The Night Watchmen, or, By the Dawn's Early Light

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The *Laws* is a very strange book—it is strange even by Platonic-dialogue standards. Its setting is strange: all the other dialogues are set in and around Athens; this one takes place on the distant island of Crete. Its cast of characters is also strange: a mysterious, unnamed, elderly stranger from Athens speaks with a Cretan (Kleinias) and a Spartan (Megillus), two old men who have had almost no contact with philosophy or its evil twin, sophistry. And though the subject matter of the dialogue is in a certain sense familiar—as in the *Republic*, the talk is about a well-ordered city, and after a certain point the old men set about constructing a "city in speech"—the *manner* in which that subject is treated is very strange indeed (702d).[1] The *Laws* is not only huge—longer by far than any other dialogue—its structure is positively labyrinthine. The *Republic* may be hard to follow in spots, but the attentive reader always knows where he is; orientation is not an issue. The *Laws*, by contrast, is full of passages

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[1] All quotations from the *Laws* are from Thomas Pangle's translation; quotations from the *Republic* come from the Bloom translation.

that cry out for the most basic sort of explication: sudden transitions and arguments cut off in mid-development, unexpected turns and apparent dead ends, are nearly the norm.[2]

One of the most surprising of these turns—and the one I will focus on here—comes near the end of Book X. The immediate question is what to do with young men who are naturally just but openly impious; the solution the stranger proposes is to imprison them "for no less than five years" in a place called the Moderation Tank and have them meet regularly with the members of the Nocturnal Council "for the purposes of admonition and the salvation of the soul" (909a). What is strange here—to begin with—is the sudden introduction of a new political institution. The Athenian has *already* treated the offices and institutions of the city at length in Book VI: there we get accounts of the terms, duties and means of choosing the Guardians of the Laws, the members of the Council, the Field, City and Market Regulators, the Generals and Priests, and so on—but no mention is made of a Nocturnal Council (753b–756e; 758a–766d). We might at first be tempted to think that what the stranger is introducing in Book X is not a new institution or office but an *ad hoc* solution to an occasional problem. Yet, by the end of Book XII, the Nocturnal Council is being called the chief "safeguard of our regime and laws" (960e); in fact it is now called "the Nocturnal Council of *Rulers*" (968a). By the end of the *Laws*, the Council has become, in some sense and for some reason, the chief institution, the ruling source (*arche*) of Magnesia, the city that Kleinias is tasked with founding.

What are we to make of the stranger's alteration or emendation of his own act of founding, his engagement in what one might call self-innovation? What in the argument or action of the *Laws* in Books I–X has made the introduction of the Nocturnal Council necessary? And what light does its introduction shed on the *Laws* as a whole? To address these questions we will need to look closely at all the tasks ultimately assigned to the Nocturnal Council; we will also need to reflect on the way the Council changes shape over the course of Books X and XII. But to get started we might want to ask a more basic question. The Athenian

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[2] The most glaring example comes between Books II and III. The subject of Book II is education and music; we are led by the end of the book to expect a discussion of gymnastic in Book III, but instead get a capsule history of the world. Is that history a stand-in for gymnastic? We are not told.

stranger's introduction of the Nocturnal Council in Book X—and, for that matter, Book X itself—*presupposes* the existence of impiety in some portion of the citizenry of Magnesia; it presupposes that impiety is a problem that must be reckoned with. Yet piety seems to infuse the whole life of the city and to give shape to its very topography. As the city in speech is being founded in Book IV, the very first speeches addressed to future citizens virtually identify goodness with reverence for things divine; the Olympian gods top the list (716a–717b). The preludes to the laws elaborated in Book V likewise underscore the importance of the gods, as does the division there of city and countryside into twelve sectors, each assigned to a different god (726a–727e; 738b–738e; 745b–e; also 771b–d). By the time we get to Book VIII, the role of the gods and worship in civic life has grown even larger. We learn that there will not only be twelve monthly festivals, each dedicated to one of the Olympian gods; there will also be daily sacrifices: "Let there be three hundred sixty-five without any omissions, so that there will always be at least one magistrate performing a sacrifice to some god or demon, on behalf of the city, the people, and their possessions" (828a–d). If the whole city of Magnesia is engaged in a daily worship of the gods, if every citizen leads a hallowed life, surrounded by altars and temples, how is it that impiety becomes, how is it that it *can* become, a problem large enough to need dealing with?

The answer, I think, must be that impiety arises naturally, spontaneously, in the souls of some young men. In the case of Magnesia, the disease seems unlikely to be of foreign origin, since great efforts have been made to isolate the city from irregular external contact. The city itself is at a significant remove from the sea, and its topography has been arranged, not only to affirm the Olympian gods, but to seal off the city: the artisan class (which consists exclusively of foreigners) is forced to live in a kind of extra-urban ghetto, and contact between it and the citizen body is kept to an absolute minimum (704a–705b; 848e; 850b–c). Apparently rearing the young in a piety-infused atmosphere and keeping them away from the sort of pre-Socratic materialism the Athenian uses to shock and stir the Cretan Kleinias is not enough to curb the insolent among them: impiety will out (885e887c; 888e–890e).

Nor, for that matter, is it clear that we are meant to condemn outright all kinds of impiety in the young. In fact, the stranger draws a

sharp distinction between two basic types. In one case, the impious "in addition to not believing in the gods or believing them to be careless, or appeasable, become like beasts"; they live without restraint, "hold human beings in contempt," and attempt to take advantage of their supposed superiority to others by becoming diviners, magicians, tyrants, demagogues and sophists (908d–e; 909a–b). The punishment for these men is unrelievedly harsh, at least from the point of view of their fellow citizens: they are condemned to live in total isolation, and after death their bodies are to be cast out beyond the borders of the country, unburied (909b–c).[3] In the other case—the case mentioned earlier—the impious are naturally just: they hate bad men, are disgusted by injustice and seek the company of the just (908b–c). Insofar as honesty and justice go together, their chief fault seems to arise from their virtue: "full of frankness" and unable to believe in the gods themselves, they go about the city making fun of gods, sacrifices, and oaths (908d). The young man who belongs to this group must be stopped because "if he didn't get a judicial penalty" he "would perhaps make others like himself" (908d). Still, he does not sound *bad*—in fact, to repeat, he hates the bad and is "without bad anger and character" (908e).[4]

What will five years in the Moderation Tank do to him and for him? What exactly is the task of the Nocturnal Council in the case of such a young man? We are not told much, only that moderation is the goal and admonition the means. One possibility, of course, is that the proper work of the Council is to browbeat the young atheist until he accepts the traditional or conventional view of the gods. But five years is a long time and a lot of admonishing, and so perhaps admonition (*nou-thetesis*) should be taken literally here: not as browbeating but as setting

[3] Whether a committed atheist would care what happens to his body after death or mind living (at the city's expense) in isolation from the fellow citizens he regards with contempt is another question.

[4] It's worth noting that, while the focus in the punishment section of Book X is on atheists, the body of Book X treats three forms of impiety: the belief that there are no gods, the belief that gods exist but are indifferent toward human affairs, and the belief that gods exist and care for human things but are indifferent to justice. The stranger observes that the second position has its roots in a concern for justice: rather than admit that the gods tolerate or even support the flourishing of the unjust, the impious youth of this type would rather believe that the gods are indifferent to human concerns (899d–900b). In this case, at least, a kind of passion for cosmic justice leads to impiety. Might something similar be at work in the other cases?

(*tithemi*) the intellect or intelligence (*nous*) in order. After all, lack of intelligence (*a-noia*) is the condition from which this type of young atheist is said to suffer (908e). In other words, perhaps we are to imagine the young man being forced to spend five years in the company of the Council reflecting on divine matters until he either accepts some version of the natural theology articulated in Book X or, recognizing his ignorance about such matters, learns to keep quiet in the presence of conventional religious practices. To my mind, at any rate, this young atheist sounds like a fairly decent, spirited young man in the first throes of philosophic passion—impatient with conventions of all sorts, including conventional views of the gods, and eager to uncover the limitations of everyone's thinking but his own. The best thing to do with such young people is to keep them away from the innocent and set them wrestling with matters of fundamental importance (909a). And that, I suspect, is the proper work of the Nocturnal Council.

Or rather, that is the work of the Council described in Book X. No mention is made of the Nocturnal Council in Book XI, but in Book XII it turns up twice. I have just been suggesting that behind the talk of admonition and soul salvation in Book X, we catch a glimpse of something else—that the Nocturnal Council is there to provide a place for citizens of a certain type and age to confront questions that fall outside the purview of ordinary Magnesians. Do we see anything akin to this in the second appearance of the Council? I think we do, but before we can properly absorb what is said there, we need to take note of an extraordinary new feature of the stranger's city and the series of extraordinary admissions that accompanies it.

The new feature is this. We have already noted the deliberate efforts described in earlier books to block the flow of foreign opinions into Magnesia. We see more of this in the passage from Book XII that we are about to consider. The issue under discussion is what to do in general about contact with other cities, and the worry, as one might expect, is that indiscriminate intermingling will corrupt the city, "as strangers produce innovations" (950a). The first solution proposed by the stranger is again one we might expect: select citizens will be allowed to attend and observe foreign religious festivals, but "when they return home,

they will teach the young that the legal customs, pertaining to the regimes, of the others are in second place" (951a). In keeping with this policy we learn that commercial visitors from other cities will be watched carefully "lest any of such strangers introduce some innovation" (952e–953a). But then the stranger does something astonishing. He posits a second class of observer (*theoros*): "If certain citizens desire to observe (*theoresai*) the affairs of other human beings at greater leisure, no law is to prevent them" (951a). The language is very strong here: should a desire arise in certain men to observe, that is, to contemplate, other ways of life, that desire is not only to be tolerated—the regime is not permitted to forbid it. (This is a regime given to forbidding a great many things.) Of course, there are certain limits on who can travel and what one can do with what one has seen. Observers must be between fifty and sixty years old and men of good character, they must receive permission to travel from the Guardians of the Laws, and if they come back "corrupted," they must live as private men, and not claim to be wise; otherwise, like twice-convicted "good" atheists, they must die (909a; 951c–d; 952c–d). Still, it is remarkable that men who find in themselves an Odyssean appetite to see the cities and learn the minds of men are to be given the leisure and time—up to ten years if they wish—to satisfy it. The regime that just a moment ago seemed closed off from what is foreign apparently has a well-defined hole at the top.

Still more remarkable are the reasons given for letting such a hole develop. According to the stranger, even the best city—presumably the one with the best citizens—needs to have experience of bad as well as good human beings (951a). Nor can it "guard its laws, unless it accepts them by knowledge and not solely by habits" (951b). Moreover, there are "certain divine human beings … who do not by nature grow any more frequently in cities with good laws than in cities without" and only with their help can good laws be given "a firmer footing" and bad laws corrected (951b–c). Earlier in the *Laws* it looked as if the whole task of the lawgiver was to find a good set of laws and fix them in place; even in cases where time and experience are needed to determine the best laws, as soon as the time is up, laws were to be fixed once and for all. The more Egyptian a set of laws, the better—that seemed to be the earlier perspective (656d–e). But now we learn that it is not enough for a city to find and settle on good laws. Good laws are simply not good enough.

Somewhere in the city there needs to be a knowledge, grounded in experience, of the whole range of human possibility, good and bad. Likewise, somewhere in the city there needs to be a knowledge of the grounds of law, that is, a more than habitual understanding of the law. Perhaps, too, somewhere in the city there needs to be a recognition that the very best human beings, the ones who approach most closely to the divine, arise by nature, not by convention—not even by the best conventions. At any rate it is precisely such men that the second sort of observer, the theoretical *theoros*, is to seek out and such men who are best able to aid him to see what's lacking in problematic laws and what grounds the better sort. In sum, we are now to see that a comprehensive understanding of human affairs, ongoing reflection on one's own laws and an openness to change are absolutely essential to the well-being of a well-founded city, and that contemplation of other cities as well as contact with the best natures are conditions for all three.

Where does the Nocturnal Council fit within this new picture of what Magnesia needs? Right at the center, as it turns out. For the Nocturnal Council is *the* body to whom this second sort of observer is to report—immediately after arriving back in the city—and the Council is *the* body charged with reflecting on what he has brought back and what to do with him (952b). In fact, the broader work of the Council that emerges here for the first time strongly suggests that it is precisely *this* body that is intended to be the proper home in Magnesia for the kind of comprehensive reflection on political matters I have just described. For we are told that the Council will meet every day, just before dawn, and that "the intercourse and speeches of the men are always to be about laws and their own city, and anything they may have learned elsewhere that is different and pertains to such matters" (951d–952a). "[A]nything they may have learned elsewhere" is a pretty clear reference to the reports of Magnesian observers, and this is confirmed just a little later, when we are told that, upon his return, the observer must tell the Council "if he's found some persons capable of explaining some utterance concerning the laying down of laws, or education, or upbringing, or if he himself should return having thought some things up" (952b). The more one thinks about it, the more sense it makes that the Nocturnal Council is later called the safeguard (*soterion*) of the city, and the more it seems appropriate that the name Moderation Tank (*so-*

phronisterion) is for the place where the Nocturnal Council does its work. On the one hand, the Council attempts to save (*sozein*) the souls (and lives) of the impious young by persuading them to be moderate, that is, sound-minded, *so-phron*, with respect to the gods; in so doing, it keeps the city and its religious practices safe, *soos*, from a kind of internal corruption. On the other, the Council keeps the city safe and sound, *soos*, by collecting thoughts about "the laying down of laws, or education , or upbringing," by engaging in its own sound-minded (*so-phron*) deliberations about the city's laws, and by remaining mindful, *phronimos*, of the possibility of a healthy kind of innovation. In both cases, reflection on fundamental matters is the chief means and medium of the Council's work—reflection on the divine, in the one case, and on "regime and laws," on the other.[5]

Let us see if we can take this one step further. It makes a certain sense that the word "philosophy" never appears in the *Laws.*[6] The natural home of philosophy is Athens, not Crete. In Magnesia, the gymnasia and agora are strictly for business—no idle chatter allowed. And of course there's no Peiraeus—no local harbor where a young Magnesian could, say, get stirred up by the sight of local and foreign religious ceremonies and then spend the night in the company of friends and foreigners pondering radical political possibilities and asking whether justice is a good thing. On the other hand, given what we have seen, it is worth wondering whether, with the institution of the Nocturnal Council, the stranger hasn't quietly made a small but significant place for philosophy right in the middle of the city. The *word* philosophy is not used—but perhaps the thing itself is right there in front of us.

Is this further step warranted by the text of the *Laws*? Two features of the Nocturnal Council would seem to speak against it. In the first place, the orientation of the Council appears to be decidedly practical. It is initially instituted to fix a problem—the intransigent impiety of the young; at any rate, this problem forms the context within

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[5] It is surely no accident that these are also the two themes enunciated at the opening of the *Laws*: here we have the first of several indications that the work of the Council mirrors the conversation between the stranger from Athens and his Dorian companions.

[6] Though the noun *philosophia* never appears in the *Laws*, the verb *philosophein* turns up twice, once in Book IX to characterize the "free doctor" and again in Book X to characterize pre-Socratic atheism (857d; 967d)

which we first hear about it. Likewise, in the first appearance of the Council in Book XII, the whole emphasis is on the study of law and what to do to ground it and otherwise safeguard the city. True, the stranger mentions other "branches of learning" in addition to the study of law, and true, too, the work of grounding the law and safeguarding the city may require reflection and deliberation of a very high order (952a). But as the stranger presents it, these other branches of learning are clearly subordinated to the study of law, while the reflections and deliberations of the Council have as their aim, not knowledge or wisdom, but the safety and preservation of the city. If anyone in Magnesia looks like a philosopher—that is, a man who loves and desires wisdom simply for its own sake—it is the man who "desire[s] to observe the affairs of other human beings at greater leisure," but, again, the Council's interest in such men seems to be largely limited to knowing whether they have information useful to the city or pose a danger to it (951a).

The second feature of the Council that might make us hesitate to call it a place in which philosophy would be at home is its composition. The dominant figures in the Council are all drawn from the ranks of the highest offices in Magnesia, and the stranger makes a point of emphasizing their ages: the ten oldest Guardians of the Law, the present and past Supervisors of Education, and the Auditors (assuming that "priests [of Apollo] who have obtained the prizes for excellence" is a reference to this group) (951d–e).[7] Now it makes some sense that an institution tasked with reflecting on laws should include men of deep and broad experience, especially men who have spent their lives (respectively) keeping guard over the laws, keeping an eye on the virtue of young, and keeping magistrates honest. It is less obvious that such men would be willing and able to engage in genuine philosophic inquiry—we might even wonder how open such men would be to reflecting on laws with a view to grounding and improving them. After all, as the stranger observes in Book II, old men tend to be stiff in soul, and these men, heavily invested as they are in the laws of Magnesia, might be stiffer than most (666b–c). Perhaps, then, it is a good thing that younger men also form part of the Council, in equal numbers with the

[7] Guardians of the Law, Supervisors of Education, and Auditors must all be at least fifty; Guardians leave office at seventy and Auditors at seventy-five; Supervisors (who come from the ranks of the Guardians) have a five-year term.

old—though here, too, we might ask what sort of men the elderly Guardians, Supervisors, and Auditors would be likely to pick as their Council mates and what sorts of conversations they are likely to have. Who knows—perhaps the most lively and most searching conversations in the Moderation Tank would be those between the members of the Council and the impious young? In any case, if the stranger were genuinely interested in making the Council a place for philosophic inquiry, one would think he would make the second type of observer, the theoretical *theoros,* a regular part of the mix. Here, after all, is a man of a certain age who combines impeccable credentials, including experience in war, with a tremendous breadth of experience and a philosophic appetite.

We are now prepared to turn our attention to the third and final discussion of the Nocturnal Council. For it turns out that in *this* account the theoretical *theoros has* become a regular member of the Council; those observers who pass the test "are to be considered worthy attendants of [or "sharers in," *axiokoinonetos*] the Council." (961a). But this is just the beginning of a whole series of revelations about the work and composition of the Council that point in the direction of philosophy. In its initial appearance in Book X, the Council looked a little like a re-education camp; in its first appearance in Book XII, it looked like a cross between a debriefing center and a think tank. Now, as we will see in a moment, the Council looks more and more like an ongoing study group or seminar.

This is not to say that practical aims of the Council have been abandoned. On the contrary, when the stranger revives the discussion of the Council near the end of Book XII, the issue at hand is finding a safeguard for the city they have just finished founding; that concern is never left entirely behind in what remains of Book XII. (The word *soteria*, sometimes translated by Pangle as "salvation," sometimes as "safeguard," turns up several times in this section, along with a number of other "*soos*" words.) What we see instead is a broadening and deepening of what it means to be a safeguard—an enlargement so comprehensive that it now includes questions that we normally associate with philosophy, or at least political philosophy.

Let me start by sketching out the first stages of this movement. The whole discussion begins with an elaborate series of serious jokes about ends (*tele*). With the treatment of burial rites for citizens who have "met their end (*teleutesantas*)," the stranger notes that their work of "legislation would be just about at an end (*telos*)." But first they must discover and discuss a "perfect (*teleos*) and permanent safeguard" for the city, to keep *it* from meeting a premature end (960b). The first topic broached in the account of this safeguard—which proves to be the Nocturnal Council—is that it must have intelligence (*nous*) of the end, *telos*, of the city, where *telos* is now understood in the sense of aim or goal (*skopos*). But to have a coherent aim is to have—in contrast to other cities, which are all subject to "wandering"—*one* aim (962d). Kleinias reminds the stranger that their city in speech has such an aim: virtue (963a). But is virtue one—or four? The stranger argues that it is at least two—courage and prudence are very different from one another—and presses Kleinias to explain how they are one (963c–964a).

And so it goes. The argument is off and running, and it is not difficult to see where it is headed. Already with the first step the stranger has, as it were, upped the ante of the argument. The question is no longer simply what to do here and now or what laws to lay down to address this or that problem or infraction. If the statesman is to safeguard his city, he must know what he is doing, and nothing less than a comprehensive understanding of the end of politics and political life will do: "What about the city? If someone should be evidently ignorant of the goal at which the statesman should aim, would he, in the first place, be justly called a ruler, and then, would he be able to save this thing—whose goal he didn't know at all" (962b)? The same kind of comprehensive approach is required in the case of virtue. It is not just Kleinias who must understand in what sense the virtues are one and many—and especially the sense in which they are one—the guardians of the city must as well: "Then it's necessary to compel, as is likely, even the guardians of our divine regime to see with precision, whatever is the same in all four: what it is that we assert is one in courage, moderation, justice, and prudence, and is justly called by one name, virtue" (965c–d). If nothing else were to convince us that something like Socratic philosophy has now become the business of the Nocturnal Council, the stranger's sudden introduction into this context of the familiar Socratic

terms *eidos* and *idea* should: "Is there any way in which there would be a more precise vision and seeing of anything than that which is the capacity to look to one *idea* from the many and dissimilar things?" (963c; 965c).

But the one aim of politics and the one meaning of virtue are not the only *ideai* to which the council must look. The stranger also insists—and Kleinias agrees—that it is not enough for the guardians of the city to know that the beautiful and the good are each many; they must also know "how and in what sense" they are one—presumably an enormous task, especially because the stranger emphasizes that they must be able to "demonstrate" these matters "through argument" (966a–b). And even this is not the end of its intellectual tasks. Not only must the members of the Nocturnal Council grasp the sense in which intelligence, *nous*, is the leader of and core of the virtues, and not only must they themselves become the intelligence of the city—they must make every effort to discern the intelligence at work in the whole of things (965a; 966e–967b; 967e). That is, the Council must take up *in its own right* and *as its own proper task* the very questions and arguments that formed the subject matter of Book X and which were there addressed to the impious young—questions about the existence and character of the gods and, even more, questions about whether life or soul is prior to body and whether intelligence can be ascribed to the motions and order of the cosmos (966c–e).

Here in Book XII, however, there is no suggestion that such subjects must be taken up *primarily* to address a practical problem, i.e., impiety in the young. As usual, practice is not out of the picture: the person who grasps these things "as well as the subjects of learning that presumably precede these matters … should see what is common to these things and the things that concern the Muse, and should apply this understanding, in a harmonious way, to the practices and customs that pertain to the habitual dispositions" (967e–968a). But the study of the whole and the foundations of the whole—a study which would surely include wrestling with the materialistic claims of pre-Socratic philosophy outlined here and in Book X—is also called "one of the noblest things," that is, something worth pursuing for its own sake, and we are told twice that no one will be admitted to the Council who has not labored over these questions *before* joining the Council, that is, independently of any

use that might be made of the results of that study (886d–e; 889b–c; 966c–d; 967b–c). "[M]ost of those in the city … only go along with what the laws proclaim" about the gods or the divine, and the Council member must "make allowance" for this passivity or indifference to fundamental matters—perhaps by practicing a kind of moderation or perhaps, to follow the suggestion above, by fashioning, through music, practices and customs that accord with his discoveries (966c). But the man worthy to be a member of the Nocturnal Council must himself be alive to the urgency of those questions—that is, he must be philosophic.

And here the attentive reader of the *Laws* runs into a major difficulty. I earlier asked whether—given the age and probable orientation of its dominant members—the Nocturnal Council would be up to the demands of philosophic reflection. It might now seem as if that question had been misguided from the start. For, as we have just learned, a proven thoughtfulness about fundamental matters is a *prerequisite* for membership in the Council. No doubt we are to picture the seasoned older members of the Council, long steeped themselves in the intricacies of dialectical inquiry, carefully picking like-minded young men who would in their turn contribute energy to an ongoing conversation—a conversation leavened by the suggestions of the those who have seen the larger world and whom we now know are to be regular participants in the Council's reflections. But here's the rub. Have we seen *anything* in the account of civic education in Magnesia to suggest that that education would prepare the citizens of Magnesia for such a life of thought and inquiry? Perhaps there have been hints—more on this in a moment—but the bulk of the education in Magnesia lies in weapons training and the practice of conventional piety, and it is hard to see how either could constitute a serious preparation for the life of the mind.[8]

In fact, the Athenian himself seems to take pains to underscore the difficulty we have just run into. A few pages from the end of Book XII he suddenly admits that the young and old among the members of

[8] The serious study of serious poetry can of course raise all sorts of fundamental questions. But apparently Homer and Hesiod are not features of the Cretan landscape (680b–c; 886c–d). And there is no place for tragedy in Magnesian education (817a–d).

the Council, who are to function, respectively, as the eyes and intelligence (*nous*) of the city, must not only have "the best natures," but also enjoy a different sort of education, one marked by precision:[9] "Are we to have them all the same and not have some who are brought up and educated with greater precision?" (965a). This "more precise education" of the men he now calls simply "guardians" is indeed under discussion as the dialogue ends. But this leaves us, the readers of the dialogue, in something of a quandary. We are in something like the position of Polemarchus, Adeimantus, and the rest at the beginning of Book V of the *Republic,* metaphorically tugging on Socrates' sleeve and asking for more of what will prove to be a lengthy account of the education of the philosopher. Or rather, that is our situation and condition—wanting more—but we are at the end of the book, not less than halfway through. What is a reader to do?

One thing we can do is to look back over the *Laws* to see if there are hints about the character of the "more precise education" of the guardians. We can begin by reminding ourselves that the regime of the *Laws* is not simply hostile to reflection on the laws: the laws of Magnesia, or at least some of them, have preludes. Might these quasi-philosophic defenses of the laws not encourage and even provoke a kind of thoughtfulness about the laws, at least on the part of some men? Again, the mathematical and astronomical education described at the end of Book VII resembles in some respects the preliminary education of the philosopher-kings in *Republic* VII (817e–822c).[10] It is easy to imagine that

[9] Between 964d and 965d there are five occurrences of precision words. Another one turns up a bit later in the discussion of astronomy and cosmic intelligence (967d). I believe the only place in the *Laws* where we get a similar flurry is the first discussion of mathematics and astronomy, in Book VII (818a). The discussion of the education of the "free" man here should probably be connected to the two discussions of the "free doctor," who "investigates [maladies] from their beginning" and who uses "arguments that come close to philosophizing, grasping the disease from its source, and going back up to the whole nature of bodies" (720d; 857d).

[10] It also differs from it in two important ways. In the *Republic*, arithmetic and geometry are treated separately; as a consequence incommensurability, the remarkable discovery that some pairs of geometrical magnitudes do not share a common measure and so cannot be described in terms of ratios of integers, cannot arise. In the *Laws*, by contrast, the study of mathematics proper seems to culminate in the study of incommensurability. Again, in the *Republic* astronomy is treated as the study of the pure motions of pure mathematical solids. In the *Laws*, by contrast, it is the study of the actual motions of actual heavenly bodies, primarily with a view to "saving the appearances," that is, to showing that what look like

the primary targets of this education are potential members of the Council. At any rate, the passage points explicitly to the end of the dialogue, and we are told twice that a *precise* education in these matters is reserved for "the few," not "the many" (818a). And then there is the curious matter of the composition of the Council: in the very passage in which we first learn that approved observers of foreign ways will be invited to become part of the Council, Supervisors of Education suddenly drop off the list (951e; 961a). It is hard to know what to make of the apparent omission, but it is at least thinkable that these former observers will *be* the Supervisors—that arrangements are quietly being made to ensure that the most philosophic among the Magnesians, and therefore the most likely to see to it that "the best natures" are properly nurtured, will be in charge of education.

This, then, is one possibility: although we are never given a full account of the "more precise education" that members of the Council will receive, much less an account of the way that education will be integrated with the normal civic education and other institutions in

wandering motions nevertheless make sense. What are we to make of these differences? To begin with, we might note that the treatment of the city and its human inhabitants in each book is analogous to its treatment of the stars: just as actual starry motions in the *Laws* replace possible mathematical motions in the *Republic*, so human bodies and their actual motions, especially their erotic motions, loom larger in the *Laws* than they do in the *Republic*. But I think this analogy points to a deeper issue, an issue also signaled by the problem of incommensurability. There is a kind of intractability, a resistance to being ordered and accounted for, present in the very being of things, including human things. Incommensurability is one sign of this intractability; the study of incommensurability is an attempt to come to grips with it, to, as it were, account for the uncountable by counting up the kinds of incommensurables and discovering their order. The wandering of the stars is another sign, and astronomy as it is presented in the *Laws* is an attempt to discover—or confer—intelligibility on their wandering, especially, apparently, the wandering of Venus or Aphrodite (821c). The wandering of regimes is yet another—and perhaps the most important—sign of this intractability in things (962d). Now the wandering of most regimes is the subject of books eight and nine of the *Republic*, but the wandering of *every* regime, even the best one, is only alluded to there, in the elusive discussion of the marriage number, where of course the intractability of Aphrodite or *eros* is *the* issue. The *Republic*, then, quite deliberately avoids or abstracts from any sustained treatment of the intractability issue. The *Laws*, on the other hand, comes as close to confronting it as one can. In this sense, the *Republic* is a kind of comedy and the *Laws* a kind of tragedy, indeed, "the tragedy that is the most beautiful and the best … the truest tragedy" (817b). And in this sense, Plato is the man who "knows how to make comedy and tragedy" because, like his teacher, he knows about "erotic matters" (*Symposium* 177e; 223d).

Magnesia, nevertheless, if we look closely, we can see the beginnings of a sketch. And since the stranger offers to continue working out the details of that education with Kleinias, we can perhaps have some confidence that, within the imagined world of the dialogue, the sketch will be filled in and the fit between it and other Magnesian institutions will be a good one. Still, I think that even the most generous reader of the *Laws* is bound to feel some dissatisfaction with this "solution." The reader is left, not only wanting a fuller picture of the Nocturnal Council and the education that supports it, but wondering whether a full picture is possible—whether the more philosophic the Council is, the less likely it is to fit neatly within the civic structures of Magnesia. Is the soil of Magnesia or of Crete generally one in which the Council—that is, philosophy—can take root? The concluding paragraphs of the *Laws* leave that question unanswered—but then again, those paragraphs may not be the right place to look for an answer.

Where should we look instead? Until now our attention has been focused, for the most part, on the *argument* of the *Laws,* that is, on the account the stranger gives of the Council and related matters. But suppose we shift our attention away from the argument of the dialogue to its *action*, its dramatic features: a different picture of the situation then comes into view. Notice, first, that Kleinias manages to remain involved in a very long and often difficult to follow conversation.[11] Think of Cephalus and his quick surrender of the argument and withdrawal from the conversation in Book I of the *Republic*: the contrast is striking. Then notice the *way* that Kleinias becomes involved in the closing books of the *Laws*, especially Books X and XII. In Book X, he is clearly disturbed and intrigued by the stranger's account of the various claims of philosophic impiety and manifestly eager to hear what arguments the stranger can marshal against them (886e; 887b–c; 890d–e). In Book XII, we see more of the same. Kleinias recollects claims that were made back in Book I, urges the stranger to address important questions, and is ready, as the book draws to a close, to press forward with the inquiry into who should become a guardian, what they should study, and when and for how long they should study it (968b–d). In other words, over the course of the dialogue, Kleinias becomes increasingly engaged by the stranger's claims and arguments—especially when they touch on subjects that fall within

[11] Megillus is much harder to read; he is so, well, laconic.

the purview of the Council—and by the end of the book is worlds away from the polite, overly confident, somewhat dismissive Kleinias that we see at the beginning. In Kleinias we see a kind of demonstration in deed of what it might be possible to accomplish in Crete—with the right sort of hands-on education aimed with "precision" at a certain sort of soul.

Does this mean that Kleinias has become a philosopher by the end of the *Laws*? I think not; he is too old, too dependent on the stranger, and probably still too attached to his own city and its laws. But it seems clear that something of the stranger's way of seeing and talking has taken root in Kleinias; he has become a friend to philosophy, and he is bound to take that friendship with him into the founding of Magnesia. (No doubt the stranger's influence over him will be greater if the Athenian chooses to help out, but the very enthusiasm with which Kleinias—and Megillus—urge him to stay is already evidence of his staying power [969c–d].) We cannot know what form that friendship will take, how it will show itself in his activity as founder. The Magnesia Kleinias founds in deed may not resemble in every particular the Magnesia they have founded in speech; it may not even contain a Nocturnal Council. But the city is likely to be, in its own way, much more friendly to philosophy than it would have been otherwise; certainly one of its prominent citizens will be. One might put it this way: near the end of the *Republic*, Socrates notes that "the man who has intelligence"—the philosopher—will live while tending and looking "fixedly at the regime within him"; he will "mind the things of this city," the city in speech, whatever the shape of the political landscape around him (591e–592b). Move down one rung and you get Kleinias: guided and shaped by the lingering image of his conversation with the stranger, he will live—and act—taking his bearings, not by the Kallipolis of the *Republic*, but by its second sailing, the Magnesia of the *Laws* (527c; 739a–e).

As for the Nocturnal Council: as it appears within the city in speech, it is not quite a Council and not quite Nocturnal. It is not quite a Council because it is not a *Boule* (the word used to characterize the institution we learn about in Book VI) but a *syllogos*, a word that can refer to assemblies but is literally a gathering, or better yet, a gathering in

speech; the word can also mean "collectedness" or "presence of mind."[12] It is not quite Nocturnal because it meets, not at night, but at dawn or perhaps just before dawn. And yet there is indeed a *nykterinos syllogos* "in" the *Laws*: it takes as its starting point "regime and laws"; it includes a Guardian of the Laws, a priest of Apollo, and an observer of foreign lands who doubles as the Supervisor of Education; it begins before dawn, remains in session throughout the day and lasts far into the night; the last quarter of it certainly takes place under the star-studded Cretan sky, the proper object of the Council's highest inquiries.[13] The true Nocturnal Council, a gathering in speech that emerges from the collected presence of mind—the *syllogos*—of the stranger and the stranger's author, is the *Laws* itself.

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[12] For *Boule* see 755e, 756b and 758d. *Syllogos* in fact appears at 755e; it is used of the gathering of citizens that chooses military leaders in the absence of a *Boule*. Pangle there translates it as "public meeting." In *syllogos* we get the intersection of two of the basic meanings of *legein*: gather/select and speak. Of the two meanings "gather" is the more basic: all speaking is a kind of selective gathering, of subject and predicate in the most elementary form of *logos*, in the case of a *syllogismos*, thought and thought. For the notion of "collectedness" or "presence of mind," see *Phaedo* 83a, where philosophy is said to urge the soul "to gather (*syllegesthai*) and collect itself into itself."

[13] Near the end of Book IV we learn that the discussion of "regime and laws" began "about dawn" and that it is now "high noon." Even though the conversation takes place on or around the longest day of the year, it must, at this rate, end long after sunset; in fact, if the conversation moves uniformly, at the rate of four books per six hours, it should end around midnight. My guess is that the stars become visible in the middle of Book X, just as the subject of astronomy comes back on the scene.

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