does not undermine my claim for two reasons.

------------------------------------

126 *Laws* 802a “Men and women who have shown conspicuous merit should qualify for all these honors without distinction of sex” (Saunders, tr.).
First, the return to private property in the *Laws* imposes limitations which had formerly been removed from the Guardians in the *Republic* on both women and men. In Kallipolis men who were selected to serve as Guardians were relieved of any responsibilities of property, marriage, children, inheritance, family, turning a profit from farming or other occupation. Women chosen as Guardians were likewise relieved of any responsibilities of property, marriage, children, inheritance, family, turning a profit from running the household and other occupational chores. In Magnesia both men and women were saddled with certain responsibilities and held accountable from which they had been relieved in Kallipolis. Men now were responsible for the productive operation of their farm. To drop below a certain threshold of economic prosperity was to be fined, or worse, lose one’s property. If Okin’s complaint is to be fully considered it must take into account the return to traditional responsibilities and loss of freedoms for men also.

Second, it must be observed that the limitations imposed upon women with respect to confining themselves to their homes during child-bearing years was temporary and not a permanent condition, signalling an accommodation to the female biological nature, not a re-assessment of the quality of their souls. For those women who qualified, service in the public sphere was equally available once the child-bearing years were past. It does not follow from the fact that economic considerations imposed limitations on females or males that equality is lost or reversed. All the impositions imply is that some necessity in Magnesia pushed Plato to restore traditional conditions that had been removed from the Guardians in the *Republic*.

Given these two considerations, it seems that neither of Okin’s arguments considered here undermines in any far reaching sense my claim that Plato’s idealistic view of equality continued in the *Laws*. What must be conceded to Okin is that Plato made compromises to his idealism. But as much as his compromises affected women they affected men also. Thus a claim that Plato penalized women by returning them to a traditional role with the implication that men were excused from any penalty must be disallowed. In this light, one might assert that both women and men were equal partners in the economic and political re-structure in
Magnesia.

**Summary**

The question guiding this chapter is primarily a question of continuity from the *Republic* to the *Laws* on the question of equality. In Chapters Six and Seven, I have offered portions from the *Laws* text itself as argument that there is a discernible level of continuity between the *Republic* and the *Laws* on the question of equality. I have woven together five strands of argument to make the case for continuity. Those five are: (1) the evidence of *nomos - phusis* language (pp. 143-152); (2) the problem of deriving ethics from *phusis* (pp. 152-154); (3) a metaphysical conception of the soul (pp. 154-160); (4) ethics as applied to the soul (pp. 160-166); and (5) the equality of souls (pp. 168-187). With respect to (5) it must be observed that there is no argument for the asexual nature of the soul and that the argument for pure equality based on the asexual soul is modified in the *Laws* to accommodate contingencies necessary in settling for the second-best constitution. It is noteworthy, however, that settling for the second-best constitution still offers optimism for moving away from the status of being only half a nation.

The most surprising finding, however, is the clear and tenacious presence of the Equality Argument continued in the *Laws*. The fact that the Athenian found it necessary to redraw the equality boundaries as drawn in the *Republic* in no way diminished his commitment to the equality proposal in the *Republic*. In fact, it seems that in the essential argument running through the *Laws* for the way legislation *ought* to be, the Equality Argument of the *Republic* is still being argued with ground given up only where the hold of conventionalism dictated, and that accompanied with grumbling. That is to say, Plato’s conception of equality for the good of the State did not die in the *Republic*. It was, however, politically conceded in the *Laws.*
My interest in Plato’s Equality Argument in the First Wave was not awakened by a full-blown theory or explanation. After I had heard it presented a few times (I was a repeat Teaching Assistant) in the fall lecture class for undergraduates on Moral and Political Ideas by Professor Jost, and had read it a few times, my interest emerged as a bewilderment: why would anyone embrace Plato’s preposterous proposal to dismantle the family, take away all private property, and quarantine the ruling elite in a communal-style operation? I was especially confounded as to why the best and the brightest - the ruling elites - would buy into such a scheme. It was walking from just such a lecture a few years ago that I was ensnared by my bewilderment. Later, with spring came Professor Cuomo and contemporary Moral and Political Ideas and an introduction to feminism (I was a repeat Teaching Assistant in her class also). In time, this catalytic combination of Plato’s Equality Argument and competing feminist views of Plato captured me.

I did not begin my inquiry with an hypothesis. I began with questions. What is the basis for Plato’s equality claim? When I saw the conflicting arguments by feminists I began asking what kind of argument is this, anyway? As my research broadened it was but a natural step to
follow the debate to the *Laws*, inquiring into whether Plato carried his egalitarian view in the *Republic* over into the *Laws*. In time I formed an hypothesis. Plato’s EA is built upon his metaphysical conception of the soul. In this inquiry I have not investigated his whole conception of the soul. Some aspects have been assumed: the immortality of the soul, its autonomy, and independence as an entity are assumed. What I have investigated is the relationship of the soul to sexual difference. In saying sexual difference, however, I do not mean sexuality with any connotation of sexual practice or behavior.

I argue that my hypothesis is an accurate description of Plato’s Equality Argument. The foundation upon which Plato makes his claim of equality between male and female Guardians in the *Republic* is his metaphysical conception of the soul in its relevant aspects. The relevant aspects are these: the soul is the source and location of all intellectual activity as well as the source of motion and life. The soul is asexual - a living, reasoning, life-producing entity the soul is without a sexual nature. The asexual soul incarnates physical bodies. Physical bodies are marked by the presence of a sex nature, either male or female. For Plato’s argument in the *Republic* the presence of female or male sex nature is irrelevant to Guardianship. The physical differences between females and males simply has no consequential bearing on the functions of the soul which are crucial to Guardianship.

From the myths and related material I conclude that Plato held to a theory of the origin of souls in which all souls originated at the same time and in the same manner, and that all souls were endowed with equal capacity, resulting in an ontological equality. All souls were originally pure and unsullied from any stains from the world of appearances. Each soul developed according to its own choices, education, and nurture.

After examining relevant texts regarding the requirements for Guardians, it is apparent that each requirement, outside of a requirement for physical competency - a requirement, which, upon a close reading, is itself intricately related to the performance of the soul - all other requirements are directly under the control of the *logistikos*, the calculating part of the soul with the harmonious assistance of the *thumos*, the spirited part of the soul. All else in Plato’s EA
follows from this beginning point: the equality of asexual souls. Once the asexual soul was established and confirmed as the basis for Plato’s equality claim, the next question followed especially in light of conflicting views from feminists philosophers and commentators. What kind of argument is Plato’s EA? Here my research took a fascinating turn it began to dawn that Plato’s Argument is not an isolated argument but, rather, that it fits into a sweeping discourse that lasted for nearly two centuries in ancient Greece.

The nomos - phusis antithesis, or opposition, developed into what looks to be a full-fledged discourse, employing terminology, rhetoric, and especially, a distinct polemic. This discourse developed a polemical style in which nomos was opposed to phusis or vice versa. The discussion did not proceed in the sense of a collaborative effort to reconcile two diverse ideas: it proceeded in the style of a debate in which the participants stand on one side or the other and polemicize against the other. This is crucial to understanding Plato’s entry in the debate. Plato entered a polemical debate in which he refused to take sides with the existing parties, instead sculpting out a third position that offered the promise of some reconciliation to the two warring poles.

It is my perception that Plato’s entry, in this case his Equality Argument, cannot be understood fully apart from locating it in this polemical debate between nomos and phusis and realizing that he took sides with neither party. Plato argues that neither nomos nor phusis as presented by the contemporary polemicists is sufficient to account for human nature. For a sufficient accounting of human nature one must understand the nature of the soul both in its incarnation in a physical body and its ontological nature as the source of pure reason. On Plato’s argument, when the soul is perceived in its true nature - as the source of pure reason - and consulted for its true wisdom - as the source for understanding the material world in light of the world of reason and Forms - then, and only then, do we come to understand how to order our ethical thoughts and our political institutions.

Plato’s claim is straightforward: neither nomos nor phusis alone can justify one’s view of the world. If we appeal to phusis it must be a view of phusis that derives from a proper
understanding of the soul. If we appeal to nomos it must be a set of nomoi that derive from the pure reason of the soul. Whether we follow phusis or nomos, our course must be grounded in the veracity of pure reason known through and by the soul. It appears that no ancient thinker was as decisive as Plato in his prescription for understanding the world. This is not to say that Plato was correct. It is only to say that he stands distinct among all others. Antiphon, for example, has a clear and distinct position: satisfy nomos when you must in public, but always and only serve phusis. Callicles was clear and distinct: The nomos of phusis rules. Euripides was intense in his examination of human character (phusis).

What is the answer to the question of what kind of argument this is? The answer is not easy. Some argue it is ethics, some politics. I argue it is all of the above: ethics, politics, metaphysics, but most of all, it is a comprehensive answer to, not merely the question of where women fit, but rather Plato’s answer to where the soul belongs in the ordering of our world. I read the Equality Argument as an ethical and political application of Plato’s metaphysical conception of the soul, the source of pure reason. Once the soul is in place, all else follows in ethics and politics. If one argues, such as myself, that Plato promoted this distinct view with tenacity, then one would expect that such a view would persist in other writings, the chief test of which would be the Laws, because it was his last and, perhaps, most important. This, then, became the focus of my third question. What happens to Plato’s metaphysical conception of the soul in the Laws? Does it persist or is it jettisoned for something better? I conclude that Plato never ceased to promote his metaphysical conception of the soul, certainly he did not drop it from the Laws. I argue that there is sufficient evidence in the Laws to see a continuation from the Republic to the Laws of his view of the soul and equality.

The Laws, however, presents a special problem in tracking this continuity. Plato reverts back to the organizing principle of private property. With the return to private property it looks like he returns women to a status of private property. I conclude that, on the one hand, Plato did not, in his Laws, give up his idealistic view of equality as represented in the Republic for the Guardian class; but, at the same time, in returning to private property, with its entailments of
family, marriage, inheritance, and state interest in property, he compromised his organizational principle. By organizational principle I mean private property as a way of organizing the material conditions of citizens in Magnesia for the most just society possible under prevailing conditions.

This shift in organizing principle represents a compromise of some sort. I don’t think we know exactly why Plato made the compromise. It seems to me that there are two underlying reasons for this compromise. First, the Athenian is clear that this proposal is second-best and necessary because the citizens of Magnesia are not ready for the first-best, meaning I take it, his egalitarian proposal as given in the *Republic*. Second, Plato is intent on providing a constitution that is just, including distributive justice. I read the *Laws* to argue that, given the necessity of property - property being the means of material sustenance - and given the improbability of the ideal organization, this is the best he could offer for a distributively just society.

In other words, I conclude that the return to private property is not a theoretical repudiation of the Equality Argument in the *Republic*. Return to private property is an economic compromise, but it does not entail a repudiation of equality. Rather, I conclude, the many sweeping and revolutionary provisions for women to have equal access to almost all of the offices of Magnesia along with his repeated references to his acknowledgement that Magnesia’s constitution is not first best but second best are two distinct signals that Plato still held his metaphysical conception of the soul with its equality in place. In the end, however, it must be admitted that the *Laws* presents a weakened version of the equality I have argued for in the *Republic*. However, weakened does not mean eliminated, nor weakened as a result of theoretical degeneration, but as a result of a necessary compromise.

The argument offered herein is not offered as an ethical or political argument, nor as a feminist or anti-feminist argument. It is not offered as a polemical argument, although at times it may sound that way. It is offered as an investigation into how Plato was thinking when he argued that women are as equally competent to serve the *polis* as men, and that their natural sexual differences do not disqualify or diminish their capacity in any consequential respect.
It is offered in the spirit of David Cohen. Cohen suggests that the political environment in England in the early twentieth-century, when and where women did not have the right to vote, influenced much of the scholarship on the *Republic* and the *Laws*, and especially in the downplaying of the broad access women were given to the public sphere in the *Laws* since such information might have made some British scholars uncomfortable.

In reference to the “constitutional democracy based upon universal suffrage” he sees in the *Laws*, Cohen says, “One could here begin to question what relationship such a political vision has to totalitarian theory, but the real point I wish to make is that the application of labels like ‘totalitarian’, ‘feminist,’ ‘misogynist’, or ‘liberal’, is likely to inhibit rather than advance our understanding of Plato” (p. 39-40).

It is my hope that this inquiry serves to advance understanding of Plato’s argument in some small way, and thus contributes to greater intellectual agility in grasping and addressing the ancient problems that still persist.
BIBLIOGRAPHY


Hajistephanou, C. E. *THE USE OF ΦΥΣΙΣ AND ITS COGNATES IN GREEK TRAGEDY WITH SPECIAL REFERENCE TO CHARACTER DRAWING*. Nicosia: Cyprus, 1975.


