

## *Family and the question of women in the Laws*

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Unlike the *Republic*, which expresses the ideal of an aristocracy of philosophers, that is, essentially the ideal of rule by the most intellectually talented members of the upper classes, the *Laws* offers a more traditional paradigm of conservative agrarianism, principally founded on the time-honored model of the Greek soldier-farmer.<sup>1</sup> This farmer is the citizen who serves his city economically by ensuring that his plot remains productive and militarily by serving in the army as a heavy infantryman (*hoplitês*). In all likelihood, some of the citizens of the *Laws* are leisured landlords and some self-sufficient but not excessively wealthy farmers regularly toiling on their own land.<sup>2</sup> The conservatism of both groups informs much of the thinking of the *Laws* on social issues.<sup>3</sup>

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<sup>1</sup> The philosopher-rulers of the *Republic* cannot possibly come from the lower classes of working citizens, because in the *Republic* Plato clearly states that manual labor deforms and ruins the soul (495d8–e2, 590c2–6). This entails that, in terms of the correspondence between Plato's classes and classes in the real world, the status of the philosopher can only be achieved by leisured individuals.

On the role of the *hoplitês* in the social history of archaic and classical Greece see Hanson (1995). On the idealized notion of Athens as a city of *hoplitês* see Vidal-Naquet (1968: 161–82); Loraux (1986: 155–71).

<sup>2</sup> This is the view of Morrow (1960: 152) and Stalley (1983: 102, 110). Bobonich (2002: 389–91) argues that all citizens should ideally be leisured because otherwise they may not be able to achieve the standard of virtue that Plato sets for them, but concedes that "if external circumstances are unfavorable," they may "reduce the time available for non-economic activities" (p. 391).

<sup>3</sup> By conservatism I mean a political philosophy which promotes traditional social, cultural, and religious values and regards any change to these values as deterioration. In addition to the issues discussed in the text, the conservatism of the *Laws* is evinced in a number of other features of the dialogue. One prominent example is the gerontocratic spirit which permeates the whole work, age being a qualification for the most important offices in the city (755a, 765d, 946a, 951e, 961a; on gerontocracy more generally see 634e, 658d–e, 659d–e, 665a–d, 690a, 715c–d, 754c, 762e, 879b–880c, 917a–b, 931d–932d, 950d). Other examples are Plato's insistence that no changes should ever be introduced in art (656d–657b, 798e–799c) or in children's games (797a–798c), his emphasis on absolute obedience to one's military commander (942a–d), and his statement that "the intermingling of cities ... would bring the greatest of all injuries" to "the cities that are well governed," because "strangers produce innovations in one another" (949e–950a).

It is in the framework of this conservatism that the family structure espoused in the *Laws* can be best understood. The formal prerequisite for citizenship is membership in one of the city's 5,040 households (*oikoi*).<sup>4</sup> In making membership in the *oikos* the basic criterion for citizenship Plato follows a long and almost universal Greek tradition.<sup>5</sup> The household was the fundamental social and (to a large extent) economic unit of the Greek world.<sup>6</sup> Aristotle understandably treats it as the first social structure out of which the city (*polis*) eventually emerges (*Politics* 1252b9–10).

In addition, the treatment of slaves that Plato prescribes in the *Laws* is harsher than the normal Athenian practice of his time (this is the conclusion of Morrow 1939, which remains the classic study on the subject); and, in unions of mixed status, the child always gets the lower status (for example, the offspring of a citizen man and a slave woman will be a slave).

The treatment of homosexuality in the *Laws* is also characteristic of its conservatism. As a rule, upper-class Greeks adopted one of two attitudes toward pederasty: a more liberal one, involving provisional acceptance, but with emphasis on the spiritual/pedagogical side of the relationship as opposed to the sexual one; and a more rigid one, involving its unconditional condemnation. Despite having provided a brilliant defense of the former attitude in the *Symposium*, in the *Laws* Plato unreservedly endorses the latter (636c, 836c–e, 838e, 841d).

<sup>4</sup> In order to remain an active citizen one must, of course, fulfill the regular obligations of citizenship, such as completing the educational curriculum and the military service required by the city. In 753b Plato explicitly makes voting rights dependent on bearing or having borne arms.

<sup>5</sup> Plato departs from this tradition in the *Republic*, where the abandonment of the individual family means that the Guardians are not members of particular households. At another level, however, it may be claimed that Plato creates a single *oikos* of which all the individual Guardians, male and female, are members: noticeably, the affection normally reserved for members of one's immediate family is now transferred to the whole Guardian class (463c–d, 465a–b, 471d; cf. also the *Republic*'s recapitulation in *Timaeus* 18c–d).

<sup>6</sup> It was assumed for a long time that the rise of the *oikos* based on the conjugal family superseded the older kinship organization known as the *genos* and that this development was essential for the emergence of the democratic city, because the aristocratic *genē* helped the upper classes consolidate their political domination of the masses. This was the view of De Coulanges, Glotz and Gernet (for references see Lape 2002/3: 128 n. 48). Nevertheless, there is no compelling reason to think of the *genos* and the *oikos* as incompatible, and this position has now been all but abandoned. On the other hand, it is true that the democratic city used a variety of devices to make the aristocrats transfer their loyalty from the *genos* to the city as a whole. These devices included the institutionalization of the *liturgies*, by which the rich offered part of their resources to the whole community rather than to a few friends (see Johnstone 1994: 223), the replacement of the ideology of *habrosyne* – which entailed the private enjoyment of luxurious goods – with the egalitarian ethos of the democracy (see Kurke 1992: 103–6), and the channeling of aristocratic competitiveness toward winning the goodwill of the demos. As Ober (1989: 333) puts it, under democracy “the continuing strength of the aristocratic code of competition and *philotimia* served the interests of the democracy.” Despite the fact that Plato has no sympathy for democracy, he clearly wishes the allegiance of all citizens, including the richer and most powerful, to be to the city rather than to other native or foreign families. His attitude can be explained by two factors. On a formal level, Magnesia is a colony and has no traditional aristocracy of birth. On a more substantive level, the nexus of intra-family relations typified by structures like the *genos* not only united the aristocracy, but also divided it between alliances of families competing for political power. It is precisely this intra-aristocratic strife that Plato tries to arrest in the *Republic* by abolishing the *oikos* for the Guardians and thus transferring their undivided allegiance to the city.

The land of Magnesia is divided into 5,040 parts to be distributed by lot, one to each head of a family coming into the colony (737c). These parts must be of roughly equal productive capacity (737c, 745c), a provision which promotes citizen equality, but is also in accordance with the standard Greek procedure of land distribution when founding a new colony.<sup>7</sup> More innovative is Plato's requirement that all lots should be divided into two parts, one close to the city and one further away. This is an interesting arrangement, also followed by Aristotle in his ideal city of the *Politics* (1330a 14–16). Although obviously difficult to implement, it aims at achieving two goals: obliterating the difference between city and country, which was a factor in the politics of many Greek cities, including Athens, and again promoting citizen equality by making sure that all properties are roughly equidistant from the psychologically important center of the city.<sup>8</sup>

The model of land-ownership that Plato follows in the *Laws* is based on the premise, commonly accepted in the classical Greek world, that only citizens may possess land. Despite occasionally granting the right of land ownership (*egktêsis*) to metics or freed slaves, most Greek cities reserved this right solely for citizens.<sup>9</sup> Actually, according to one theory about the emergence of the classical polis, the polis comes about as an association of land-owners excluding other groups from political participation.<sup>10</sup> But despite the fact that Greek cities generally reserved the *right* to land-ownership for their citizens, a crucial difference existed between oligarchies and democracies: the former restricted citizenship to those actually owning – mainly landed – property, whereas the latter did not. As Josiah Ober puts it, talking about the Athenian democracy, one of its fundamental characteristics was “the disjunction of property ownership from political participation.”<sup>11</sup>

<sup>7</sup> The distribution of plots of land of equal value has been associated with Sparta, but, as Hodkinson (1986: 383) remarks, “[t]here is ... no suggestion of equality of landholding in any of the historical sources from the sixth century down to Aristotle.” It is therefore unclear whether Plato would associate such equality with the Spartan constitution.

<sup>8</sup> Charbit (2002: 224) remarks that “[d]ividing each plot in two parts and distributing them in such a way that no citizen will be nearer the center of the city than any other will prevent serious conflict.” On the political significance of the *meson*, the middle or center of the polis, see Vernant (1982: 47–8, 125–6); Ophir (1991: 19–20). The fact that all properties in the *Laws* are equidistant from the center of the city becomes even more important if we take into account that no mention of such a center is to be found in the *Republic*. In their classic study of civic space in ancient Greece, Lévêque and Vidal-Naquet (1964: 134) explain this feature by characterizing the *Republic* as “utopia in its purest form.”

<sup>9</sup> Sparta is the one anomaly to this rule. The Spartans allowed metics to legally own and freely dispose of land in Lacedaimon.

<sup>10</sup> This theory was particularly popular in the nineteenth century AD and accepted by, among others, De Coulanges and Engels.

<sup>11</sup> Ober (1989: 194).



In the *Laws*, Plato not only rejects the idea that citizenship may be conferred on individuals without landed property, but makes the two groups, landholders and citizens, absolutely co-extensive: the citizens of the *Laws* not only have the right to own land in abstracto, but are actually citizens by virtue of belonging to a landowning family.<sup>12</sup> According to this criterion, then, Magnesia is an oligarchic city.

In making membership in a landholding family and citizenship co-extensive, Plato follows a Spartan precedent. Although, as we shall see, the philosopher draws much of his inspiration from pre-democratic Athens, some of the arrangements of the dialogue come from the traditions of Crete and Sparta, the two political systems universally admired by Greek conservatives. Dramatically, Sparta is represented in the dialogue by Megillus and Crete by Cleinias.

In the case of Sparta, because of the constant menace of a revolt by the helots, the initial lot-holders transformed themselves to a professional army and, as Paul Cartledge succinctly puts it, “‘hoplite class’ became synonymous with ‘citizen-body’.”<sup>13</sup> By instituting an absolute coincidence between citizenship and membership in a landowning family, then, Plato adheres to an oligarchic political principle.

Other elements of the *Laws* probably inspired by Sparta include Plato’s educational system and the citizens’ common meals, the *syssitia*. The educational system of the *Laws* shares a fundamental attribute with the Spartan one: it is universal and mandatory (804d–e). Plato develops this system in considerable detail (788a–822d). It begins with pre-school education at the age of three and ends at sixteen, after which some form of military service probably follows.<sup>14</sup> Plato is categorical about the importance of education, and the position of the minister of education (*paideias epimelêtês*)

<sup>12</sup> Morrow (1960: 106–7) spends some time discussing whether the land is privately owned or belongs to the state, but the question is redundant. Despite Plato’s rhetorical claim that everybody’s property belongs to their clan (*genos*) and the city (923a; cf. 740a), it is clear that the land belongs to the *oikos* and its head controls it not as an individual but as the *kyrios* of the household. This is why he is not free to dispose of it as he pleases. Although this notion may appear strange from the point of view of modern liberalism, it was probably fairly uncontroversial in Plato’s time. Brunt (1993: 279) thinks that the provision that the estate may pass outside the family if the lot-holder does not institute an heir is “one of Plato’s most radical deviations from normal usage, surely unacceptable to most Greeks,” but this is an overstatement. Solon had already made this possible 250 years before the writing of the *Laws*, and Plato’s principle is clear: land should remain in the hands of citizens, and since only one son inherits, in the case that there is no heir apparent for a lot, it is reasonable for this lot to be reallocated to the second or third son of another family. This does not constitute state ownership, because at no stage does the land belong to the state and the eventual occupant neither buys it from the state nor pays rent. Actually, Plato explicitly prohibits confiscation by the state (855a).

<sup>13</sup> Cartledge (1977: 27).

<sup>14</sup> Plato does not specify this, but, as Stalley (1983: 132) suggests, it is a reasonable inference from the text.

is the most important officialdom in the city (765e), surpassing both the Guardians of the laws and the members of the Nocturnal Council.<sup>15</sup> His system has one substantial difference from the Spartan educational system, known as *agogê*, in that it does not aim only at developing physical strength and military skills, but it still has in common with it the fact that it is organized and absolutely controlled by the state. Moreover, although it is not true that individual reflection is prohibited or even necessarily discouraged in the *Laws*, the fact remains that by creating a universal and mandatory educational system Plato takes away from the parents the prerogative of controlling their children's education.<sup>16</sup> This raises the problem of how collectivist institutions like a state-controlled education may be reconciled with the fact that the *oikos* is the elementary social unit of Magnesia.

The same problem is posed by the other major Spartan institution that Plato introduces in the *Laws*: the common meals (*syssitia*) for men and women (762b–e, 780b–781a).<sup>17</sup> Female *syssitia* is of course an extraordinary proposal, which will be discussed below. But even the existence of men's common meals in Magnesia raises questions of interpretation. First of all, it is unclear how practical the measure may be in a community of small farmers, who live in their own individual houses. Even with moderate-size farms, the distance between these houses will not be negligible given fourth-century BC transportation means, and getting together every evening to dine could be physically demanding, especially if some citizens engage in physical labor on their farms during the day. This is a real difficulty, and David's suggestion of "a large number of *syssitia* in the neighborhood of the farms"<sup>18</sup> would alleviate but not solve it. Essentially, the

<sup>15</sup> The Nocturnal Council should not be interpreted as a behind-closed-doors super-government of Magnesia. See Morrow (1960: 510–13); Bobonich (2002: 408); Samaras (2002: 285–304). The opposite view is held by Klosko (1988) and Pangle (1980: 493).

<sup>16</sup> Bobonich (1996: 273) is right when he argues that in the *Laws* there is "[a genuine tension] ... between encouraging citizens to develop good grounds for their ethical beliefs and guaranteeing that they arrive at, and retain, true ethical beliefs." Moreover, the preambles to the laws are directed to the rationality of the citizens (see Bobonich 1991 and Laks 2007), which is an indication that Plato thinks of those citizens as rational beings able to make up their own minds. Further, in his metaphor of the free and the slave doctor (720a–e), Plato underlines the superiority of the former, who explains the medical situation to the patient and tries to persuade him, to the slave doctor, who only gives orders. It is clear, therefore, that he allows some moral and intellectual autonomy to Magnesians.

<sup>17</sup> Common meals were not unique to Sparta, but existed also in Crete. The difference between the two is that in Sparta each citizen contributed individually toward these meals, whereas in Crete they were paid for by the state (Aristotle, *Politics* 1271a28–30, 1272a13–21). Since the *syssitia* of the *Laws* will be supported by individual contributions, it is reasonable to assume that Plato's model on this point is Sparta. But cf. also 842b, which is discussed in the text below.

<sup>18</sup> David (1978: 490 n. 16).

problem stems from the fact that *syssitia* is an organization created by and appropriate for a small “militaristic” leisured aristocracy, but hardly suited to the lifestyle of individual farmers only occasionally taking up arms. On top of that, there is a clear tension between common meals and the individual family. Although David rightly points out that the two coexisted in Sparta, there can be no question that the existence of *syssitia* was an important part of a whole nexus of collective institutions which decisively diminished the social role of the household.<sup>19</sup> As David Schaps puts it, “[i]n Sparta military and quasi-military communal organizations fulfilled many of the functions of the family, so that the family was correspondingly weaker.”<sup>20</sup> The tension, therefore, between the *syssitia* and the *agōgē* on the one hand and the *oikos* on the other is real. Can it be resolved in the framework of the *Laws*?

The answer is, in my opinion, that Plato sees the former two as institutions which augment virtue, friendship, and uniformity of belief among the citizens.<sup>21</sup> From this point of view, they both play an important political role by strengthening common values and ideas and therefore checking the potentially destructive individualism promoted by the existence of the *oikos*. In the *Laws*, Plato concedes that the common possession of goods and the dissolution of the individual family of the *Republic* is not feasible in a colony inhabited by ordinary people. He still regards these arrangements as the best absolutely (739a and e), but probably beyond what is achievable by humans: the common possession of women, children, and property of the *Republic* can only come about in a city “inhabited ... by gods or children of gods” (739d6–7).<sup>22</sup> The *agōgē* and the *syssitia* can therefore be interpreted as attempts to bring the society of the *Laws* closer to the ideal of a polis in which all particular interests are abolished and, in consequence, universal ideological uniformity can be achieved. But whereas a state education with strong emphasis on uniformity and the institution of common meals squares perfectly well with the common possessions of the two higher classes of the *Republic*, they are obviously harder to reconcile with the concept of a society composed of individual *oikoi*. Actually, it is not an accident that Plato never specifies the precise

<sup>19</sup> David (1978: 490–1). <sup>20</sup> Schaps (1998: 184).

<sup>21</sup> The Spartan *syssitia* had a reputation for being frugal, as implied by Plutarch, *Lycurgus* 12 (cited by Morrow 1960: 390 n. 329) and *Lycurgus* 10, and could therefore be seen as particularly promoting moderation (*sôphrosyne*); cf. Bobonich (2002: 377). The educational system of the *Laws*, on the other hand, explicitly aims at promoting all the virtues. As for the role of *syssitia* in promoting civic friendship, see Aristotle, *Politics* 1313a39–b6, with the comments of Kraut (1997: 110).

<sup>22</sup> All passages of the *Laws* cited are in Pangle's (1980) translation.

form that *syssitia* should take in Magnesia. In an often-quoted passage in 842b, he writes:

we're now just about at the point where the common meals have been set up. We assert that elsewhere this would create difficulty, but that in Crete nobody would suppose there ought to be any other arrangement. As to the way they are to be organized – whether as they are here or as they are in Lacedaimon, or whether there is yet some third form of common meals better than both of these two – I don't think it's a very difficult matter to figure out, and no great advantage is to be had by figuring it out: they're well arranged now.

Downplaying a problem, however, is not the same thing as solving it. Plato implies that the *syssitia* of the *Laws* will be different from both the Spartan and the Cretan version and explicitly claims that little is to be gained by a detailed exposition of how they will function in Magnesia, probably implying that a well-organized society of good citizens will be able to work this out easily. Similarly, in 783b–c the Athenian Stranger promises to give a detailed account of how *syssitia* will be organized in Magnesia, but the promise remains unfulfilled. Why? The unfinished state of the *Laws* has been suggested as the answer.<sup>23</sup> Nevertheless, as a singular response to this problem it is clearly unsatisfactory. Given that common meals are historically the product of a social organization completely different from that of the *Laws*, Plato's inefficacy in adequately explaining how they are going to be implemented, or how their compatibility with a strong *oikos* may be defended, can be treated as symptomatic of a tension which remains ultimately unresolved in the *Laws*.

But Magnesia does not have only similarities with Sparta. It also has essential differences: its citizens are colonists, not a conquering army. They employ chattel slavery, the usual practice in Athens and throughout most of the Greek world – they do not dominate a whole subject population.<sup>24</sup> Most of them toil on their own fields or at least manage them, unlike the Spartans, who were full-time soldiers. Moreover, in addition to Plato's unequivocal rejection of both helotage and militarism in Book I, most of Magnesia's individual laws come from the tradition of Athens and not of any other city, as Morrow has shown in great detail.<sup>25</sup> The use of the land prescribed in the *Laws* also fits the pattern of Athens before Plato's birth.<sup>26</sup>

<sup>23</sup> See David (1978: 492); Morrow (1960: 397).

<sup>24</sup> Plato notes that chattel slavery is preferable to the enslavement of a whole people, because it makes revolt much more unlikely (777c).

<sup>25</sup> Morrow (1960: 163–5, 182–6, 191–3, 195–8, 211–29, 232–3, 244–6, 254–61, 265–80, 284–96, 420–3, 470–7, 491–6).

<sup>26</sup> Morrow, (1960: 108–10).



Finally, there is one more crucial consideration suggesting that Plato's inspiration comes more from an earlier-day, pre-democratic Athens than it does from Sparta: the concept of the "mixed constitution,"<sup>27</sup> which is introduced in 756e and which constitutes the fundamental political principle of the *Laws*, was in the mid-fourth century BC identified with the Athenian "ancestral constitution," a romanticized version of the Athenian past before Cleisthenes or even before Solon.<sup>28</sup>

All this means that Plato's attitude toward the family in the *Laws* is informed by two separate traditions: first, an Athenian one, which entails a society composed of private *oikoi* – more or less the norm in the Greek world; second, a Dorian one, including several collective institutions restricting the social role of the household. But the fact that, even when adopting the Athenian model, Plato moves far beyond his contemporary Athens, to the "ancestral constitution," means that both the Spartan and the Athenian models that he endorses are inherently conservative.

In this conservatism Plato goes even further than fourth-century BC Athens and Sparta. He espouses two rules which hardly existed in Greece in his own lifetime: the inalienability of land and its inheritance by a single son.

The question of the inalienability of land in archaic and classical Greece is a complex one, to which the extant evidence does not permit a definite answer. In the fourth century BC land was alienable, that is, it could be sold and transferred outside the family, in both Sparta and Athens. Was there a time when it was legally forbidden or practically impossible (due to, for example, custom and strong social pressure) for this to happen? There is some evidence that this may have been the case in both cities. For Sparta, we know that in the fourth century BC there was a concentration of land in very few hands, which led to a serious lack of fighting men, and Plutarch mentions a decree of Epitadeus in the early part of the century which made it possible to bequeath land as a present, effectively making

<sup>27</sup> Plato never uses the term "mixed constitution" (*meiktê politeia*), but the concept is clearly formulated in 756e.

<sup>28</sup> For the identification of the two concepts see the references in Samaras (2002: 262–3). In adopting the idea of the "mixed" and therefore by implication of the "ancestral" constitution, Plato flags his sympathy toward the "moderate" oligarchs of the Theramenian tradition, who were dreaming of a "mixed" constitution including the highest classes and the landowning farmers, but excluding from citizenship the propertyless Athenians who were enfranchised by the democracy. The more radical oligarchs, who were the staunchest admirers of Sparta, wanted a narrower constitution with more restricted citizenship. Plato's stern criticisms of Sparta, the fact that Magnesians are farmers rather than full-time soldiers, and the importance of the *oikos*, which ultimately overrides collectivist Dorian institutions present in the *Laws*, strongly indicate his preference for the "moderate" group.



it alienable. But Plutarch's two accounts of the Spartan system of land tenure, in *Lycurgus* 8.3–6 and 16 and in *Agis* 5.2–3, are inherently inconsistent and incompatible with Aristotle's analysis in the *Politics* 1270a15–b6.<sup>29</sup> Stephen Hodkinson argues that the alienation of Spartan land must have started in the mid-fifth century BC at the latest, and this is a plausible position which squares well with Aristotle and provides a satisfactory account for the lack of men (*Politics* 1270a33) of the next century.<sup>30</sup> A similar time framework is credible for the end of inalienability in Athens. As early as the 1950s John Fine pointed out that there is no evidence for the mortgaging of land before the latter part of the fifth century BC, and inferred that before that land in Attica was inalienable, a position also accepted by Morrow.<sup>31</sup> A good argument for the inalienability of land in ancient Athens is provided by the fact that just before Solon one had to mortgage his own freedom to borrow money, something which would not be the case if it was possible to borrow against one's land.<sup>32</sup>

Whatever the truth about inalienability, however, Plato's motive in adopting it appears clear enough. Since in the fourth century BC the transference of the family lot outside the *oikos* became a much more common occurrence than in earlier years, Plato's insistence on inalienability in *Magnesia* obviously demonstrates a desire to recapture a past in which such transference was much more unusual and in which the polis was firmly grounded on a citizenry consisting exclusively of self-sustaining farmers.<sup>33</sup> This desire to reproduce the conditions of a – real or imaginary – Greek past is evident in many features of the *Laws*, like the prohibition for citizens of manual arts and all non-agricultural activities. Such activities, Plato claims, are morally harmful to free men, but they also correspond to a more developed market economy. By legislating the absolute inalienability of land, Plato endeavors to achieve three objectives. First, he aims to secure the longevity of his system – and he is obviously right in that a system in which market forces are limited and agricultural production is

<sup>29</sup> See Hodkinson (1986: 378–86).

<sup>30</sup> Hodkinson (1986: 386). Cawkwell (1983: 390) and Lane Fox (1985: 221) argue that the lack of men (*leipsandria*) itself had already occurred in the fifth century BC, a view supported by Thucydides 5.68.

<sup>31</sup> Fine (1951: 167–208); Morrow (1960: 109–10).

<sup>32</sup> This leaves the whole period between Solon's reforms and the time of the Peloponnesian War unaccounted for, but given the lack of evidence for the sale of land outside the family during that particular era – Fine's *ex silencio* argument – and Finley's (1968: 27) acute observation that no real-estate market developed in Athens even in the fourth century BC, because people were still reluctant to sell their land, the case for inalienability is reasonably strong.

<sup>33</sup> On the frequency of the sale of land in the fourth century BC see Aristotle, *Politics* 1266b14–24, 1274b1–5, 1319a10–11.

the only source of citizen wealth will change much more slowly than one involving a more complex economy. Second, he tries to ensure the absolute co-extension of the landowning and the citizen groups, on which the aforementioned longevity ultimately depends. Since Plato follows the oligarchic model of making membership in a landowning family absolutely necessary for citizenship, any citizen losing his land would also lose his citizenship – precisely the situation in his contemporary Sparta. Third, Plato aims to prevent economic antagonism among citizens, an antagonism that would inevitably spill over into politics and threaten the social peace of Magnesia. But it is not simply the collapse of his social structure that the philosopher wants to prevent by employing inalienability. As Moses Finley points out, the latter could be crucial for the survival of a colony: “[n]ew settlements in sometimes hostile environments may well have introduced formal inalienability as a measure of self-preservation.”<sup>34</sup>

Whereas inalienability may indicate a desire to return to the past, unigeniture is a more radical measure, not so much philosophically as historically. What makes it unique is the fact that it goes against the universal Greek practice of dividing one’s land among all of one’s sons. In fact, as Robin Lane Fox observes, the *Laws* “is the only evidence for unigeniture in antiquity.”<sup>35</sup> The measure must have struck Plato’s contemporaries as more outlandish even than gender equality. Although historically unique, inheritance by a single heir serves a clear political purpose: it protects the overall socioeconomic structure of Magnesia by insuring that lots are not divided into so many parts as to become unviable. The problem in this case, however, is what happens to the sons who do not inherit.<sup>36</sup>

Magnesia’s social and economic structure could be threatened by either single or partible inheritance. In the former case, there could be a surplus of landless male citizens and it would be difficult to find plots for all of them. In the latter, lots could become too small to support a family, social inequality would potentially increase, and the advantages of having exactly 5,040 *klêroi* would be lost. Interestingly, Plato’s final response is to opt for the solution which goes against the universal Greek practice, but which is also the more conservative of the two.

Since unigeniture will achieve its aims only if the population remains relatively stable, it is no surprise that Plato puts some effort into addressing this issue. The need for population control is one of the principles informing the social policy of the *Laws*, including the laws pertaining to

<sup>34</sup> Finley (1968: 32).    <sup>35</sup> Lane Fox (1985: 211).

<sup>36</sup> Plato recognizes this difficulty and proposes some ways to deal with it (740c–741a).

marriage.<sup>37</sup> Officials responsible for these matters should keep in mind the overall aim of a stable population at all times. Ideally, there should be one male heir to each plot, and one daughter to each head of family to be married to the heir of another plot. But, as Plato knows, reality is never so neat. As a general rule, Magnesia's system could remain relatively stable if the number of adult male citizens about to inherit property throughout the city was close to the number of households, so that children of larger families could inherit the plots of childless ones through adoption. This measure, in slight variations, existed in both ancient Sparta and sixth-century BC Athens. But since it is very difficult to achieve such an equilibrium between plots and heirs, other solutions to both overpopulation and lack of citizens may eventually be needed.<sup>38</sup> The Athenian Stranger's response to the former is to propose sending citizens out to colonies (740e), an old Greek practice, but evidently an undesirable one. His reaction to the latter is to have new colonists come in (740e–741a), again an unsatisfactory solution, given that these new citizens will share neither the training in virtue nor the customs and traditions of the original settlers.

There is one more great menace to the stability of Magnesia. As the Athenian Stranger declares, "if ... the city must avoid the greatest illness, which has been more correctly termed 'civil war' than 'faction', then neither harsh poverty nor wealth should exist among any of the citizens" (744d). Plato decrees that any citizen acquiring movable property beyond four times the value of his lot and its equipment will have this surplus confiscated by the city (745a) and forbids any citizen to fall below this value (744e) – although it is not clear how unsuccessful farmers will be kept above that level.<sup>39</sup> The former measure intends to forestall the desire for wealth and possibly luxury, which Plato finds morally destructive.<sup>40</sup> The major device for discouraging the appetite for wealth is, of course, the inalienability of land. Inalienability means that no matter how rich a citizen of Magnesia may become, he will never be able to expand his productive capacity beyond his own plot, whereas poorer citizens do not

<sup>37</sup> 739e–741a, 783d–785a, 930c–d.

<sup>38</sup> It must be noticed that, given Plato's aversion to expansionism, gaining additional land at the expense of neighboring cities is absolutely out of the question. Plato appears to understand well that the need for imported food, and in particular grain, was at the root of Athens' imperialism. Magnesia's complete reliance on its native agricultural product means that it will not have to resort to such aggression.

<sup>39</sup> It is possible that Plato counts on both the inalienability of land and the relief provided by the *syssitia* to help to sustain them at this level. I am thankful to Robert Mayhew for pointing this out to me.

<sup>40</sup> The desire for luxury plays a big part in Plato's explanation of the decline of Persia (694d–e, 695d).

run the risk of losing the source of their livelihood. This socioeconomic policy is actually less improbable than it may appear to the modern reader, because in an agrarian economy like Magnesia's, and with any source of income outside of agriculture prohibited, it will be virtually impossible for any citizen to amass disproportionate wealth. Ambitious citizens will therefore have to channel their energy into public activities, thus promoting the common good rather than their economic self-interest. The *syssitia* reinforce this purpose as well. Plato's decree that no one should fall below a certain amount of property could be related to the situation in Sparta, where, as Aristotle notices, many Spartans lost their citizenship when they became unable to contribute to the meals.<sup>41</sup> On top of that, the *syssitia* obviously amplify citizen equality, by putting private wealth to public use. As Christopher Bobonich frames it, they are "[o]ne important way in which economic inequality is muted in Magnesia."<sup>42</sup>

In stark contrast to other parts of Plato's social theory which indicate a desire to resurrect or enhance older institutions, his position on women is, for the most part, groundbreaking and radical for his time.<sup>43</sup> This position has been the subject of endless controversy, with practically every thesis from full-fledged feminism to unmitigated misogyny attributed to him. Given Plato's explicit characterization of the *Laws'* social arrangements as "second-best" to those of the *Republic* (739c–e, 807b–c), the obvious starting point for any discussion of the subject is the *Republic's* famous argument that women can be Guardians. The question is what precisely is Plato's position in the *Republic*, and how does it change, if at all, in the *Laws*?

In the *Republic*, the crux of Plato's argument for the participation of women in government is that, although there are natural differences between the sexes, these are not relevant to their ability to govern. In 454d–e, he writes that

if men and women as a sex appear to be qualified for different skills or occupations ... we shall assign these to each accordingly; but if the only difference apparent between them is that the female bears (*tiktein*) and the male begets (*ocheuein*), we shall not admit that this is a difference relevant for our purpose, but shall still maintain that our male and female Guardians ought to follow the same occupations.<sup>44</sup>

<sup>41</sup> *Politics* 1276a16–26    <sup>42</sup> Bobonich (2002: 376).

<sup>43</sup> Aristotle calls this position "peculiar (*idion*) to Plato" (*Politics* 1274b9, translation Saunders).

<sup>44</sup> Translation Lee.

Although commentators tend to treat the different roles in reproduction as one example of the difference between the sexes, taken literally the text makes the stronger claim that this is the *only* difference between them. In any case, however, Plato's point becomes clear when we take into account what he writes in 454c: both bald and long-haired men can be cobblers, because the difference in hair has nothing to do with one's ability in this craft. By analogy, the natural differences between the male and the female have nothing to do with their ability to rule.

This ability, however, is not like any other art. It presupposes the capacity to achieve perfect knowledge, knowledge of the Forms, and to put one's soul right from a moral point of view. What Plato in effect argues here is that women can achieve full virtue and thus moral perfection.

The *Republic's* idea of a genderless virtue is not new in the Platonic corpus. It is foreshadowed by the Socratic concept of virtue in the early dialogues and argued for by Socrates in *Meno* 72d–73c.<sup>45</sup> Moreover, in the context of Plato's metaphysics, virtue belongs, properly speaking, to the soul, and the soul is genderless, at least in the middle dialogues.<sup>46</sup> On this evidence, Plato would appear to be a feminist philosopher, indeed the first one in the Western tradition.

Nevertheless, there is another side to Plato's treatment of women, which does not bear out his status as an enlightened proto-feminist. First of all, the *Republic* includes a number of disparaging remarks about women (e.g., 431b–c, 469d, 579b, 605d–e). Even if these reflect views current among men at the time, they are evidently difficult to reconcile with the concept that women can achieve ethical perfection. Second, not only does Plato fail to recognize that women are equal to men in the abstract, but he explicitly claims that the average man will be better than the average woman in everything, including tasks traditionally associated with women (455c–d).<sup>47</sup> In other words, although the best women can be better than most – and,

<sup>45</sup> On the Platonic Socrates' concept of a genderless virtue see Ward Scaltsas (1992).

<sup>46</sup> On this point see Smith (1983: 472–4). Cf. also Forde (1997: 660–1); Spelman (1994: 7–9).

<sup>47</sup> Plato also claims that women will be *asthenesterai* (455e, 456a, 457a), but this means only that they are physically weaker and implies nothing about their moral status. In addition, he talks about the common "possession of women" (423e) and this phrase has been interpreted as misogynistic. Nevertheless, given the absolute equality of male and female Guardians, "possession of women" means nothing more than "possession of spouses," and the language becomes understandable when we take into account that Plato is writing for an all-male audience. Forde (1997: 659 n. 5) further remarks that "Socrates does speak of the 'possession of women' when he first introduces the concept (423e), but this is when he is trying to slip past his auditors without provoking a response."

*in extremis*, than all – men, the average woman is still inferior to the average man.<sup>48</sup>

The fact that Plato does not accept that the two sexes are fully equal has led some commentators to assert that he is not a feminist after all. Julia Annas, for example, has argued that it is a mistake to regard Plato as a feminist because he does not believe in absolute gender equality and is not interested in women's desires and needs and the realization of their potential for self-fulfillment.<sup>49</sup> She also notices that, when he allows women to be Guardians, Plato is only interested in the welfare of the state.

All these individual points are valid, but Annas' critique raises a more general point: should we judge Plato from the point of view of our modern belief in absolute gender equality, or compare his position to the reality on the ground in fourth-century BC Athens? Although Annas is right that Plato is not interested in the desires and needs of women *qua* women, this does not mean that he is discriminating against them, because he is not interested in the desires of men *qua* men either. In fact, what Plato does is to turn his Guardians into genderless creatures, a move which in a patriarchal society is bound to emancipate (at least some) women.<sup>50</sup> Moreover, given the *Republic's* moral psychology, Plato could respond to this criticism by arguing that being a Guardian is actually fulfilling one's most important desires and needs, those involving rationality, thus achieving perfect self-fulfillment (*eudaimonia*) along with perfect virtue. As for the philosopher's ulterior motive being to promote the interests of the city, this would disqualify him as a feminist only if the desires of women were necessarily incompatible with the interest of the city, a point which modern liberals may take for granted, but Plato would be disinclined to concede. Actually, there is nothing inherently implausible in an authoritarian state promoting gender equality.

But what about Annas' central point, that Plato does not believe in absolute equality between the sexes? Once more, Annas is right, but does

<sup>48</sup> Kochin (2002: 61) proposes an alternative, feminist reading of 455c–d:

"[o]nly if there is no task for which all women are better than all men can women be assigned to tasks solely according to their individual capacities, without regard for their sex. Competent women might have to be restricted from entering some occupations in order to force them to pursue those for which they were uniquely suited as women. Only if women are superior to men in nothing can their excellence be the same as the excellence of men."

<sup>49</sup> On women's desires and needs see Annas (1976: 311); Stalley (1983: 106); Buchan (1999: 135). On their potential see Annas (1976: 313); cf. also Saxonhouse (1994: 68).

<sup>50</sup> Both Vlastos (1995b: 137) and Okin (1977: 353–4) point out that in the *Republic* women enjoy equal access to sex with men. This secures absolute gender equality and stands in sharp contrast to Athenian practice. In Plato's native city free women were expected to have sex only with their husbands, whereas the latter had socially acceptable access to concubines, prostitutes, or other men.

Plato's failure to achieve this high standard entail that he cannot be called a feminist at all? Gregory Vlastos, addressing the same problem, argues that Plato is a feminist because his theory entails that no woman's rights will be "denied or abridged on account of sex," in other words because he insures equality of opportunity for women.<sup>51</sup> The question appears, then, to come down to semantics: does one need to believe in essential gender equality to be a feminist, or is it sufficient to give women equality of opportunity, as Plato undoubtedly does? Although the ultimate answer depends on what definition of feminism one may adopt, Vlastos' view has the advantage of allowing Plato to be judged not in the abstract, but against the historical background of the fourth century BC.

When this background is taken into account, it becomes obvious that the difference between the position of Plato's female Guardians and the average Athenian woman is immense. Athenian women had no right of legal representation themselves – they always had to be represented by their *kyrios*, their closest male relative. Sarah Pomeroy aptly notices that Athenian wives had the legal status of a minor.<sup>52</sup> They had no control over property and absolutely no say, except maybe by privately trying to influence their *kyrios*, on the question of whom they would marry. They were given no education and, with the exception of their participation in strictly regulated religious processions, were expected to stay completely out of the public sphere. Any form of political participation was virtually unthinkable for them. Lower-class women enjoyed more freedom of movement, because they often worked outdoors, but this was the result of economic necessity and their *kyrioi* would probably have preferred to keep them inside the house, but could not afford to do so. This means that it was in spite, not because, of their gender that underprivileged Athenian women enjoyed increased freedom.

There remains the issue of Plato's derogatory comments about women. Several interpreters have suggested that these do not apply to the female sex *sub specie aeternitatis*, but only to the actual, uneducated women of Plato's society, and that once women are offered the equal education provided for them in the *Republic* they would stop exemplifying these regrettable characteristics.<sup>53</sup> This reading is not implausible, but it is not entirely convincing either. In all the uncomplimentary comments that he makes in the *Republic* Plato speaks about women in general; there is no

<sup>51</sup> Vlastos (1995b: 133). <sup>52</sup> Pomeroy (1995: 74); cf. Okin (1979: 46).

<sup>53</sup> Vlastos (1995b: 143); Okin (1979: 63); Sandford (2005: 616); Smith (1983: 470); Levin (1996: 24–6).



hint that his remarks may apply only to the uneducated women of his society. Moreover, in some of these passages, such as 431b–c and 605d–e, there is an implicit connection between women and the lower, irrational part of the soul. It may therefore be more reasonable to treat Plato's comments about women as the result of personal prejudice. Plato would probably share this prejudice with most of his male fellow-citizens. The crucial point is, however, that because he argues for equality of opportunity for women, not for essential equality, his position involves no philosophical contradiction. The assumption that some women are capable of achieving the moral perfection of the Guardians is logically compatible with the claim that women are on average morally inferior to men. For this reason, Plato's pejorative remarks do not cancel out his feminism. Even if he expects fewer women to make it to the top (a possible, but not logically inescapable, implication of 455c–d), the presence of any number of women among the ruling elite of a Greek city is a revolutionary proposal. Moreover, within a society where the supremacy of free to slave and of man to woman was almost universally regarded as natural law, the very concept of one virtue achievable by both sexes is groundbreaking.<sup>54</sup> For this reason, despite its failure to endorse essential equality, the *Republic* is still an exceptionally feminist work within its historical context.

But is this feminism retained in the *Laws*? In order to uphold equality of opportunity for women Plato must endorse two theses. First, in terms of moral psychology, he must accept that virtue – the fundamental requirement for holding office – is something that women can achieve. Second, in terms of constitutional theory, he must make women eligible for high office. He endorses both.

The critical passage as far as the former position is concerned is the following: “in whatever way a member of the community, whether his nature be male or female, young or old, might ever become a good man (*anêr*), possessing the virtue of soul that befits a human being (*antrôpôi*)” (770c–d). The use of *anêr* notwithstanding, this passage explicitly posits one human virtue, common to men and women.<sup>55</sup> Moreover, the assumption of one, genderless virtue is corroborated by the fact that formal education, which aims at inculcating virtue in the souls of the students, is to be shared by both sexes:

It will not be left up to the father's wish to decide who shall attend and whose education will be neglected, but rather, as the saying goes, “every man and child

<sup>54</sup> Just (1985: 177) argues that within a slave-owning society such as Athens a “principle of classification” is generated which views social divisions as natural ones.

<sup>55</sup> Bobonich (2002: 571 n. 46) thinks that the use of *anêr* is ironic.

insofar as he is able” must of necessity become educated, on the grounds that they belong more to the city than to those who have generated them. Indeed, my law would say all the very same things about females that it says about males, including that females should be trained on an equal basis. (804d–e).

Women, Plato goes on to claim, should be given the same education as men, including horseback riding and gymnastics, because

the way [things] are now arranged in our lands – where it’s not the case that all the men with their entire strength, and united in spirit, practice the same things as the women – is the most mindless of all. For this way, almost every city is just about half of what it might be, when with the same expenditures and efforts it could double itself. (805a–b)

By stating that women’s education will practically double the strength of the city, Plato strongly suggests that women can achieve the same level of virtue as men.<sup>56</sup> In fact, this part of the text comes fairly close to asserting complete gender equality: if women, given the same education, can “just about” or “almost” (*schedon gar oligou*) double the political well-being of the city, it follows that they come very close to full equality with men. In fact, only these three little words, *schedon gar oligou*, stand between women and such equality. Interestingly enough, in another passage Plato writes that failing to provide military education to women is analogous to failing to train one’s left arm, and this is a mistake because “by nature the limbs on both sides are almost (*schedon*) equally balanced” (794e). Once more, women are *schedon* equal. Both passages appear to come closer to conceding essential gender equality than anything that Plato writes in the *Republic*.

There is, however, one passage in the *Laws* which could be deemed incompatible with the idea of such equality.<sup>57</sup> In 781a–c, Plato writes

The race of us humans that is by nature (*ephy*) more secretive and cunning because of its weakness (*dia to asthenes*) – the female – was incorrectly left in disorder by

<sup>56</sup> Moreover, in 806c Plato writes that the lawgiver should legislate for both men and women, because if he ignores the latter he will “leave the city with only about half of a completely happy life instead of double that.” Bobonich (2002: 386) points out that “given the centrality of virtue to happiness, this passage implies that women can attain the same degree of virtue that men can.”

<sup>57</sup> Levin (2000: 83), notes other passages in which Plato “denigrates women,” but in these passages (934e–935a, 909e–910a) Plato criticizes behavioral patterns connected with women, and they cannot possibly be construed as essentialist. Similarly, in 802e Plato associates “magnificence” (*to dé megaloprepes*) and that which “inclines to courage” (*andreian*) with men and “whatever leans rather toward the orderly and the moderate” (*kosmion kai sôphron*) with women, but does not claim that the former are in any way superior to the latter. In fact, the mention of these particular virtues harkens back to the *Politicus*’ distinction of the “brave” and the “moderate” citizens, who need to be interwoven in the social fabric. Crucially, however, the *Politicus* treats the two groups as morally equivalent: see Bobonich (1995: 325); Samaras (2002: 189).

the legislator's failure to be firm ... When one overlooks the disorderliness (*akos-mêtôs periorômenon*) of women's affairs, what is affected is not only, as one might suppose, a half; in fact, to the degree that our female nature (*physis*) is inferior to that of males as regards virtue (*pros aretên cheirôn*), by so much would the harm approach being more than double (*diplasion einai*). So, if this were revised and corrected, if it were ordained that every practice is to be shared in common by women as well as men, it would be better for the happiness of the city (*beltion pros poleôs eudaimonian*).

*Prima facie*, the mention of "nature" and the reference to the women's "disorderliness" appear to suggest that Plato is actually claiming that women are naturally inferior to men when it comes to the attainment of virtue. On a closer reading, however, the passage does not necessarily pose a natural moral deficiency for women. As Trevor Saunders and Christopher Bobonich agree, it "seems more sociological than essentialist."<sup>58</sup> It does state that, because of their physical weakness, women use deception as a means of achieving their ends. But, far from this being treated as an incorrigible, "natural" state of affairs, it is exactly the point that the legislator is asked to address. His task is to insure that women will not act deceitfully. Will he do this by regulating their behavior using punitive measures alone or will he also educate them, in which case he will treat them as capable of moral amelioration and the achievement of virtue? The latter alternative is more plausible for two reasons. First, given the great emphasis that Plato places on the legislator's use of persuasion in the *Laws*, it is unlikely that in this case he will use punishment alone. Second, right after talking about the women's inferiority "as regards virtue," the Athenian Stranger states that having both sexes share in the same practices will bring *eudaimonia* to the city. But how can women share in the same practices as men if they are beyond moral redemption and the only option is to police their contact?

Furthermore, the passage is syntactically difficult and open to a different interpretation. Tormod Eide points out that *akosmêtôs* is usually taken as designating "disorderly contact," but that in the two other instances where it is used by Plato it means "unarranged" or "unequipped" and asserts that the passage is not about women's unruly behavior at all.<sup>59</sup> Moreover, according to Eide, "*pros aretên cheirôn* [is not] to be taken in a narrow moral sense, it does not mean that 'women are morally worse than men', it refers to women's inferiority to men as regards their natural abilities."<sup>60</sup> Finally, and more importantly, the subject of the infinitive *einai* in 781b4

<sup>58</sup> Saunders (1995b: 592). Cf. Bobonich (2002: 387–8). <sup>59</sup> Eide (2002: 107).

<sup>60</sup> Eide (2002: 107).

is not stated in the text and must be supplied from the context. Recent translators propose “harm” (Pangle) or “danger” (Saunders) to the city; Eide, however, suggests that the subject of *einai* is the legislator’s task, and translates the whole sentence as follows:

You see, to leave women’s affairs unregulated does not affect just one half of the lawgiver’s task, as one might think. Since women are not endowed with the same qualities as men, so their nature has the effect of making his task correspondingly more than twice as great.

This reading of the text is not only grammatically possible. It is actually very reasonable. If Eide is right, Plato is here talking only about the physical disadvantages of women and does not in any way assert that they are morally inferior to men. This reading is further supported by the wider context of the passage. Beginning at 780c4 Plato argues in favor of women’s *syssitia*. He concludes that, because women are “habituated in a retired, indoor way of life” (781c), their resistance to public meals may prove impossible for the legislator to overcome. Nevertheless, the establishment of such common meals is both socially and politically desirable.

This is a remarkable passage. There is other evidence in the *Laws* that Plato wishes women to enter the public sphere (e.g., 785b, 806e, 813b–814c, 833c–d), but in 781c he goes as far as to make the claim that the legislator should induce women to do so even against their will. One has only to remember to what extent the public realm was impenetrable to women in the real world to recognize the revolutionary character of this claim. The question, then, becomes: does this claim square better with the assumption that women are by nature morally inferior to men, or with the assumption that they have physical differences which may be overcome by education and “politicization”? Given the syntactic indeterminacy of 781a–b, the answer to this question obviously has a bearing on how we should interpret this passage.

But even if we take the crucial phrase “our female nature is inferior to that of males as regards virtue” to mean that women in general are morally inferior to men, it still does not invalidate Plato’s feminism in the *Laws*, provided that we take this feminism to entail equality of opportunity rather than essential equality. This would be the case only if Plato denied that *any* women can achieve the virtue which is necessary for holding political office. But this claim is not made, or even implied, in 781b. Remember that the requirement for equality of opportunity is rather minimal: no individual should be barred from Guardianship (in the *Republic*) or major political appointments (in the *Laws*) because of their sex. This

kind of equality can exist, in principle, even if no women actually achieve the status of Guardian or high office-holder.<sup>61</sup> Moreover, this type of feminism is logically compatible with derogatory comments about women. Plato makes such statements in the *Laws*, just as he did in the *Republic*.<sup>62</sup> Nevertheless, insofar as none of them involves the claim that women are inherently incapable of attaining virtue, there is no logical contradiction between these statements and the notion of equality of opportunity for women. If we further take into account that the *Laws* advances the concept of *anthrôpinê aretê*, proposes the common education of both sexes, and emphatically insists on the entrance of women into the public realm, it is safe to conclude that the feminism of the *Republic* is reiterated in the *Laws*.

If this is the case, one expects that women will be, in principle, eligible for major political office in Magnesia; and, indeed, the textual evidence strongly suggests that they are.

In Book 6, Plato specifies the procedure for the election of the thirty-seven Guardians of the laws (*nomophylakes*), one of the most significant offices of the land. He writes that all those who are in arms in the cavalry or the infantry and all those who have taken part in war as their age allowed are eligible to share (*koinônoun*) in the election (753b). In other words, military service, bearing or having borne arms, is the prerequisite for taking part in this procedure. Since this is the case, and since, as we shall see, women do perform military service in Magnesia, it follows that women can vote in this election.<sup>63</sup> It further follows that women are eligible to become *nomophylakes* themselves – otherwise we would have the paradox of citizens with voting rights but without eligibility for office. This would be a complex constitutional arrangement which would make women second-rate citizens and on which one should expect some elaboration. But the notion is nowhere even as much as hinted at in the *Laws*. Eligibility for this office logically implies eligibility for every office in Magnesia, including the informal organ of the Nocturnal Council, ten of whose members are the oldest *nomophylakes* (951e, 961a). Furthermore, if women are electable to the most consequential posts in the city, they must obviously enjoy full citizen rights and be able to speak and vote in the Assembly.

<sup>61</sup> Nevertheless, in the *Republic* women Guardians are needed for procreation within the class.

<sup>62</sup> For a list of such passages in the *Laws* see Saunders (1995b: 604 n. 9).

<sup>63</sup> The verb *koinônein* that Plato uses here literally means “to share” and it definitely implies voting rights for women – how would they share in the election if they could not vote? Whether *koinônein* also implies eligibility for office is not entirely clear – but, as I argue in the text, this point can be argued for on non-linguistic grounds.



The conclusion that women perform military service and are eligible for important political positions finds explicit textual confirmation in 785b:

A girl should marry between the ages of sixteen and twenty, to state the longest time period, and a boy between thirty and thirty-five. A woman can enter office (*archas*) at forty, a man at thirty. A man is subject to service in war from the age of twenty until the age of sixty; in whatever military services it seems women should be employed (*gynaiki de, hên an dokêi chreian dein chrêsthai pros ta polemika*), each will be ordered to do what is possible and fitting for her, after she has borne children and until she is fifty years old.

Some commentators have interpreted this passage as equivocal, suggesting that the *archai* that Plato talks about may be the minor offices that he reserves exclusively for women in 784a–b and that the military service of women is, unlike that of men, qualified.<sup>64</sup> Nevertheless, in 785b no restrictions are attached to the *archai* that women may hold.<sup>65</sup> Moreover, if women were to be excluded from all officialdoms except minor ones, their equal education, which is so emphatically asserted in the Book 7, would become almost entirely pointless. The difference in their military service can be explained by the fact that they are physically weaker (*asthenesteraî*) and thus may have to perform lighter military duty. But this still counts as military service, and therefore qualifies them for political participation. The fact that women are weaker was repeatedly pointed out in the *Republic*, but only as a physical difference which has nothing to do with their ability to serve as Auxiliaries first and eventually become Guardians. In addition, the military service of women in the *Laws* is complicated by a factor which did not exist in the *Republic*. Because of the reintroduction of the individual family, common service between the two sexes would imply close physical proximity between male soldiers and the wives of other men. Given that the quintessential aim of the sexual politics of the Greek world at the time was paternity certainty, such proximity would be most unwelcome to Plato's audience.<sup>66</sup> This fact, along with the women's inferior bodily strength, could mean that women are not regularly employed as *hoplitai* in the heavy infantry or participate in campaigns alongside men. In fact, what Plato says about the military role of women is consistent with the assumption that they will normally be used in auxiliary and defensive roles.

<sup>64</sup> Bobonich (2002: 387); Saunders (1995b: 593).

<sup>65</sup> This point is readily conceded by Saunders (1995b: 593) "there is no hint in the text that the offices to be held by women are different in kind or number from those to be held by men."

<sup>66</sup> This remains true despite the fact that women in the army would be over forty, because the husband's protectiveness would obviously extend beyond that age.

Beyond this limitation, however, the evidence for female military service in the *Laws* is substantial.<sup>67</sup>

In 794c–d, Plato makes training in military activities, such as horse-riding and archery, mandatory for boys over the age of six. The same training, as well as training in heavy arms, is open to girls of the same age. Moreover, in 834a–d, women are allowed to participate in mounted military skill contests.

In 804e, Plato flatly rejects the common view that horse-riding is appropriate for men and not for women, and in 805d–e, he castigates the Thracians for treating their women as slaves and the Athenians for restricting them to the house. But the Spartan system is also criticized sharply: although it provides military training for girls, it fails to produce bellicose women able to take up arms if needed. This particular passage may be read as a comment on the failure of the Spartan women to defend their city in the aftermath of the battle of Leuctra in 371 BC. Although the myth of the Spartan women's military virtue was cultivated for centuries in laconizing circles, their failure to do anything to protect their city against the invading Thebans and their allies was a rude awakening for Spartan admirers.<sup>68</sup>

Further uncontroversial evidence for women's military role is provided by 813d–814c, where Plato prescribes a rigorous military training for girls, including “practice [of] all the dancing and fighting that goes with heavy armor” (813e–814a). He then argues that women should be able to defend the city in the absence of the men's army, or fight alongside them if attacked by a numerically superior foe. The reference to drilling with heavy armor leaves no doubt that women are to be trained as *hoplitai*. Although probably performing lighter duties most of the time, they should be able to fight as heavy infantry under exceptional circumstances. Finally, the philosopher asks rhetorically: “Well then, won't we establish this as a law, that the women must not neglect the business of war, to this extent, at least, and that it must be a concern of all male citizens and female citizens?” (814c).

In 829b–e, Plato describes military expeditions occurring once a month and lasting at least one day. Women and children are to participate in these exercises.<sup>69</sup> At the end of the expedition poems praising or blaming

<sup>67</sup> A more detailed discussion of the passages that follow, leading to the conclusion that military service is required of women in Magnesia, is offered by Saunders (1995b: 594–5).

<sup>68</sup> See Morrow (1960: 330).

<sup>69</sup> Similarly, in 833c–d Plato recommends military running contests in which girls are to participate until the age of twenty.



individuals for their performance are to be composed by citizens over the age of fifty. The whole discussion concludes with the explicit assertion that women are to be treated as fully equal in both military and poetic matters: “As regards both the military and the freedom of speech in poetry, I say that the same regulations should apply equally to women and to men” (829e).

In conclusion, given that military service is the prerequisite for full citizen rights in Magnesia, including the right to be elected to office, the overwhelming evidence for women performing such service means that they are electable to the highest positions in the city. The text itself conveys as much in 785b, where the age at which women can hold *archai* is specified. There can be no serious doubt that the political equality of opportunity of the *Republic* is reproduced in the *Laws*.

Having said that, Plato’s language indicates that he expects most of the top officials to be men. The superintendent of education, for example, must be a “father” (765d). The fact that the masculine form of several key words denoting positions of authority, especially of the term “guardian” (*phylax*), can encompass the feminine means that nothing can be made of the gender of these terms. The problem is rather that when he talks about high officials throughout the dialogue, the philosopher never gives an indication that women may actually hold these positions. Although not too much can be made of this, it is not clear to what extent the distance between constitutional equality of opportunity and real political authority for women is covered in the *Laws*.

In addition, their exclusion from public life for about twenty years, from their marriage at twenty or earlier until the age of forty, when they are presumably done with childbearing, means that women are denied full equality. This is definitely a result of the reintroduction of the *oikos* into the political equation. Susan Okin has pressed this point and argued that, despite the fact that Plato comes in the *Laws* closer than in the *Republic* to conceding the equal natural potential of the two sexes, the former dialogue ends up abrogating the feminism of the latter, because the reintroduction of the private household necessitates the return of women to their traditional domestic role.<sup>70</sup> Okin is partially right. The reintroduction of the *oikos* does mean that women will nurse and raise their own children. For this reason, Plato wants them to stay at home between the ages of twenty and forty. This has, of course, adverse consequences for their political education and especially for women who aspire to a political career. They

<sup>70</sup> Okin (1979: 44–50).

enter the public realm ten years later than men, and with no military credentials at that point in time. So, even disregarding male prejudice, it may be particularly difficult for a woman to succeed in politics. Nevertheless, when Plato's overall thesis is carefully scrutinized, one realizes that the twenty-year exclusion of women from public life is something that Plato disrelishes rather than welcomes. His ideal is the fullest possible military and the full and equal political participation of women. Nevertheless, the different roles of the two sexes in childbirth and child nursing mean that women have to concentrate on these tasks during their reproductive years. This is, however, from Plato's point of view, an inevitable concession to human biology rather than an unashamed abandonment of the principles of the *Republic*.



There is, however, one feature of the *Laws* which, even if it does not nullify these principles, severely qualifies them. Plato denies to women the right to inherit and own property in their own person. At one level, the move is not surprising. As in many other areas, he opts for Athenian customary law, according to which women could not own land, rather than Spartan law, under which they could. But the repercussions of this for the overall position of women are substantial. Plato's patriarchal inheritance laws entail that within the economy of the *oikos* women have a low legal status – essentially, they are minors. Unlike the female Guardians of the *Republic*, they remain in the power of a male relative, the *kyrios*.<sup>71</sup> It also means that they have no control over whom they will marry. Their position within the household is actually even more vulnerable than it was in Athens, because Plato also abolishes dowries, which were paid by the father, but belonged to the woman rather than her husband and were returned to the father in case of divorce.



Despite the fact that Magnesian women have some minor privileges that their Athenian counterparts lacked, the most fundamental problem raised by this Platonic move is one of consistency.<sup>72</sup> Although Okin's claim that women are treated in the *Laws* as "property" or "commodities" is an exaggeration, the fact remains that it is very difficult to see how the militarily dexterous and politically active human beings that Plato envisages

<sup>71</sup> This remains true despite some measures which slightly ameliorate their position compared to real-life Athenian women. The most interesting of these measures is that of boys and girls of marriage age dancing together naked so that they can inspect each other (771e–772a). This implies a limited amount of discretion for women over their marriage, but does not cancel out the fact that the decision belongs to their closest male relative. For a full list of such measures, none of which drastically alters the inferior position of women within the *oikos*, see Saunders (1995b: 598–602).

<sup>72</sup> For a list of such privileges see Saunders (1995b: 597–602).

will happily submit to their subservient domestic role.<sup>73</sup> How is it possible for women to have political rights when they do not have social ones?

The final verdict on the question of the position of women in the *Laws* can only be that there are two aspects to it and that they are probably irreconcilable. On the one hand, Plato acknowledges the potential of women as equal or almost equal to that of men, and wants them to participate in both war and politics. He forces them out of their home and into the public sphere and gives them political rights which correspond to those that they had in the *Republic*. Even allowing for the twenty years of public life that they miss due to childbearing, they are bestowed with privileges unimaginable for the average Greek woman of the time. But within the household women remain legal minors under the total control of their *kyrios* and with hardly any personal autonomy. How can women be reduced to such a subordinate role within their family and at the same time become the warriors and active citizens that Plato wants them to be? The psychological implausibility of this expectation indicates that the philosopher never asked himself this question. The fact that women are given a public and active political role, but at the same time a private and subservient social one, means that Plato's position on women in the *Laws* cannot be regarded as entirely congruous.<sup>74</sup>

On issues relating to the institution of family in the *Laws*, Plato's thought is consistently governed by a deep-seated conservatism. There is only one area in which the philosopher not only abandons this conservatism, but actually adopts a radical stance: the women of Magnesia are not only permitted, but genuinely encouraged to enter the public sphere and even, potentially, to occupy the highest political offices. Regrettably, however, although women are given almost full equality with men in the political realm, they remain unemancipated in the social one, by being irrevocably subject to the legal control of their male relatives within the *oikos*. In the *Laws*, Plato continues the feminist revolution in thought of the *Republic* in a way which is remarkable, but also remains incomplete.

<sup>73</sup> Okin (1979: 45–6).

<sup>74</sup> One major interpretive tradition of the *Laws* sees Plato as intending to emancipate women, at least in principle, but not going all the way. It includes Morrow (1960: 113 n. 55), Saunders (1995b) and Bobonich (2002: 385–9). A more purely optimistic assessment is given by Cohen (1987), who focuses on constitutional arrangements. Levin (2000) argues that Plato sees women as inherently incapable of achieving virtue, but this reading is not confirmed by the text. Finally, Okin (1979) claims that Plato recognizes the potential of women, but entirely fails to emancipate them because the introduction of the *oikos* leads them back to a secluded existence. Okin is right about the adverse effect that the patriarchal *oikos* of the *Laws* has on the position of women, but from the fact that they have an inferior social role it does not follow that they will also completely lack political rights.