

CHAPTER NINETEEN

LEGISLATION AS A TRAGEDY:
ON PLATO'S *LAWS* VII, 817B–D ■ IN CONTENTS: COLON IS MISSING AND 'PLATO'S' IS MISSING, CHANGE HERE?

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During a discussion of tragedy and comedy in Book VII of Plato's *Laws*, the Athenian envisages an emissary of tragic poets who inquire whether they will be admitted into the city for whom he and his two interlocutors are devising legislation (*L.* VII, 817a2–6). In his famous reply, the Athenian appropriates the title of tragedian for himself and his two co-legislators:

O excellent strangers, we are ourselves to the best of our ability composers of the finest and best tragedy. For our entire constitution (*politeia*) has been fashioned as an imitation (*mimesis*) of the finest and best life—which in our view at any rate is the truest tragedy. We are poets working in the same genre as yourselves, rival artists with you in the contest for the finest drama, which true law alone is capable of bringing to perfection. Such at any rate is our hope. So don't expect that we shall so readily allow you a stage, give you a public forum to bring in fine-voiced actors to drown us out, and set you loose to harangue our women, children and population at large on the very practices that we ourselves discuss, but on which your claims are different, indeed usually contradictory, to our own.

We and any city would be mad if we allowed you to do this without the officials first determining whether your compositions are auspicious and fit to be presented in public. Therefore, O scions of the gentle muses, you must display your songs alongside ours for the officials to compare. If yours turn out to contain the same or a better message than our own, we shall grant you a chorus, but otherwise my friends, we cannot.¹

(*L.* VII, 817b1–d8)

¹ “ὦ ἄριστοι” φάναί, “τῶν ξένων, ἡμεῖς ἐσμὲν τραγωδίας αὐτοὶ ποιηταὶ κατὰ δύναμιν ὅτι καλλίστης ἅμα καὶ ἀρίστης· πᾶσα οὖν ἡμῖν ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου, ὃ δὴ φάμεν ἡμεῖς γε ὄντως εἶναι τραγωδίαν τὴν ἀληθεστάτην. ποιηταὶ μὲν οὖν ὑμεῖς, ποιηταὶ δὲ καὶ ἡμεῖς ἐσμὲν τῶν αὐτῶν, ὑμῖν ἀντίτεχνοί τε καὶ ἀνταγωνισταὶ τοῦ καλλίστου δράματος, ὃ δὴ νόμος ἀληθῆς μόνος ἀποτελεῖν πέφυκεν, ὡς ἡ παρ’ ἡμῶν ἐστὶν ἐλπίς· μὴ δὴ δόξητε ἡμᾶς ὀφειδῶς γε οὕτως ὑμᾶς ποτε παρ’ ἡμῖν ἐάσειν σκηνας τε πῆξαντας κατ’ ἀγορὰν καὶ καλλιφώνους ὑποκριτὰς εἰσαγαγόμενους, μεῖζον φθειρομένους ἡμῶν, ἐπιτρέψειν ὑμῖν δημηγορεῖν πρὸς παῖδας τε καὶ γυναῖκας καὶ τὸν πάντα ὄχλον, τῶν αὐτῶν λέγοντας ἐπιτηδευμάτων πέρι μὴ τὰ αὐτὰ ἄπερ ἡμεῖς, ἀλλ’ ὡς τὸ πολὺ καὶ ἐναντία τὰ πλεῖστα. σχεδὸν γὰρ τοὶ κἂν μαινοίμεθα τελῶς ἡμεῖς τε καὶ ἅπανα ἡ πόλις, ἦτισοῦν ὑμῖν ἐπιτρέποι δρᾶν τὰ νῦν λεγόμενα, πρὶν

When the hypothetical tragedians pose their query, the issue of whether tragic poets will be allowed to practice freely in the city is not an open question. In keeping with the general theme of *Laws* VII that the music and dance allowed into the city of Magnesia must be strictly controlled (*L. VII*, 796e4–802e11; cf. II, 656c1–657b8 ff.; IV, 719b4–d1) the Athenian has only just finished elaborating the criteria that must be met by the tragic performances to be permitted in the city (*L. VII*, 814d8–816d2). The point of introducing the hypothetical tragedians is therefore not to answer their question but to emphasize the Athenian’s affirmation that the legislators are rival tragedians to the poets.

This striking claim, more often quoted than analyzed, has struck some readers as the key to understanding Plato’s philosophical writings.² Following Friedlander, many take the passage to affirm that Plato’s dialogues supplant the compositions of the tragic poets as the ‘truest tragedies’,³ or that the ‘philosophical life’ is superior to that of the typical tragic hero.⁴ However, the text of our passage makes it clear that it is not the philosopher but the legislator who lays claim to the title tragedian. It is neither Plato’s dialogues nor the philosophical life that is here classified as tragic (the latter is not a subject of the discussion in the *Laws* in any case), but rather the body of legislation being devised for the city of Magnesia.⁵ We would do well, therefore, to interpret the famous affirmation in the light of the theory and practice of legislation that constitutes the project of the *Laws*, with special attention to the norms governing education (*paideia*) outlined in Book VII, in whose context the Athenian makes this remark.

κοῖναι τὰς ἀρχὰς εἴτε ῥητὰ καὶ ἐπιτήδεια πεποιήκατε λέγειν εἰς τὸ μέσον εἴτε μὴ. νῦν οὖν, ὃ παιδες μαλακῶν Μουσῶν ἔκγονοι, ἐπιδείξαντες τοῖς ἀρχουσι πρῶτον τὰς ὑμετέρας παρὰ τὰς ἡμετέρας ᾠδὰς, ἂν μὲν τὰ αὐτὰ γε ἢ καὶ βελτίω τὰ παρ’ ὑμῶν φαίνεται λεγόμενα, δώσομεν ὑμῖν χορόν, εἰ δὲ μὴ, ὦ φίλοι, οὐκ ἂν ποτε δυναίμεθα.”

² Kuhn (1941–1942) argues that Plato’s own philosophy is continuous with the tragic tradition. Goldschmit (1948), 19 expounds Plato’s views on tragedy as a key to illuminating the central inspiration of Platonism. Gadamer (1980), 71 takes the passage to be Plato’s indication that his own writings ‘are in jest’ and not to be taken seriously.

³ Friedlander (1969), Vol. 1, 122–123; Cameron (1978); Benardete (2000), 221–222.

⁴ Halliwell (1984), 58 and (1996), 338–339, followed by Janaway (1995), 181.

⁵ In this I agree with Mouze (1998), 81–82 and (2005), 332–333 and with Jouët-Pastré (2006), 139, n.2. My interpretation is largely complementary to those of these two scholars; however, I disagree with Mouze on some points of detail (for example, her claim that the *politeia* is like a tragedy insofar as it incorporates necessity and spectacle—Mouze (1998), 90, 98–100) and I point to the relevance of issues in the theory of legislation and *paideia* not mentioned in either account.

It is important to appreciate that that in calling his legislation a tragedy, the Athenian is making a metaphor. The point is easy to miss because the terms ‘tragedy’ and ‘tragic’ have acquired in the present day a primary evaluative meaning; to call something a tragedy is to classify it as a great loss, horrifyingly bad, perhaps also inescapable, and so forth—as in the notion of a tragic death or a tragic turn of events. In the 4th century BCE, by contrast, ‘tragedy’ (*tragoidia*) even in its extended senses, makes reference to a genre of theatre. The relevant features picked out by calling something a tragedy vary considerably from context to context. For example, one may liken a piece of discourse to a tragedy on the grounds of its elevated style, as when Socrates teases Meno for preferring a ‘tragic’ (read: ‘theatrical’) account of vision (*Men.* 76e3). Alternatively, it may be a text’s pretension to seriousness, or the sensational nature of the tale it tells that invite the label ‘tragic.’⁶ Nowhere among Plato’s contemporaries is it obviously used in the modern sense of calamitous or lamentable. Halliwell has argued that it is in fact Plato who originates the use of ‘tragedy’ and its cognates in something like the modern sense.⁷ Without taking a stand on this broader claim, my aim in this paper is to establish that this is not how Plato uses the term in our passage. The Athenian is not saying that the legislation he is devising is ‘tragic’ in the sense that it is, for example, unfortunately necessary given the human condition.⁸ He is saying rather that in constructing a *politeia* (constitution) for the Magnesians, he is practicing in the same genre as the tragic poets. In order to understand the import of this remark, therefore, we must appreciate the nature and social significance of the genre as Plato knows it.

Tragedy is one of two forms of theatrical drama prevalent in Plato’s Athens, the other being comedy. It develops into its characteristic form in Athens in the fifth century BCE and continues to have a high public profile and great prestige in the fourth century. Unlike theatre or cinema today, tragedy in Plato’s Athens was neither mere entertainment nor an elite art form. Tragedies were performed as part of grand public religious festivals in Athens—the most important of which was the City Dionysia,

⁶ Demosthenes 18.13, 19.189, 21. 149–150; Wilson (1996), 317–321, 331 n.58; Halliwell (1996), 333–337, 348 n.3.

⁷ Halliwell (1996), 336–340; he interprets *Phlb.* 50b1–4, *Crat.* 408b–d and *Phd.* 115a5–6 as using ‘tragic’ in the modern sense, but does not take the Athenian’s invocation of ‘tragedy’ at *Laws* VII, 817b2–5 in this way.

⁸ As suggested by Laks (2000), 267; (2005), 30–31.

which attracted visitors from around the Greek-speaking world.⁹ At this annual multi-day festival public officials made sacrifices and offerings on behalf of the city, tribute from subject states was on ostentatious display, and the sons of Athenians fallen in battle were presented to the public—all before an assembled audience of Athenian citizens and honoured guests ranged around the theatre according to their civic affiliations (sections for each deme) and social importance (more influential personages to the front) and comprising a very large proportion of the citizenry at large. Later days of the festival were devoted dawn to dusk to the performances of tragedies, comedies, and dithyrambs.¹⁰ The plays were staged not merely as performances but as competitions between rival playwrights, with the winners chosen by judges selected from the audience.

The competitive context of tragic performance is clearly reflected in our passage from the *Laws*, where the Athenian portrays the three legislators for Magnesia and the tragic poets as ‘rival artists ... in the contest for the finest drama’ (*L. VII*, 817b7–8). Indeed, as Morrow has pointed out, the requirement to ‘display your own songs alongside ours’ for comparison by city officials (817d4–5) replicates the procedure by which tragedies were in fact selected for performance at the festivals.¹¹

A further feature of Classical tragedy that is significant to Plato’s project in the *Laws* is its choral nature. The staging of a traditional Greek tragedy is in large part a matter of choral performance—ensemble song and dance performed in closely choreographed movements by the twelve (later fifteen) member chorus. The chorus is the dominant agent in tragic drama, and it is from these singers, called *tragoidoi* (literally goat-singers), that tragedy gets its name.¹² The centrality of the chorus in tragedy explains why the Athenian refers to the compositions of the tragic poets as ‘songs’ (*L. VII*, 817d5). The competition between tragedies at the Dionysian festivals was conceived of as a contest between different choruses. Indeed, to finance and stage a tragedy is, in the standard phrase,

⁹ On the City (or ‘great’) Dionysia, see Pickard-Cambridge (1962) and (1988) and Goldhill (1990).

¹⁰ Dithyrambs (of which very few texts remain) were performed by large (fifty-member) choruses—with each Athenian deme entering one chorus into the competition (Pickard-Cambridge (1962), 38–43).

¹¹ Morrow (1960), 375.

¹² The significance of the goat is disputed, but it is speculated that the genre out of which Athenian tragedy developed was performed by a chorus dressed in goat skins or that a goat was the prize for the winning chorus. See Pickard-Cambridge (1962); Vernant and Vidal-Naquet (1972), and Winkler (1990b).

to 'equip a chorus.' Thus the Athenian articulates the issue of whether the tragic poets will be permitted to mount their plays as whether 'we will grant you a chorus' (*L. VII, 817d7*).

It is as a species of choral performance in a ritual context that tragedy requires strict state supervision, according to the legislative principles articulated by the Athenian in *Laws*. The legislator's primary goal, he insists in Book I, is to inculcate virtue (*aretê*) in the citizens (*L. I, 630c2-4, 631b3-d1*). This involves cultivating (*paideuein*) the citizens' feelings of pleasure and pain so as to accord with (*sumphônein*) wisdom (*L. II, 653a5-c4*). The primary vehicle by which this effect is to be achieved, according to the Athenian, is participation by citizens in choral performance at festivals to the gods (*L. II, 653c8-654a7*). He develops this account of *paideia* (education) at length in Book II and returns to the subject in book VII. Choral performance, he claims, trains the souls of the citizens to delight in and approve of the actions and character of a good person (*L. II, 659d1-660a8; 669b5-c3*). Incorporating both song and dance, it straddles the two traditional divisions of *paideia*. As dance, it is a species of physical training (*gymnasia*). Indeed, it is in the context of a discussion of *gymnasia* in general (*L. VII, 813a5-817e3*) and dance in particular (*814d8-816e10*) that the Athenian lays claim to the title 'tragedian'. As song, choral performance falls into the category of *mousikê* (music or poetry). Our natural affinity to the rhythm and melody that adorn poetic compositions make it an especially effective medium for driving home a message (*L. II, 653d7-654a7; 663e8-665c7*)—hence the importance, in the Athenian's eyes, of censoring the content of that message.

When he returns to the topic of choral performance in Book VII (*798e4-800b2*) it is by stressing its context in religious ritual that he underscores the need to censor its content:

ATHENIAN: Suppose that after a sacrifice and burnt offering have been made in a lawful manner some private person standing next to the altar and the offerings—a son or a brother for example—should break out in a stream of blasphemy. Wouldn't his utterance fill the father and other relatives with dread and evil foreboding?

CLINIAS: How could it not?

ATHENIAN: Well in our part of the world this is what happens in practically every city: An official performs a public sacrifice and right away a chorus comes up—not only one but a whole crowd of them—and standing not far from the altar, or sometimes even right next to it, they fill the offering with utter blasphemy, plucking at the souls of the listeners with language and rhythm and bewitching melodies. The

chorus that is most effective at moving to tears the audience that has just performed the sacrifice is the one that wins the prize.¹³
(*L. VII, 800b8–d5*)

The Athenian is clearly referring to the performance of tragedies and dithyramb¹⁴ at the Dionysian festivals. Indeed, he is singling out for criticism the feature of such performances canonized by Aristotle as the signature effect of tragedy: moving the audience to tears.¹⁵ In denouncing this attitude as blasphemous (for reasons that we will explore later), the Athenian here repudiates the very feature of tragedy reflected in the modern conception of the tragic as lamentable and calamitous. Therefore, when he likens his legislation to a tragedy later on in Book VII (again in the context of the need to censor choral performance) it is unlikely that he is intending to classify it as ‘tragic’ in this sense.

In any case, the Athenian is quite explicit in our passage about his reason for calling the joint legislative undertaking a tragedy: the constitution (*politeia*) they are constructing is ‘an imitation of the finest and best life’, which in his opinion makes it the ‘truest tragedy’ (*L. VII, 817b3–5*). The salient feature of tragedy on this view is neither its plot structure nor the attitudes expressed in its most famous exemplars but its subject matter: a depiction of the best life. This criterion of the tragic reflects the standard demarcation at the time between comedy and tragedy: within the broader genus of choral drama, tragedy is the genre that depicts good and worthy

¹³ θυσίας γενομένης και ἱερῶν καυθέντων κατὰ νόμον, εἴ τῷ τις, φαμέν, ἰδία παραστάς τοῖς βωμοῖς τε και ἱεροῖς, ὅς ἢ και ἀδελφός, βλασφημοὶ πᾶσαν βλασφημίαν, ἄρ’ οὐκ, ἂν φαίμεν, ἀθυμίαν και κακὴν ὅταν και μαντείαν πατρὶ και τοῖς ἄλλοις ἂν οἰκείοις φθέγγουτο ἐντιθεῖς;

{ΚΑ.} Τί μὴν;

{ΑΘ.} Ἐν τοίνυν τοῖς παρ’ ἡμῖν τόποις τοῦτ’ ἐστὶν ταῖς πόλεσι γιγνόμενον ὡς ἔπος εἰπεῖν σχεδὸν ὀλίγου πάσαις· δημοσίᾳ γάρ τινα θυσίαν ὅταν ἀρχὴ τις θύσῃ, μετὰ ταῦτα χορὸς οὐχ εἰς ἀλλὰ πλῆθος χορῶν ἦκει, και στάντες οὐ πόρρω τῶν βωμῶν ἀλλὰ παρ’ αὐτοῖς ἐνίοτε, πᾶσαν βλασφημίαν τῶν ἱερῶν καταχέουσι, ῥήμασι τε και ῥυθμοῖς και γουδεστάταις ἀρμονίαις συντείνοντες τὰς τῶν ἀκροωμένων ψυχάς, και ὃς ἂν διακρῦσαι μάλιστα τὴν θύσασαν παρα-χοῖμα ποιήσῃ πόλιν, οὗτος τὰ νικητήρια φέρει.

¹⁴ Accompanied by the flute, dithyramb had the reputation of being highly emotional (Pickard-Cambridge (1962), 9–10). Aristotle speculates that tragedy developed out of the earlier genre of dithyramb (*Poet.* 1449a9–11). The genre itself underwent considerable variation and innovation starting in the late fifth century, including the increasing use of the ‘mixed’ musical styles so deplored by Plato (*Rep.* III, 397a1–e2; *L.* II, 669c3–e4). His antipathy to the flute and to the ‘lamenting’ modes (*Rep.* III 398e1–5, 399d3–e4) also seem to be directed against dithyramb (Pickard-Cambridge (1962), 38–43).

¹⁵ Aristotle, *Poetics* 1452a2–3, b30–1453a12. Plato too notes the role of pity and fear in tragedy (*Phdr.* 268c8).

people, while comedy represents low life. Thus epic shares with tragedy the feature of representing good and noble types—hence Socrates' classification of Homer as a tragedian in *Republic X* on the grounds that he depicts heroes (*Rep. X*, 605c11), and the Athenian's distinction between comic and tragic dance on the grounds that the former imitates the movements of 'inferior' people (*L. VII*, 814e4; cf. 816d3–6).¹⁶

That the dramas of the tragic poets are imitations is a familiar doctrine in Plato's *Republic*. As Socrates famously points out in Book III, narrative literature describes people's characters and deeds from a third person perspective, while the first-person voice of dramatic literature makes the recitation of such literature an imitation (*mimesis*) of those characters and deeds (*Rep. III*, 392d5–394b1). The Athenian in *Laws* agrees. Choral performances, he pronounces in Book II and reaffirms in book VII, are 'imitations of characters in all kinds of actions and circumstances' (*L. II*, 655d5–6; cf. VII, 798d8–9).¹⁷

The notion of a *politeia* as an imitation is also one that Plato has developed at length in another context. In the *Statesman*, the Eleatic Stranger proclaims that the only genuine *politeia* (here used in the sense of 'constitution') is ruled by expertise; all other varieties are imitations of this one (*Stsm.* 293c5–e5; 297c1–5).¹⁸ Constitutions in which the rulers are subject to the laws are better imitations of the true one, while those in which the rulers are free to disregard the laws imitate it 'for the worse' (*Stsm.* 293e3–5, 300b9–301a3). Here *Republic X*'s notion of imitation as falling short of reality is at play (*Rep. X*, 597e1–598c4). The worst imitations of the true *politeia* are so far from the original that their officials are in fact better characterized as pretenders and imposters (*Stsm.* 301b10–c4, 303b10–c5).

The reason why the law-governed *politeia* is only an imitation of the true *politeia* and not itself the best, the Eleatic Stranger explains, is that political knowledge (like most forms of practical expertise) cannot be perfectly captured in general principles (*Stsm.* 294a10–c4). Although the expert ruler, and hence the genuine *politeia*, will use laws as a matter of practical necessity (general rules being the most efficient way of

¹⁶ Cf. Aristotle *Poet.* 1448a16–18, 25–27, 1449a32–34. Thus Plato's contemporary Isocrates uses the verb 'tragoidein' for the memorialization of the deeds of great men (*Antidosis* 15.136, *Euagoras* 9.6; Wilson (1996). 329 n.42).

¹⁷ Aristotle follows Plato in taking imitation of action to be the feature that distinguishes drama per se from epic and other literary forms (*Poet.* 1448a26–28).

¹⁸ I have found no other commentator who notes the relevance of these texts in *Statesman* for the interpretation of the famous claim in *Laws* 817b–d.

communicating guidance or commands to the citizenry—*Stsm.* 294d3–295b5), rigid adherence to such rules will not invariably yield expert results. An expert ruler would be able to recognize cases where the general principles do not apply, and make exception to the laws accordingly (*Stsm.* 295b10–296a2, 300c8–d2). Making exceptions to the rules without expertise, however, is a mark of great folly (*Stsm.* 300d4–e2) and the signature of the pretender and imposter. Thus adherence to the rule of law is a safety measure to be adopted by cities where political expertise is lacking.

On these points the Athenian in the *Laws* is in complete agreement with the Eleatic Stranger. Although political expertise cannot be fully captured by general principles (*L.* IX, 875c3–d2), the rule of law must be adhered to scrupulously in polities where such expertise is lacking (*L.* IX, 856b1–5; 874e8–875d5). Like the Eleatic Stranger in the *Statesman*, the Athenian uses the vocabulary of imitation to make this point in Book IV of the *Laws*. The best run cities, he says, are imitations (*mimēmata*) of the mythical city ruled by divine wisdom (*L.* IV, 713a8–b4), and it is by adhering to the rule of law that we imitate the life lived in that city (*L.* IV, 713e6–714a2).¹⁹

Of course, we imitate it better to the extent that our laws are better—hence the Athenian’s claim in our passage that ‘true law alone is capable of bringing to completion (*apotelein*)’ (*L.* VII, 817b8) the imitative project of the *politeia*.²⁰ The best laws are those that the expert rulers themselves would devise (*Stsm.* 300c4–6). However, the very condition that mandates the rule of law is the absence of such expertise:

But as things are, when it is not the case—as we say—that a king does come to be in cities as a king-bee is born in a hive, one individual immediately superior in body and in mind, it becomes necessary—as it

¹⁹ By contrast, Mouze construes the imperfection inherent in the Magnesian *politeia*’s imitative status as based on its ‘second best’ status in relation to the *Republic* (Mouze (2005), 344–345). While it is no doubt in comparison with the *Republic* that the legislation for Magnesia is said to be second best at *Laws* V, 739a6–e7 and VII, 807b3–c1 the Athenian does not use the vocabulary of imitation in these contexts to describe the latter’s shortcomings, and it is specifically the laws concerning private property and the family that he singles out as falling short of the ideal. At *L.* IX, 875d2–5, by contrast, it is the rule of law that renders the Magnesian *politeia* “second best” in relation to the ideal (rule by expertise). This is the relevant imperfection invoked in the *Statesman*, and I submit that it is the one relevant to the imitative status of the Magnesian *politeia* in the *Laws*.

²⁰ The verb (*apo*)*telein* is regularly used by Plato to characterize imitation (e.g. *Stsm.* 288c, *L.* II, 668b6–7). By contrast, see Mouze (1998), 87–88 and (2005), 346, where the coercive aspect of law is invoked to explain how law ‘brings to completion’ the drama of the *politeia*.

seems—for people to come together and write things down, chasing after the traces of the truest constitution.²¹

(*Stsm.* 301d8–e4; trans by Rowe 1995)

Legislation in the real world must be devised without the benefit of an easily identifiable political expert whose credentials are as self-evident as those of the queen bee in the hive. And this is exactly the position in which the three legislators in the *Laws* find themselves. They are ‘chasing after the traces of the truest constitution’ in the sense that they are seeking to formulate the best legislation they can, while at the same time admitting that they fall short of the expertise of the true statesman. Their legislation is at best provisional, a sketch to be filled in, elaborated, and corrected by subsequent generations of legislators (*L.* VI, 769b6–e9).²² The three founding legislators are imitating to the best of their ability (*kata dunamin*—*L.* VII, 817b2) the expert legislator’s composition, and the qualification with which they end their boast—‘or such at any rate is our hope’ (*L.* VII, 817b8–c1)—registers an appropriate modesty in the face of the enormity of the task.

The constellation of views we have just examined in *Statesman* and *Laws* imply that the Magnesian *politeia* is an imitation of the best *politeia*, and that its legislators are attempting to imitate the legislative activity of the expert statesman. One might object that neither of these notions amounts, strictly speaking, to the Athenian’s claim that the *politeia* itself is ‘an imitation of the best life’ (*L.* VII, 817b3–4). After all, it is the law abiding citizens, not the *politeia*, who are said to imitate the best life at *Laws* IV, 713e6. To be sure, the statutory legislative project embarked upon by the three legislators comprises a fairly detailed script for the lives of the Magnesians. Every milestone of life (birth, upbringing, marriage, death) is the subject of legislation, as are the activities (meals, bedtimes, pastimes) that articulate the round of the day and the military exercises and religious festivals that structure the round of the year—right down to the content, rhythms and melodies of the songs and dances to be performed at these festivals. In this respect, the body of legislation is like the script of a theatrical drama. Nonetheless, one might object, the legislation is not a script in the same sense as the text of a tragedy is.

²¹ Νῦν δέ γε ὅποτε οὐκ ἔστι γιγνόμενος, ὡς δὴ φαμεν, ἐν ταῖς πόλεσι βασιλεὺς οἷος ἐν σμήνεσιν ἐμφύεται, τό τε σῶμα εὐθύς καὶ τὴν ψυχὴν διαφέρων εἶς, δεῖ δὴ συνελθόντας συγγράμματα γράφειν, ὡς ἔοικεν, μεταθέοντας τὰ τῆς ἀληθεστάτης πολιτείας ἵχνη.

²² On the prospects and criteria for successful legislation in the *Laws*, see Meyer (2006).

While the laws tell a citizen what actions he must perform, they do not constitute the text of his performance.²³ A choral performer who recited the text of legislation would be imitating not the life of a citizen but the activity of legislation.

We might articulate this objection by invoking the criterion of *mimesis* invoked in *Republic* III, according to which imitative texts are written in the first person (*Rep.* III, 392d5–393c9). Legislation, by contrast, issues its directives in the third person ('Let no citizen ...' 'Any citizen who ... is to ...'). It is significant to note, however, that the 'first person' criterion of *mimesis* is not invoked in the *Laws*. The extended discussion of imitation in Book II treats it as an attempt not at impersonation (for which the first person voice is necessary) but at accurate representation. The Athenian makes it clear that it is the representational aspirations of a work, not its form or diction, that make it imitative.²⁴ In a passage echoed by his later claims about *mimesis* in our passage in *Laws* VII, he claims that 'an imitation is correct ... if it completely captures (*apoteloito*) the proportions and qualities of its model.' (*L.* II, 668b6–7; cf. *L.* VII, 817b8).²⁵ The model in question in the case of tragedy, the Athenian affirms, is the best life. It is therefore as attempts to delimit the best life that the tragedies of the poets count, in the Athenian's view, as 'imitations of the best life'. Indeed, they could hardly count as dramatizations of the best life, given the amount of disaster and misfortune in the typical tragic plot. (As Ruth Padel observes: 'tragedy specializes in things gone wrong'.)²⁶ The view of the best life presented in these plays it is not enacted by the actors, but expressed by the characters and chorus as they react to the fortunes of the protagonists. In Halliwell's memorable phrase, theatrical tragedy affirms certain values 'in what it mourns and what it grieves.'²⁷ The depiction the good life expressed in tragic theatre is therefore no more 'imitative' than that expressed in the legislation for Magnesia.

Here it is useful to keep in mind that both legislation as conceived of by the Athenian and the dramas written by the tragic poets involve a

²³ Thus Taylor's translation of '*mimesis*' at 817b4 as 'dramatization' (endorsed by Patterson (1982), 78) is misleading. The Athenian is not claiming that the *politeia* of Magnesia is a dramatization of the best life.

²⁴ On *mimesis* in *Laws* II, see Ferrari 1989.

²⁵ μιμήσεως γὰρ ἦν, ὡς φαμεν, ὀρθότης, εἰ τὸ μιμηθὲν ὅσον τε καὶ οἶον ἦν ἀποτελοῖτο.

²⁶ Padel (1992), 4.

²⁷ Halliwell (1996), 338.

significant amount of commentary on action. Indeed, this is largely the function of the chorus in Greek tragedy; much of the ‘activity’ of the drama is the chorus’ reaction to and commentary on the actions and fortunes of the protagonists. Legislation too, as the Athenian wishes to reform it, contains commentary on right and wrong. The Athenian insists in Book VI that proper legislation must contain persuasive preambles to recommend the actions being commanded (*L. VI*, 719e7–720e5), a point he reiterates in Book VII (822d2–823a6). The prelude to a properly formulated statute will therefore be not unlike a chorus’s commentary on the actions of a tragic protagonist.

The contest between the tragedies of the poets and those of the legislators is to be decided, in the Athenian’s view, according to how well each achieves the imitative aspirations of the genre. Only if the tragedies of the poets give the same (or a better) account of the good life as the *politeia* of Magnesia will they be permitted to be performed in that city (*L. VII*, 817d6–8; cf. IX, 858c10–859a1). Plato’s reader here is no doubt intended to be reminded of the similar boast made by the Athenian a little earlier in Book VII. After the Athenian notes the educational perils inherent in the traditional practice of memorizing and reciting large amounts of poetry without vetting the content (*L. VII*, 810e6–811b5), Cleinias asks him to provide a paradigm by which the officials of Magnesia can evaluate the poetry on offer (*L. VII*, 811b6–c2).²⁸ He replies, with some self-consciousness and embarrassment, that the very dialogue in which the three of them are engaged constitutes such a paradigm:

Looking back over the discussion with which we have occupied ourselves since dawn, which seems to me to be not without divine inspiration, it struck me in its entirety as very much like a kind of poetry. It is no wonder that a feeling of great pleasure came over me as I contemplated our discussion as a whole, for of all the discourses (*logoi*) I have listened to and learned from, whether in poetry or in the plain speech I’m now using, this one struck me as evidently the most respectable and suitable for the young to hear. So I cannot give a better paradigm than this to the guardian of the laws in charge of education.²⁹ (*L. VII* 811c6–d6)

²⁸ The question is given an alternative introduction at *L. VII*, 810b4–c4 under the heading of ‘teaching not set to music’ (*mathēmata alura* 810b4–5).

²⁹ νῦν γὰρ ἀποβλέψας πρὸς τοὺς λόγους οὓς ἐξ ἔω μέχρι δεῦρο δὴ διεληλύθαμεν ἡμεῖς—ὡς μὲν ἐμοὶ φαίνόμεθα, οὐκ ἄνευ τινὸς ἐπινοίας θεῶν—ἔδοξαν δ’ οὖν μοι παντάπασι ποιήσει τινὶ προσομοίως εἰρησθαι. καὶ μοι ἴσως οὐδὲν θαυμαστόν πάθος ἐπῆλθε, λόγους οἰκείους οἷον ἀθρόους ἐπιβλέψαντι μάλα ἡσθῆναι· τῶν γὰρ δὴ πλείστον λόγων οὓς ἐν ποιήμασιν ἢ χύδην οὕτως εἰρημένους μεμάθηκα καὶ ἀκήροα, πάντων μοι μετριώτατοί γε εἶναι κατεφάνησαν καὶ προσηρόντες τὰ μάλιστα ἀκούειν

In contrast with his later claim that the Magnesian *politeia* sets the standard to be met by poetic compositions (*L.* VII, 817d6–8) the Athenian here attributes paradigm status to the larger discourse in which that legislation is embedded (in fact, to the dialogue that Plato is writing!). This difference notwithstanding, the two claims are closely related. After all, the *politeia* identified as a paradigm at *Laws* VII, 817d6–8 is explicitly constructed as an application of the principles articulated in the non-legislative parts of the dialogue. The dialogue as a whole is a proper paradigm for the evaluation of literary content for the same reason that its legislative content is a successful ‘imitation’ of the best life. As he puts the point later in Book IX, the legislator’s advice on how to live is the standard by which the tragedian’s advice is to be evaluated (*L.* IX, 858c10–859a1).

The Athenian’s point here at *Laws* VII, 811b6–d6 is not that the dialogue *Laws* (unadorned with the beauties of rhythm, meter, diction and melody) should be read to the young,³⁰ but rather that its message or content (the *logoi* it contains—*L.* VII, 811d2) is what they should hear in the works of the poets. Its doctrines are the ones that the teachers of the young must understand and approve (*L.* VII, 811e5–812a2), and only those pieces of literature whose content agrees with them shall make it onto the approved curriculum (*L.* VII, 811d7–e5).

The proposal at *Laws* VII, 811c7–10 that the dialogue *Laws* is a poetic composition, divinely inspired in the manner of the poets, is clearly ironic.³¹ Even setting aside its unwieldy length and obviously unfinished organization (which make it among the least ‘poetic’ of Plato’s works) the *Laws* is avowedly lacking the order and adornment characteristic of music: rhythm, diction, and melody. The Athenian aptly classifies its diction as ‘plain speech’ (*L.* VII, 811e3)—that is, ‘written down in the manner of ordinary speech unadorned by rhythm and melody’ (*L.* VII, 810b6–7). Plato is keenly aware of the aesthetic power of rhythm and melody. Indeed it is on this basis that he identifies choral performance by citizens as the premier vehicle of *paideia* (*L.* II, 653c7–654a7, 672c1–673b4). It is because of the enormous power of the aesthetic component of literature—the ability of rhythm and melody to deliver a message effectively and imprint it in our souls (*L.* II, 659a4–660a, 673a3–5)—that

νέοις. τῷ δὲ νομοφύλακί τε καὶ παιδευτῆι παράδειγμα οὐκ ἂν ἔχομι, ὡς οἶμαι, τούτου βέλτιον φράζεν.

³⁰ By contrast, Laks (2000), 266 interprets it as inviting schoolmasters to read parts of the *Laws* to their students.

³¹ On the alleged divine inspiration of the poets, see also *L.* IV, 719c1–d1, *Ion* 533c9–535a2, *Men.* 99c7–d5, *Phdr.* 245a1–8, 265b1–c3.

the Athenian insists on controlling the message that it delivers. Thus even if the teachings contained in the dialogue *Laws* are what the Magnesian citizens must learn and incorporate into their souls, this educational goal will not be achieved without the vehicles of rhythm and melody, and no one is more aware of this than Plato.

Similarly ironic, or at any rate deliberately provocative, is the Athenian's boast in our text in Book VII that the *politeia* articulated in the *Laws* is an instance of 'the truest tragedy' (*L. VII, 817b5*). The *politeia* of Magnesia will function no better than the dialogue *Laws* as a text for choral performance, and the Athenian (or at any rate Plato) can hardly have intended his boast to be interpreted in this way. Indeed, that Plato finds it necessary for the Athenian to explain the sense in which he takes his legislation to be a tragedy suggests that there is no obvious interpretation of his boast on which his intended audience would be expected to understand it. The interpretation he offers is, in fact, explicitly marked as unorthodox:

Our entire constitution (*politeia*) has been fashioned as an imitation (*mimesis*) of the finest and best life—which in our view at any rate (*ge*) is the truest tragedy³²
(*L. VII, 817b3–5*)

The restrictive '*ge*' at 817b5 marks this conception of the tragic as one his audience would not find obvious.

We are now in a position to appreciate just how controversial this conception of tragedy would be for Plato's readers. The sole criterion for the tragic that the Athenian invokes, 'imitation of the best life,' deliberately strips away the 'aesthetic' elements of tragic composition—the beauty of language, meter, and melody that contribute the lion's share of its aesthetic power and audience appeal and are the basis on which other kinds of discourse might be classified as 'tragic.'³³ As we have seen, he even strips away tragedy's 'dramatic' character, and pares it down simply to its core message—an account of the best life.³⁴ On such a conception of the tragic, any ethical treatise would count as a tragedy!

Why then does Plato have the Athenian lay claim to the title 'tragedian' on behalf of the legislator? His introduction of the hypothetical tragedians as 'our so-called serious poets' (*L. VII, 817a2–3*) provides the

³² πᾶσα οὖν ἡμῖν ἡ πολιτεία συνέστηκε μίμησις τοῦ καλλίστου καὶ ἀρίστου βίου, ὃ δὴ φάμεν ἡμεῖς γε ὄντως εἶναι τραγωδίαν τὴν ἀληθεστάτην.

³³ As at *Men.* 76e3.

³⁴ As Jouët-Pastré (2006), 142 and Mouze (1998), 93 and (2005), 336 point out, we are reminded here of a similar reduction of tragedy to a 'discourse' in *Gorgias* 502b1–c8.

key. Tragedy in Plato's time was generally viewed as the premiere genre that pronounced on serious or weighty subjects (*ta spoudaia*)—a conception preserved in Aristotle's definition of the genre (*Poet.* 1449b24–25). The Athenian himself makes it clear that he interprets the tragedies of the poets as discourses on the best life. So too did many of Plato's contemporaries. Tragedies—especially those of the revered fifth-century playwrights—were widely respected as sources of wisdom, with status and authority comparable to that of scripture in the Judeo-Christian tradition. Fourth-century orators regularly quoted from famous tragedians,³⁵ and canonical copies of the works of Aeschylus, Sophocles, and Euripides were deposited in the *polis* archive.³⁶ In this social setting, to appropriate the title tragedian is to lay claim to the status of respected authority on 'serious' matters.³⁷

The question of what is truly 'serious' (*spoudaion*), and the distinction between being serious (*spoudazein*) and playing or jesting (*paizein*) is a major theme of the Athenian's in the *Laws*.³⁸ Most people draw the distinction incorrectly, he insists in Book VII. He shocks his interlocutors by stating that 'human affairs are not worth taking very seriously' (*L. VII, 803b4*). It is rather the divine we must take seriously:

We must be serious about (*spoudazein*) things that are serious (*spoudaion*), but not about things that are not. While god is by nature worthy of a good person's entire serious attention (*spoude*), a human being (as we said earlier) is fashioned as a kind of plaything (*paignion*) of god—and this is in fact the best thing about him.³⁹ (*L. VII, 803c2–6; cf. Rep. X, 604b12–c1*)

In calling a human being the 'plaything' (*paignion*) of the gods, the Athenian underlines humanity's insignificance in the face of the divine; he also explicitly refers back to his famous metaphor in Book I, where he proposes that human beings are puppets (*thaumata*) of the gods (*L. I, 644d7–8*) and explains the puppet metaphor by describing the two different kinds of 'strings' that move us. On the one hand, there is the pull of pleasure and pain and our expectation of these (*L. I, 644c6–*

³⁵ Wilson (1996), 312, 325 n.10.

³⁶ Plutarch, *Vit. Orat.* 841 ff.; Pickard-Cambridge (1968), 100 n.2, Wilson (1996), 316, 328 n.34, n.35.

³⁷ This has been noted also by Patterson (1982), 79; Rowe (1994), 136 and developed at length by Jouët-Pastré (2006), 140–147.

³⁸ For a discussion of the motif throughout the *Laws*, see Jouët-Pastré (2006).

³⁹ Φημί χρῆναι τὸ μὲν σπουδαῖον σπουδάζειν, τὸ δὲ μὴ σπουδαῖον μὴ, φύσει δὲ εἶναι θεὸν μὲν πάσης μακαρίου σπουδῆς ἄξιον, ἄνθρωπον δέ, ὅπερ εἶπομεν ἔμπροσθεν, θεοῦ τι παίγιον εἶναι μεμηχανημένον, καὶ ὄντως τοῦτο αὐτοῦ τὸ βέλτιστον γεγονέναι

d1); this is the ‘iron string’ in our nature (645a3). On the other hand, there is the ‘golden’ pull of divine reason as expressed in law (644d1–3), which we must follow always (645a1–b8). This explains why ‘true law’ alone is able to ‘bring to perfection’ (*apotelein*) the human drama (L. VII, 817b8); insofar as we conduct our lives according to the reason embodied in *nomos*, we are following the divine element in our nature. In accord with our status as playthings of the gods, the Athenian continues here in Book VII, human beings should ‘spend their lives playing at the best possible pastimes’ (L. VII, 803c6–8). In contrast with the usual assumption that pastimes or play (*paidia*) are what we engage in when we have leisure from the serious business of life, the Athenian insists that appropriate leisure activities are in fact the most serious pursuits of all (L. VII, 803c8–b4). With a play on words exploiting the similarity between play (*paidia*) and education (*paideia*) (L. VII, 803d5–6), he explains that the correct way to live is to spend one’s life in the activities of *paideia*:

A person must spend his life engaging in a certain kind of play (*paizontas tinas paidias*): sacrificing and singing and dancing, so as to be able to win the favour of the gods, ward off enemies, and win battles. The sort of songs and dances he should perform in order to do this have already been sketched.⁴⁰ (L. VII, 803e1–6)

As the excursus on the specialized function (*ergon*) of the citizens makes clear, the leisure from work enjoyed by the citizens of Magnesia is to be devoted to the cultivation of virtue (L. VII, 806d7–808c6; cf. VIII, 846d2–7). Virtually every day of the calendar is to be occupied with the military exercises and religious festivals at which the citizens will engage in choral performance (L. VIII, 828a1–c3, 829b2–830e2). To live out one’s life as a ‘puppet of the gods’ (L. II, 644d7–8) on this view, is therefore to devote one’s life to the choral performances that constitute *paideia* (VII, 803e1–2).

Such choral performance is the most serious business of life because *paideia*, as the Athenian has explained at length, is the process whereby the ‘iron strings’ of pleasure and pain are molded to follow that of reason (L. II, 653a5–b4, 659d1–6), which is the divine aspect in ourselves (L. IV, 713e8–714a2). In devoting our lives to the cultivation of the divine element in ourselves, we ‘take seriously’ the only element in ourselves

⁴⁰ παίζοντά ἐστιν διαβιωτέον τινὰς δὴ παιδείας, θύοντα καὶ ἄδοντα καὶ ὀρχούμενον, ὥστε τοὺς μὲν θεοὺς ἴλεως αὐτῷ παρασκευάζειν δυνατὸν εἶναι, τοὺς δ’ ἐχθροὺς ἀμύνεσθαι καὶ νικᾶν μαχόμενον· ὅποια δὲ ἄδων ἂν τις καὶ ὀρχούμενος ἀμφοτέρω ταῦτα πρᾶττοι, τὸ μὲν τῶν τύπων εἴρηται καὶ καθάπερ ὁδοὶ τέτμηται καθ’ ἕκαστον.

that is worth taking seriously and thus become like the gods, insofar as we are able (*L.* VII, 792d5; cf. IV, 716c1–d4).

This conception of what is truly serious is reflected in the lesson that the legislator is supposed to teach the citizens about the relative priority between what the Athenian calls ‘divine goods’ and ‘human goods’ (*L.* I, 631b3–d6). The divine goods are the virtues of character, all of which are informed by wisdom. The human goods are health, strength, wealth and the like. These ‘depend on’ the divine goods (*L.* I, 631b6–7) in the sense that it is only as informed by the virtues of character that the human goods are good; thus it is only wealth ‘accompanied by *phronesis*’ (*L.* I, 631c5) that counts as a human good. The divine goods are the most important ones, and a person who secures them will be happy (*L.* II, 660e1–661d4) and thus have no grounds for lamentation.

This lesson from the legislator is quite the opposite to the message conveyed by the tragedies of the poets in Plato’s day. The weeping and lamentation evoked by the tragedies of the poets respond to misfortunes in the human goods—as in the reversal of fortune or downfall that is typical of the tragic plot. Thus the tragic choruses of the poets encourage citizens to take the human goods seriously in their own right—as Socrates complains in *Republic X*, 604b9–c3. This is the ‘blasphemy’ inherent in the tragic choruses maligned by the Athenian at *Laws VII*, 800c5–d5, and it is the basis of the Athenian’s subsequent claim that the poets promulgate doctrines contrary to those of the Magnesian legislators (*L.* VII, 817c6–7). The Athenian’s goal in laying claim to the title tragedian is to repudiate this message, while at the same time displacing the moral authority of the poets who deliver it.⁴¹ If tragedy is the genre that pronounces on serious subjects, then the truest tragedy is the composition whose pronouncements on these subjects are most correct. In Plato’s view, the true tragedian is not the poet who encourages the human propensity to lament our misfortunes, but the legislator who teaches us that the only misfortune that can befall a person is to fail to achieve virtue.⁴²

⁴¹ I follow Janaway (1995), 181 in using the term ‘displacement’.

⁴² I would like to thank Pierre Destree and Charles Kahn for helpful suggestions and comments.