

# THE ALLEGED DOUBLE VERSION IN THE SIXTH BOOK OF PLATO'S *LAWS*

IN 1910 Wilamowitz suggested that the account of the election of the first Magnesians officials (*Laws* 751 a–755 b) is a conflation of two originally separate sets of proposals. After long neglect his arguments have been resurrected, with one major modification and in more detail, by Morrow.<sup>1</sup> I intend to argue that both commentators are fundamentally mistaken, and that, properly interpreted, the passage yields limited but valuable information about Plato's plans for coping with the problems of founding a state from scratch. These plans are not simply of theoretical interest: as D. A. Russell has remarked,<sup>2</sup> the *Laws* is our best guide to the policies and practices of the constitutional advisers sent out by the Academy.

## SUMMARY

In the following analytical summary the small section at the bottom of Morrow's line indicates that he regarded 3(a) as a 'link' sentence written by an editor who found both sets of proposals among Plato's remains and was reluctant to discard either.

A	B	Summary
	1(a). 751 a 1–3	The next task is to establish the state's ἀρχαί.
	(b). 751 a 4–b 2 (ἐῖη.)	Distinction between (i) the various offices and the mode of appointment to them, (ii) the laws appropriate to each.
	2. 751 b 2 (Σμυκρόν)–753 b 1 (λεγόμενα.)	Problem of the choice of officials at the foundation of the new state: the candidates will not have been tested and may prove unsuitable, and the electors will be uneducated and will not know each other well enough to make the right choices. We must therefore try to supervise the state after its foundation, with the aim of correcting both these deficiencies. The first Guardians of the Laws must be chosen partly from the Magnesians and partly from the Cnossians: 19 of the former and 18 of the latter must make up a board of 37, who will become citizens of the new state; Cleinias himself will be one of the 18.

<sup>1</sup> U. von Wilamowitz-Moellendorf, *Hermes*, xlv (1910), 398–402; Glenn R. Morrow, *Plato's Cretan City*, 204–6, 238–40. All references to the text of the *Laws* in this

article are to the Budé edition (*Platon, Œuvres complètes*, xi (2<sup>e</sup> partie), ed. E. des Places, 1951).

<sup>2</sup> *Classical Review* xii (1962), 41.

A	B	Summary
	I 3(a). 753 b 1 ('Ως)- b 4 (τῆς)	So much for the procedure to be followed in the immediate situation; now to describe the way the Guardians will be elected later when Magnesia is fully established.
	(b). 753 b 4 (Πάν- τες)-d 7	Detailed description of the later procedure for electing the 37 Guardians of the Laws.
	4. 753 d 8-754 d 3	But a good start is half the battle, and as appropriate Magnesian officials will not yet exist, the election and scrutiny of the first ἀρχαί will have to be supervised by an <i>ad hoc</i> board of 200 elderly and meritorious persons, 100 chosen from the Cnossians and 100 from the Magnesians. After the supervision and scrutiny, the board will disband, each set of 100 returning to its own state.
	5. 754 d 4-755 b 7	Duties of the first and subsequent Guardians of the Laws.

A = Wilamowitz's later version.

B = Morrow's later version.

#### WILAMOWITZ'S ANALYSIS

The essence of Wilamowitz's case is that the two passages 751 b 2-753 d 7 (sections 2 and 3) and 753 d 8-754 d 3 (section 4), both require the Cnossians and Magnesians to co-operate in getting the new state under way, and are therefore alternative proposals for coping with the same situation, the earlier in our text being the later in time. As Wilamowitz observes, section 4 provides merely for a *temporary* board of Cnossians and Magnesians to supervise the election and the scrutiny of the first officials (ἀρχῶν 753 e 1), and makes no specific mention of Guardians at all. By contrast, the other version (sections 2 and 3) argues at length that only after a period of time could the Magnesians gain enough experience to be entrusted with the vote: hence the need of a *continuing* body of Guardians of the Laws elected at the foundation, 18 from the Cnossians and 19 from the Magnesians; Plato then describes how such officials are to be elected subsequently (section 3), and enumerates the duties they will have to perform (section 5). The greater detail and penetration of sections 2 and 3 suggest that they were written when Plato had thought out more thoroughly the problem of founding a state from scratch; and that these second thoughts were then clumsily incorporated into the original text by an editor. As evidence, Wilamowitz points out how neatly the final words of section 1 (b) (ἐκάσταις εἶη.) lead into the opening words of section 4 (Τίνες οὖν), and how the latter section breaks the continuity between the final words of 3 (ἀποφηνάντων ἄρχοντας.) and the first words of 5 (οἱ δὲ δῆ).

#### Comments

It is true that the Cnossians and Magnesians form two joint *ad hoc* boards, but that seems no reason to conclude that the more dignified and powerful one

was intended to replace the other: they simply have different purposes. Wilamowitz's argument might have carried more weight if the purposes of the two boards had been less dissimilar. And that the 'original' text should read smoothly is of course merely a condition of, rather than an argument for, believing in the conflation as suggested.

#### MORROW'S ANALYSIS

Morrow's analysis rests on the seemingly unassailable argument that as 3(b) provides for the election of the whole body of 37 Guardians, it must—in spite of the explicit testimony of 3(a)—describe the first election, not a later one, because only at the foundation of the state would it ever be necessary to elect the full 37; after the foundation, only casual vacancies would arise. Morrow therefore includes 3(b) in the earlier proposals, and views the board of 200 in section 4 not as the sum of those proposals but merely as their second part: the board would simply supervise the election and scrutiny of the ἀρχαί (i.e. at least the first Guardians, but possibly some other officials too) and then disband. He believes that an editor, probably Philip of Opus, found both versions (down to 753 b 1, and from b 4), and linked them by means of 3(a), supposing (wrongly) that 3(b) described the election procedure to be used *after* the foundation, whereas in fact it constituted Plato's first proposal for the first election, *at* the foundation. (Morrow would also make the later version begin with δὺο εἰδη (751 a 4) rather than with Σμικρόν (751 b 2). But this is unimportant.)

#### Comments

That section 3(b) should be a description of the first election is plainly impossible. The procedure presupposes too much: the army has been organized (b 5–6), some veterans are present (b 6–7), temples have been built (c 1), a market-place has been established (c 6), a voter's patronymic is required (c 3), and the population has been divided into tribes and demes (c 3). All this suggests a state that has been a going concern for some time. And it is hardly likely that in the pressing circumstances of the foundation it would be tolerable to allow one stage of the election to continue for as long a period as 30 days (c 5–7).<sup>1</sup> I therefore conclude that the procedure described in 3(b) is, as the text says, to be used *after* the state gets under way.

#### THE SOLUTION

But Morrow's difficulty needs to be faced: why, if 3(b) describes a later election, are as many as 37 Guardians elected? Morrow assumes that only two kinds of election can be in prospect, the initial election of 18 Cnossians and 19 Magnesians, and the subsequent filling of casual vacancies (under a modified version of the procedure of 3(b): op. cit. 207). But obviously there is room for a third: a first election of 37 Guardians from and by Magnesians exclusively. Indeed, the very fact that 37 are elected in what is clearly heralded as a later

<sup>1</sup> My point is valid whatever view we take of the meaning of ἀνελόντα . . . ἡμερῶν (see Morrow, op. cit. 159 n. 10). I suppose it could be argued that at any rate the military arrangements and activities refer to a period while the settlers were still in their home

states. This is clearly true of 755 e 4 ff., where Plato's mind is still running on the problems of foundation. It may or may not be significant that here nothing is presupposed by way of buildings: we have only χωρίον (e 6), not ἱερὸν (753 c 1).

election virtually dictates the solution to the whole problem: the initial board of 18 plus 19 is temporary, and at some point, having demonstrated the correct conduct of the office, resigns *en bloc*; and a grand total of 37 new Guardians will then be elected for the simple reason that there will be 37 vacancies.

The hypothesis that the first board retains control for only a limited period is not only forced on us by the logic of the text but supported by fairly strong indirect evidence. (i) Aristotle (*Politics* 1303<sup>a</sup>25–b3) gives several examples of trouble arising from a mixture of people of different nations in a single state; the mixture may date from the foundation of the state or later (a 28 *συνόικους* ἢ *ἐποίκους*). That the various elements take *time* to learn to get on together is implicit in his thesis: *στασιωτικὸν δὲ καὶ τὸ μὴ ὁμόφυλον, ἕως ἂν συμπνεύσῃ*. (ii) Plato remarks (*Laws* 707 e–708 d) that the citizens of a new state may come from one or more existing states. If they come from one only, they will resist the imposition of a new set of laws, but at any rate they will be of one race and enjoy *φιλία*. Conversely, if they hail from a number of states, they will probably submit to new laws more easily, but to get them to ‘puff as one’ (*συμπνεῦσαι, συμφυσῆσαι*) is very difficult and takes a long time (*χρόνου πολλοῦ*). The Magnesians will come from all over Crete, and some from the Peloponnese. (iii) Aristotle, *EN* 1156<sup>b</sup>25–6: the best friendship needs *χρόνον καὶ συνήθειας*; ib. 1167<sup>a</sup>10: [εὐνοίαν] *χρονιζομένην καὶ εἰς συνήθειαν ἀφικνουμένην γίνεσθαι φιλίαν*; id. *GA* 753<sup>a</sup>12: some animals, like men, attain *συνήθεια καὶ φιλία*; *Laws* 738 de: if the right persons are to be elected to office, the citizens must be mutually acquainted and on good terms with each other (cf. 743 c, 771 de); compare also Dionysius of Halicarnassus, *Ant. Rom.* 3. 10. 6, on the need of *μακρῶν χρόνων* before a state that is *νεόκτιστος καὶ ἐκ πολλῶν συμφορητὸς ἔθνων* can stop suffering from *στάσις*. The upshot of these passages, taken together, is that *φιλία* and *γνώρισις ἀλλήλων* are essential for the well-being of a state, but require *συνήθεια*, which in turn requires plenty of *χρόνος*.

Read against this background, section 2 of our passage increases in significance. Plato says (751 c 5–d 5, 752 b 9–c 8) that at the foundation of the state the citizens will not have sufficient experience, education, and mutual acquaintance to elect their own officials; it is therefore desirable that ‘we’ should stay on the spot for a certain period (*χρόνον* c 2), until we have educated them to elect the right sort of person. *If this proposal could by some means be carried out*, then even after that period (*καὶ μετὰ τὸν τότε παρόντα χρόνον* c 7) the state, thus tutored, would have a good chance of survival. Two distinct periods thus seem to be envisaged, before and after ‘we’ exert influence. The proposals at 752 e 4–753 a 4 for the board of 18 plus 19 (‘we’, in effect) spring directly from this train of thought. Then at 753 b 1–4 Plato says that while such measures will do very well in present circumstances, after a lapse of time<sup>1</sup> and with the stability of the state achieved (b 3), the election should be held ‘more or less like this’ (b 4)—and then follows the description of the election of 37 Guardians by all Magnesian citizens (3(b)). The vocabulary of 753 b 3 (*χρόνον, μείναι* (absence of *στάσις*)) picks up that of 752 b 9 ff. (*χρόνον* (twice), *μείναι*).<sup>2</sup> Thus 3(a), which Morrow regarded as an ‘ill-advised sentence of transition’ (op. cit. 205) between Plato’s second and first thoughts, falls into place: it marks off

<sup>1</sup> How long? We have one small clue: at 772 b ff. Plato suggests 10 years as a reasonable time in which to finalize details of sacrifices and choruses; only after this

period, apparently, may the people at large be allowed to accept or reject proposed changes.

<sup>2</sup> Note also 752 c 4: *συνήθεις* (τοῖς νόμοις).

a temporary expedient<sup>1</sup> from the first of the later elections; and of these later elections this first one will be unique in that as many as 37 Guardians will have to be elected. For the filling of casual vacancies thereafter the procedure of 3(b) could be easily adapted, as Morrow remarks (op. cit. 207).

It may be objected that a mass resignation followed by an election of 37 new Guardians could lead to an undesirably abrupt change from one administration to another, whereas a gradual replacement of the first 37 by the filling of casual vacancies by democratic election would effect a smooth transition over a period of time. But the objection can be met in part by the simple fact that there is nothing to prevent some or all of the original 37 being re-elected; after all, their experience would make them natural candidates. More importantly, the filling of casual vacancies *by the Magnesians* is ruled out, at any rate for some time: vacancies may well begin to occur very soon<sup>2</sup> after the foundation, when the Magnesians will still not have sufficient education and familiarity with each other to make the correct choices.<sup>3</sup> I suggest therefore that for a certain *χρόνος* casual vacancies are either (a) left unfilled, or (b) filled by reference to the wishes of Cnossos, or (c) filled by co-option (the most likely alternative). But co-option would cease when the Magnesians could be trusted to make the right choices for a new board of 37 under the procedure described in 3(b). Why at this point Plato chose to prescribe a clean sweep, we can only guess: if, *per impossibile*, the citizens had been sufficiently acquainted at the foundation, then the election of 37 under the procedure of 3(b) would presumably have been held then, and it may be that Plato was anxious to do no more than effect a postponement. We might have expected him to say that as soon as they were qualified the Magnesians should begin to fill casual vacancies by their own vote from among themselves (under an adapted version of the procedure of 3(b), which would mean that eventually all the members of the board were elected by the citizens. Possibly this method never occurred to him, or he thought it for some reason undesirable,<sup>4</sup> or he inadvertently wrote 'thirty-seven' at 753 d 5 when he meant something like 'the appropriate number'. But that is speculation; the brute fact is that he prescribes the election of a fresh 37 Guardians at one blow, which presupposes resignation *en bloc* by the original board, including the co-opted members, if any.

But why are the functions of the supervisory board of 200 described immediately after 3(b)? It must be admitted that at first sight section 4 does break the continuity between the election of the Guardians and the enumeration of their duties. I hardly think this is a serious problem. One of the most

<sup>1</sup> A possible remote parallel is the intermediate period between autocracy and aristocracy (681 cd): see especially *ἐν ταύτῃ τῇ μεταβολῇ τῆς πολιτείας οἰκήσουσιν* ('will direct affairs during this change of constitution' [England]).

<sup>2</sup> Especially if the age-limit (70: see 755 a) laid down for Guardians applies to the appointments made at the foundation.

<sup>3</sup> Note that it cannot be urged that they have already been entrusted with the choice of 19 Guardians and 100 Scrutineers: they have not. At 752 de and 754 c (cf. 770) it is the Cnossians who choose both Cnossians and Magnesians (the 'screening' of 736 bc

would quickly reveal suitable Magnesians). At 752 c 4-7 *χρῆναι Κνωσίους . . . κοινῇ μετὰ τῶν ἀφικομένων εἰς τὴν συνοίκησιν . . . αἰρεῖσθαι* (cf. *κοινῇ* 754 c 5) may mean anything or nothing, but would seem to suggest that the Magnesians have only a consultative role in the elections.

<sup>4</sup> Perhaps 969 ab gives us a faint clue: the responsibility of Cleinias and his colleagues must not go on indefinitely; at some stage there must be a clear transfer of responsibility from the Academy to the Magnesians, who must take the blame for any subsequent disasters.

conspicuous features of Plato's exposition in the *Laws* is his willingness to allow a casual mention of a topic to stimulate him to a more detailed account of it, the subject in hand being abandoned or held in suspense. (This is why to a casual reader the discussion seems to stumble so alarmingly from one topic to another.) In 753 d 6 *κρίναντες* (= *δοκιμάσαντες*, in effect; see Morrow, op. cit. 206 n. 117, and cf. 755 e 4) clearly prompts him to consider not only the arrangements for the *δοκιμασίαι* (e 1) but also the larger question, already broached at 751 a, of how appointments to offices are to be organized. *οὖν* (753 d 8) is resumptive of that earlier discussion, which was broken off at 751 b 2 in favour of the *caveat* about the inexperience of the first Magnesians. Now, at 753 e 2, he immediately digresses again to discuss another problem of foundation: no officials will exist to arrange the first elections and conduct the first scrutinies. And just as the proposal for the board of 18 plus 19 Guardians was prompted by the inexperience of the first citizens, the proposal in section 4 for a joint board of 200 administrators-cum-scrutineers is prompted by the lack of suitable officials to vet the first 37 Guardians.<sup>1</sup> A joint board of Guardians is to be vetted by a joint board of scrutineers: what could be more appropriate? When the 200 have performed this limited function, they disband. Then in section 5 (754 d 4 ff.) Plato resumes (*γενόμενοι* in d 4 perhaps picking up *γενομένων* in d 1) the topic of the Guardians by pointing out that they, unlike the 200, have a continuing, not just a temporary, function;<sup>2</sup> and their various duties are then described.

The whole passage is thus a connected whole, and contains a series of provisions that in no way repeat or conflict with each other. Morrow (op. cit. 205) says we have 'not merely two discussions of the difficulty of getting started aright, but also two different proposals for aid from the Cnossians'. But that is no reason to think that Plato intended one discussion and one proposal to be jettisoned in favour of the other. Each proposal deals with a different problem, but in the same context—hence the two little sermons (751 d–752 b 2 and 753 e–754 c 1) on the difficulty of getting started.<sup>3</sup> Plato himself recognizes his prolixity, and indeed half apologizes for it (754 c 2–3).

It is characteristic of Plato that he stresses the citizens' lack of education at the foundation of the state—a lack that apparently after the interim period of control by the joint board of 37 will be at least partially made good: 752 c (cf. 751 c and d 4) *παιδαγωγηθεῖσαν, γευσάμενοι τῶν νόμων*, i.e. the persuasive and educational preambles (see 719 e ff., especially 723 a *εὐμαθέστερον*). The full implications of the proposal for the board of 18 plus 19 now become clear. Although it gives a slight numerical edge to the Magnesians, in fact it puts them at a disadvantage, because they will have little or no say in the choice made by the Cnossians (see p. 234 n. 3), and will find it difficult at first to find a united voice owing to lack of mutual acquaintance. The Cnossians, on the other hand, will be well known to each other and will elect from among themselves (presumably on the advice of Cleinias and his colleagues: 702 c) a more tightly-knit group, of which Cleinias himself will be one member, with broadly similar views which would pass Academic scrutiny. The 18 would be well placed to

<sup>1</sup> Presumably *ἀρχαί* at 754 c 9 could include other (lesser) officials also.

<sup>2</sup> This, of course, is the reason why they become citizens while the 200 disband, and (possibly) why it is *not* stipulated that they

must be old, as the 200 must be (754 c 6), or at any rate the 100 Magnesians.

<sup>3</sup> In fact, the first is less a discussion of this problem than an appeal to Cleinias and Megillus not to be faint-hearted.

influence the 19, and the combined board, duly instructed by 'us' (the picture of 'us' haranguing the Guardians at 770 a ff. is not a mere literary artifice, but should be taken at face value; cf. 809 b, 810 c), would then begin to influence the policies and views of the whole state. Would it be too fanciful to see the board as a device ( $\mu\eta\chi\alpha\nu\tilde{\eta}$  752 c 6) for insinuating the 'correct' views among the Magnesians, particularly their first Guardians? We may compare the influence the Academy is intended to have on the Nocturnal Council (see especially the hint at 968 b) : its first members are selected, presumably under Academic auspices, but only after training are they given responsibility (968 a, 969 bc). Here again it looks as if there is a preliminary period of non-Magnesian control.

### CONCLUSION

The speculations of Bruns and others regarding the editorial activities of Philip of Opus have long since passed into the limbo of forgotten fantasies. Yet they were not entirely a curse: the process of correcting them led to an increased understanding of the structure and content of the dialogue. So too in our present passage: we have been able not only to restore the integrity and intelligibility of a long and important passage but also to add something to our knowledge of Plato's proposals for founding his new state.

1. It was not to be left entirely to its own devices until after a fairly prolonged period of tutelage under 37 Guardians of the Laws.
2. Both the election and the policies of these first Guardians would be strongly influenced by Cleinias and the Athenian, or some other Academic consultant(s); the 18 Cnossians would be expected to take the lead in convincing their colleagues and the state at large of the correct moral standards; and during the tenure of the first 37 all Magnesians except those co-opted under Academic guidance would be excluded from this high<sup>1</sup> office.
3. However, the tenure of the first board would not be indefinite, but would have a clearly marked end when a fresh election, by Magnesians and of Magnesians, would be held.

The details of (2) are the result of speculation, but speculation on a fairly short leash; (1) and (3) I regard as virtually certain.

How much this whole procedure tells us about the policies of the advisers sent out by the Academy it is difficult to say. At any rate there is nothing inherently unlikely in the suggestion that at least some states starting from scratch under the auspices of the Academy were required or persuaded to spend a certain initial period under Academic guidance. Naturally, to consult the *Laws* on such matters of historical fact may well be to consult a distorting mirror, but unfortunately it is one of the few mirrors we have.

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<sup>1</sup> The powers and functions of the Guardians are by no means confined to those described at 754 d ff.: see Morrow, *op. cit.* 196 ff.