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# Gender, Education, and Enlightened Politics in Plato's *Laws*

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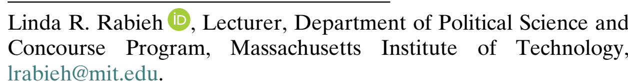
*Plato's treatments of women are perplexing because they seem to justify both gender equality and female subordination. Faced with evidence of both, scholars typically ask whether Plato promotes gender equality or patriarchy rather than what a particular treatment of women means in the dialogue to which it belongs. This article seeks to clarify Plato's treatment of women by focusing on women's education in the* Laws *and analyzing it in the context of his Athenian Stranger's attempt at rational political reform. It argues that in exploring the differences between men and women, Plato shows them to be ones of degree rather than kind and identifies a common human weakness shared by both genders that is the greatest obstacle to his reform. This approach reveals a profound examination of a* human *problem and an instructive account of the challenges that accompany the quest for gender equality.*

## INTRODUCTION: WOMEN AND THE PUZZLE OF COMMON MEALS

Contemporary political theorists question the relevance of classical political thought for, among other reasons, its neglect of women (see, e.g., Brown 1988, 179–81; Elshtain 1981, 14–6, 37–41, 346–8; Tuana 1994, ix–xi). The main exception is Plato, who offers extended, if scattered, discussions of women in his dialogues. Indeed, he has even been praised as promoting gender equality in his treatment of women, most famously in Book Five of the *Republic* which proposes the same way of life for men and women (see Forde 1997, 663–9; Kochin 2002, 5, 90, 100, 103–7; Okin 1979, 40–3, 59–3, 67–8; Vlastos 1994, 14–5, 18–23; Wender 1973, 75, 77, 88–9).[1] Even Plato's less radical *Laws* seems to evince his support for gender equality. Here, his Athenian Stranger helps found a city in which he insists on correcting a grave failing among Greek cities, namely, their failure to bring "law and order" to women's affairs as well as to men's (780d–81a): "when one overlooks the disorderliness of women's affairs," it is not just half but rather the whole city that suffers (781a–b; 805a–b),[2] and a city can hardly be called virtuous when half the city receives no education in virtue at all.[3]

The account of women's education that ensues, however, exemplifies the reason scholars dismiss the relevance of Plato's thought. Despite the Athenian's insistence on the principle of women's equal education, he appears to waver on whether to implement it. This is most evident in the Athenian's treatment of women's participation in the common messes.[4] Although he initially stresses the importance to the city of including women in common messes or meals as a device to improve *all* citizens' virtue (780e–81b; cf. 806c), the Athenian ultimately leaves women's role in common meals unresolved (842b–e).[5] Why present this innovation in common meals as essential to the city's success only to remain silent on how—or even whether—it can be implemented at all? Moreover, the Athenian describes women in a way that disturbs our modern sensibilities by calling them "by nature more secretive and cunning"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[1] In a variation of this view, Forde argues that Plato is serious about gender equality but means by this not placing men and women on an equal footing but rather eliminating gender differences so that human virtue, which is distinct from "the nonrational and bodily side of human nature," can flourish (1997, 668).

[2] Translations from the *Laws* are generally from Plato (1980). Where I have modified the translation, I have used England (1921).

[3] Aristotle in the *Politics* censures the Spartans for failing to make their women tough like their men; as a result of this neglect, he says, the women are licentious, and their love of luxury infects the whole city (see *Politics* II.9, 1269b12–39). The Athenian similarly points to this problem at the beginning of the *Laws* when he notes that the Spartans' attention to men's virtue is compromised by their neglect of women's (637c).

[4] Common messes or meals were famous institutions of Crete and Sparta in which male citizens ate all their meals together. In the latter case, despite being married, male citizens up to a certain age even slept together in separate barracks with the members of their particular club. Common meals were established primarily to ensure military readiness, but they also served to encourage civic spirit. It is the latter objective that seems especially to have interested the ancient philosophers (Morrow 1993, 391–2; see also Aristotle, *Politics*, 1271a–72a, 1330a3; Plutarch, *Lycurgus*, 10, 12, 2425; and Xenophon, *Constitution of the Lacadaemonians*, V.2).

[5] Morrow notes the strangeness of Plato's discussion about common meals, especially its unfinished character (1993, 389, n. 324, 394), and he notes the incompatibility of the Athenian's common meals with the existence of the private family (397). But Morrow inexplicably gives up this line of inquiry and concludes that Plato remained "undecided" and "perplexed" about common meals because he could not reconcile the differences in Dorian and Athenian laws (397–8), which claim fails to address the issue, since the innovation the Athenian proposes did not exist in either Dorian or Athenian law.



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(781a). Indeed, focusing largely on the *Laws*, critics have dismissed Plato's treatment of women as at best limited by his time and place and at worst deeply misogynistic (see Annas 1981, 182–5; Elshtain 1981, 23, 27–9, 34–40; Lange 1979, 4, 9, 12; Levin 2000, 81, 84, 86, 91–3).[6] If Plato's view of women is, as critics suggest, historically limited and fundamentally unsound, his relevance as a thinker about politics, virtue, and human nature is justly questioned.

To understand Plato's treatment of women, then, it is first necessary to examine whether Plato's Athenian Stranger has a consistent argument: does he advocate a greater public role for women or deny that the female nature is suited for public life?[7] The role of common meals provides an important clue that there is something more to the Athenian's treatment of women than either indecisiveness or prejudice; references to the common meals bracket the whole section that establishes the city's educational program and the way of life it makes possible (cf. 780b with 842b). The Athenian initially broaches the topic of common meals for women in Book Six, indicating that they in some unspecified way contribute to cultivating virtue (781d–83a). But he postpones a precise discussion of them *and* whether to establish them until they first investigate the procreation, upbringing, and education of the city's children (783b–c). He thus implies that the possibility of common meals for women will depend on reforms that *precede* the establishment of common meals. The significance of common meals, and especially their fate, lies less in their being a *means* to educating the young than a *sign* of the extent to which the other educational innovations succeed. Understanding the fate of common meals, then, requires carefully examining the twists and turns of the intervening discussion of education and, in particular, women's crucial place in it.

Gaining clarity about the connection between common meals and women's education, moreover, helps to illuminate the argument of the *Laws* as a whole. The Athenian consistently stresses the importance of gender equality for his city, saying that "it would be better for the happiness of the city" if all practices were shared in common by men and women (781b4–6, 806c–d). But what the Athenian means precisely by "the happiness of the city" is unclear. Is a city happy because it is unified, strong, and stable, as Sparta is praised for being (691b–92c, 693e)? Or is it happy only if it permits the development of complete virtue at which the Athenian insists correct laws must aim (631b–d, 688b–c, 705e–6a) and for the lack of which Sparta is subjected to a harsh rebuke and dismissed as being merely "an armed camp" rather than a city (666d–67c; cf. 702a–b)?[8] The education of women appears to be part of the Athenian's effort to improve upon the impressive stability of Sparta by carving out a path to virtue that transcends military virtue or courage, which—as the Athenian leads his interlocutors, the Cretan Kleinias and the Spartan Megillus, to agree—is only one, and the lowest, of the four virtues (630c–d, 631d, 688a–b). Educating women and integrating them into political life is a crucial step in fostering a more complete virtue in both sexes.

In addition, and more surprisingly, the Athenian's complex treatment of women's education illustrates the continued relevance of Plato's thought, for grappling with it sheds new light on what has proved to be an intransigent problem in our own quest for gender equality: sexual harassment and sexual behavior in the public sphere more generally. Scholars have long argued that gender equality requires well-developed and consistently applied sexual harassment legislation (Cornell 1995; Farley 1978; MacKinnon 1979, 1–6, 106–27, 174–92; 2019, 13–7, 59–62, 208), and since the 1980s, such legislation has slowly but surely been implemented (Sapiro 2018, 1055–7; see also Crouch 2001 and Schultz 1998 for a detailed history of sexual harassment legislation). But recent developments, such as the #MeToo movement, have starkly revealed the limits of these laws (MacKinnon 2019, ix–xxiv; Rhode 2019, 378–94; Schultz 2018). Years of sexual harassment legislation have not only failed to curb the problem but also may have created new obstacles for women. Heightened awareness, in part created by #MeToo, has been blamed for a growing apprehension or caution in men about working with women (Elsesser 2019; Miller 2017; Tolentino 2017; Zarya 2018; see also Crouch 2001, 193 and Tinkler 2012, 4, 18–21), and increasing regulation of sexual interactions on campuses has been held to inhibit the free speech that is the hallmark of the academy, threatening the wide-ranging and provocative exploration that characterizes liberal education (Friedersdorf 2015; Kipnis 2015; Volokh 1995).

Plato anticipates just such challenges accompanying gender equality: unregulated sexual interaction will, it seems, imperil women's equality. But while the Athenian's discussion brings out the need to regulate erotic activity in public life, it culminates in uncertain results: the law he ultimately proposes to govern eros contains alternate versions. Only when examined as part of the overall argument for women's equal education do we

[6] Some commentators deny that Plato promotes gender equality without thereby dismissing him as a serious thinker (see, e.g., Saxonhouse 1994, 68, 74, 81–84 and Bloom 1991, 381–88). These commentators emphasize the degree to which Plato's treatment of women signifies the impossibility of the regime in the *Republic*, though Saxonhouse emphasizes the importance of the female to Plato's thought in her discussion of the *Symposium* (1984, 9–10, 23–5).

[7] For examples of the widely divergent views on this question, see Levin (2000, 93), who argues that by the time Plato wrote the *Laws*, he had come to "believe in women's strong natural inferiority with respect to character" (93), and Kochin, who argues that Plato in the *Laws* preserves the private family and the inferior status of women because his interlocutors demand that he "pay due respect to the paternal" (87) by satisfying "the male desire to ensure the paternity of one's offspring" (103). Neither argument is adequate. Levin's conclusion ignores the Athenian's repeated insistence in the *Laws* that his preference would be to give women the same education as men (780c, 781b, 804d–e, 805d, 806c) and Kochin, though consistent with the Athenian's stated preference about educating women, does not do justice either to the complexity of the Athenian's goal in proposing gender equality or to the myriad obstacles that prevent it.

[8] As the Athenian indicates in Book Two, the education that fosters "virtue entire" differs from one which seeks to cultivate a perfect citizen (cf. 643b–44b with 653a–c).



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learn that the law's inconclusiveness reflects the tension between the gender equality that promotes virtue for the city as a whole, and the intense, often erotically charged, private associations and friendships that contribute to individual human flourishing—a crucial feature of the city. If we are unable to take Plato seriously as a thinker, we cannot benefit from his probing exploration of the requirements for and challenges to gender equality.

To illuminate Plato's treatment, this article will focus on the section in the *Laws* bounded by references to the common meals (780b–842b). In doing so, we first examine the character of and then the reason for the extraordinary psychological toughness, with respect to divinities in particular and to pious dispositions more generally, that is the goal of the education. Next, we consider why that psychological toughness is so difficult to cultivate, why promoting it requires gender equality, and the connection between establishing it and ultimately containing the influence of family life. Finally, we turn to the Athenian's attempt to regulate eros, occasioned by women's inclusion in public life, and we consider both the Athenian's strange law on eros and why it, like the institution of common meals, remains inconclusive. The article argues that the proper identification and careful analysis of the *Laws*' treatment of women reveals a profound account of the differences between the sexes and the challenges facing the quest for gender equality.

## EDUCATION AND THE ENDS OF THE CITY

The Athenian Stranger's most explicit purpose in the *Laws* is to help Kleinias, charged with founding a colony, establish correct laws dedicated as much as possible to the whole of virtue (702c–e). "Correct" laws will not be good laws, though, if they cannot gain the citizens' allegiance. Thus, the success of any laws requires first and foremost proper education, and the specific education required for correct laws is *the* theme of Book Seven.[9] That this is no ordinary education, however, becomes evident when the Athenian begins by explaining that education—of both sexes—should begin in infancy, and perhaps even earlier, before they are even born (789a–b). This earliest education attempts to cultivate something the Athenian calls *eupsychia*, robustness of soul (791c; cf. 795d),[10] and it must begin then because that is when "the most decisive growth in the entire character occurs for everyone" (792e; cf. 788d). The Athenian thus warns early on that the education he has in mind requires a specific foundation.

The first step in cultivating a robust soul begins, somewhat paradoxically, with gymnastics, or training that is directed towards the *body*; the Athenian calls it "the gymnastic of motions," which mandates continuous steady motion for newborns (791c). It is "gymnastics" most obviously because it involves moving *bodies*, but the Athenian seems to focus on this motion for a specific purpose: to respond to a problem *caused* by bodies, namely, the long-term effect of human infants' awareness of their weak and vulnerable bodies. Thus, the "gymnastic of motions" is in fact a salve for certain state of *soul*: "the motion brought from without overpowers the fear and the mad motion within" (791a) just as, he points out, ecstatic dancing soothes Bacchic revelers (790e). In both cases the passion being experienced for which soothing is necessary is a terror caused by "a certain poor condition (*hexis*) of the soul" (790e8–9). The advantage of the gymnastic of motions, then, to which the Athenian draws our attention, is that it combats, as early as possible, the *psychic* manifestation of our primordial, physical vulnerability, and perhaps even the need for Bacchic revelry, which is devoted to securing the gods' assistance (791a–b). In short, the Athenian appears to suggest that the "gymnastic of motions" may render unnecessary at least one form of appeal to gods in the face of fears.[11]

The education continues with training in what the Athenian calls graciousness or good humor (791c8, 792a8), the key to which is the proper handling of pleasures. "Ill-humored" souls cannot be gracious and gentle because they are perpetually dissatisfied. In order to avoid developing the perpetual dissatisfaction that comes from pursuing pleasure "headlong" and thereby thinking that one can "in this way avoid the experience of pain" (792d5–7), the very young must have all their needs readily met. The Athenian thus draws a connection between expansive neediness and the seductive hope of avoiding all evils by immersing oneself in pleasures, and he strives to cultivate instead a soul that exhibits measured self-reliance and equanimity in the face of both the vicissitudes and temptations of life.[12] It is a soul that appears to possess both courage and moderation, and yet in this context the Athenian never uses these terms, most likely because this earliest education is better understood as establishing a foundation for such virtues rather than cultivating the

[9] There is an earlier discussion of education but that account precedes Kleinias' revelation about his mission. The account in Book Seven explicitly targets the ends of this particular city, which means that it is most obviously intended to cultivate a certain kind of citizen (783b, 788a). The earlier account distinguishes the attempt to cultivate the best citizens from one that aims at complete virtue—the two kinds of education are not necessarily the same (cf. 643b–44b with 653a–c). In Book Seven the Athenian elaborates laws designed to prepare the citizens as much as possible to be capable of "virtue entire" (653b–c), but the discussion of education as a whole also explores the limits of the laws' capacity to do so. For an excellent discussion of the difference between these two kinds of education, see Lutz (2015, 103–5; 129–33).

[10] "Robustness of soul" seeks to capture the word's meaning as a hardy soul that exemplifies toughness, as something more than ordinary manly courage (*andreia*) but not yet the healthy soul that results from wisdom. Apart from the *Laws*, the word seems to appear in Plato only once: *Timaeus* (25b7).

[11] The account here is in contrast to the Athenian's earlier explanation of disorderly movement for which gods (including Apollo and Dionysus) are said to supply the remedy (see 653e; cf. 664e and 672c). The "gymnastic of motions" is here explicitly designed to replace a Dionysian ritual.

[12] See Lutz (2015) on the way in which this education makes the god a model for human beings (98–9).

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virtues themselves. Moreover, it is unlikely that such techniques can have the extent of the effect that the Athenian describes. The very suggestion that this habituation ideally begin *before* birth seems to underscore its playfulness. But these early proposals sketch the kind of soul the Athenian thinks is needed for the radical innovations he will soon describe.

We can better understand the Athenian's educational challenge if we consider his extraordinarily ambitious goal: to establish a city that is guided by reason and thus directed towards cultivating "complete virtue" (631b–d, 635b–c, 688b, 705e). The first principle of such a city lies in cultivating the truly good things for human beings, the most important of which are the virtues: prudence is preeminent, followed by moderation, justice, and, lastly, courage; all of which aim ultimately at the greatest good, intelligence (*nous*; see 631c, 688b). The Athenian's ranking of the virtues implies that the correct or reasonable city must strive for something that transcends what is useful for survival, or even what is merely pleasant, and seek what ultimately satisfies the mind (803d–e, 807a–b).[13]In Book Seven, the Athenian characterizes this end as serious play or education (803c, 804a, 808c, 809, 812e, 820c).[14] If the city is to conduct its citizens toward a genuinely good life, its laws will encourage the activities constitutive of such a life.[15] Now exactly what constitutes serious *play* is unclear, for when the Athenian tries to articulate any serious play, the activities he describes are primarily directed at developing military strength (e.g., 803e). This means that to the extent that the city will transcend the concern with war and fulfill the goal of living a life "worthy of a certain seriousness" (804b9–c1), it must carve out a place for education that transcends what is needed for war.

The preparation for such an education first comes to sight toward the end of Book Seven where the Athenian elaborates studies that promote an openness to or greater familiarity with rational or scientific inquiry. All free citizens should learn mathematics and science and thus what *reason* teaches about the natural world, though they will do so with varying degrees of precision (809c5, 817eff, 819b–20d).[16] He stresses the importance of studying necessities, explaining that even gods are ruled by necessities, albeit divine ones (818a–c). The Athenian's mention of necessities that even gods cannot avoid (818c–e), and which imply a restraint on their power, is strange enough to prompt Kleinias to inquire more about the character of these necessities. The Athenian sidesteps Kleinias' question, but by drawing attention to these necessities and to their controversial character, he hints at a delicate issue: the consideration of divine necessities calls into question the traditional view of the gods as beings who, if not all powerful, are certainly not bound by human necessities, especially mortality, and who through their greater power are able to intervene in and support human affairs.[17]

The controversial character of these studies is underscored when the Athenian explains the difficulty of including astronomy among their studies. He explains that some may well oppose astronomy on the grounds that one "should not conduct investigations nor busy oneself with trying to discover the causes—for it is not pious to do so" (821a1–4). The study of the natural necessities governing the cosmos calls into question the very basic principle that the cosmos is governed by gods. In order, then, for these natural studies to be possible in their city, the citizens must have a new understanding of the gods, one more compatible with their more scientific understanding. Now it is true that only a few among the citizens will pursue these topics in any depth (818a–b). Still, the Athenian claims that it is shameful even for the many (820b) to be ignorant of them, and he asserts that even the young in the future city would know more about natural studies than Kleinias and Megillus do now and more than the Athenian himself knew until recently (819b–e, 820d). If most citizens' opinions of the natural world are to align with what reason teaches, they must also know the gods more correctly, since "it is not pleasing to the gods for us to be singing hymns about the gods that contain a false report" (822c4–5).

The Athenian's attempt to persuade Kleinias to support these new studies foreshadows his proposal for a new kind of openness to or at least gentleness towards challenges to traditional beliefs about the gods, which includes gentleness even toward those who question the existence of gods at all. As we learn in Book Ten, the Athenian envisions a pious city that does not hate all impiety but sees the confrontation with a certain kind of impiety as a challenge that deepens the true understanding of a divine being. The Athenian famously goes into lengthy detail there, first describing (886c–90a) and then responding to (891e–907b) the arguments of the impious, emphasizing throughout the need to *persuade* the impious that they err (899d, 903b, 905c, 907c). Indeed, these arguments become part of the "preludes," the long preambles to the laws

[13] This principle is established at the outset of the dialogue and becomes the basis upon which Kleinias and Megillus turn to consult the Athenian when the degree to which their own cities' attempts at peacetime pursuits become questionable to them. The two old legislators are brought to agree that war cannot be a city's most serious goal, since war is for the sake of peace (628c–d, 630c–d, 631c–d, 803d–e).

[14] The similarity of the Greek words for education (*paideia*) and play (*paidia*) renders the Athenian's reference to both activities as ends of the city somewhat less paradoxical than it appears in the English.

[15] Bobonich helpfully lists the Athenian's major references to virtue as the city's goal, though in keeping with the ambiguity in the text, he does not specify what is meant by virtue (2002, 12–21).

[16] It is not made perfectly clear whether females also receive this education, but the Athenian makes very clear in his account of their later education that if it were up to him, they would receive exactly the same education as the males do (804d–e).

[17] A crucial part of the *Laws*' theology is that while, on one hand, the gods may be provident with respect to the triumph and failure of virtue and vice overall (904a–c), human beings ought not to look to them or rely on them for help in misfortune or injustice. As the interlocutors agree in the course of Book Ten, the gods must be immune to human beings' bribes and act on the basis only of what is wise or just. The implication is that human supplication does not move or change them (907b).



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that are in turn codified along with the laws themselves. And while it is true that there remains an official law against impiety, the penalty for impiety, at least the impiety of those with decent characters, is that they be sent for five years to a "moderation tank," (*sophronisterion*) where they have regular discourse with members of the Nocturnal Council (909a).[18] In light of this new theology, we can better understand the Athenian's focus on cultivating robust souls. To enable citizens to be pious in this serious but gentle and open-minded way, education must address the psychic manifestations of the physical vulnerability and neediness that fosters greater dependence on divinities and thereby a potentially harmful pious zeal. Now surely no gymnastic training alone can soothe the fears that accompany our mortal nature. But if physical weakness and vulnerability has a corresponding effect on the soul (788c, 789d, 791a), perhaps gymnastics can address *some* aspect of weakness of soul. The education that follows thus continues to stress gymnastic training and its crucial importance for *both* sexes.

## COMMON EDUCATION

If the early "gymnastics of motions" illustrates the objective of the education, the subsequent physical training demonstrates its development. And, in keeping with his initial insistence on the need for the same education for both sexes (781b), the Athenian includes girls along with boys. Even at age six, when he declares that the sexes should be separated, the Athenian insists that the girls continue to learn the same things as the boys—horseback riding, javelin throwing, and the use of heavy arms. He does, however, add one caveat to his recommendation: rather than insist they actually *do* all the same things, he says that "if somehow they will agree," girls should "at least know" them (794c–d). The Athenian does not explain why girls might resist these activities, but he suggests one possible reason when he compares the weakness of females with another phenomenon that he argues results from convention: the primacy of righthandedness, which, he claims, destroys our natural ambidexterity.[19] This analogy supports the Athenian's earlier suggestion that it is because women have been "*habituated* in a retired, indoor way of life," that they resist common meals (781c, my emphasis). Perhaps, then, in the case of both females and left hands, the failure to *train* them has made them unnaturally weak and magnified otherwise insignificant differences.

Immediately, though, the Athenian raises a possible objection to the naturalness of complete ambidexterity when he refers to the only incidence of a people using both hands equally also as a "convention." He indicates that a fighter thus trained is "never unable to fight with his left hand" (795b–c), implying that the driving consideration in whether to train women is its *political* usefulness rather than its *naturalness.* But even if the naturalness of complete ambidexterity, or the sexes' equal physical capacities, is questionable, the analogy suggests that if it were best to include women fully in civic life, it would make sense to try to overcome whatever natural impediments exist. Still, the example (and problem) of natural ambidexterity, and implicitly of physical differences between the sexes, seems to be what leads the Athenian to a strange statement in which he casts doubt on the necessity of the link between physical and psychological education that was indicated in the "gymnastic of motions" (790c–d; cf. *Republic* 410c–d). Immediately following the discussion of ambidexterity, he states that "*it would be useful* if the studies were twofold. . . . The gymnastic would be those that pertain to the body, and the musical would be for the sake of robustness of soul" (795d6–8, emphasis added). To follow the ambidexterity analogy, if studies designed to improve women's physical condition cannot make women physically equal, then it would be useful indeed if a healthy soul did not depend on women's physical equality. If gymnastics strengthened *only* the body, women's relative weakness in gymnastic studies would have no bearing on whether they could possess a thoroughly robust *soul*, which is, after all, the Athenian's primary educational goal.

At this point, the Athenian proceeds on the premise that gymnastic and music training *are* independent of one another, and this premise yields a limited—and very general—prescription for gymnastic studies, which are grouped under two categories, dancing and wrestling, both of which build strength, agility, and gracefulness. Girls' participation, however, is specified only as part of choral imitations in which both sexes dance in full armor in imitation of the warrior Athena (796b–c). When the Athenian turns to the music education, he begins by explaining the "molds" or principles that should guide it. The one principle he emphasizes is the avoidance of tears or despair of any kind. Music must never encourage weeping, hence all music associated with mourning or sadness over death is prohibited (800d–e; cf. *Republic* 387d–88d, 398d7, 603e–4d). This means that the speech accompanying music must be strictly regulated, including any prayers or requests to gods (801a–b). In general, the acceptable music presupposes that citizens are not in any way preoccupied with, much less fear, death.[20] In support of this view, the underworld gods are not to have "an established dwelling place in the city" (801b5–7), and there should be a law that citizens' names be erased from the temple walls once they die (785b1–3)—it is one's *life* that matters. Acceptance of these principles, however, seems to demand such a remarkably austere perspective that it is hard to know whether the music itself is intended to train the youths' souls or whether the youths

[18] In this city, the onus is placed on the *city* to defend piety rather than on the citizen to defend against a charge of impiety, in sharp contrast to Athens, which executed Socrates for not believing in the city's gods.

[19] Cf. Aristotle *Metaphysics* (986a25–6) where right and left is treated as analogous to male and female.

[20] On the way in which the Athenian wants the citizens to view death, see Lutz (2015, 100–1).

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would require certain souls (and hence would have to have been first successfully formed by the aforementioned early education) in order to accept such music. Indeed, the Athenian describes the Muse that he has established as "moderate and orderly" but concedes that anyone habituated differently will find it "cold and unpleasant" (802c8–d2).

The austere musical education that is prescribed, which would require at least a tacit acceptance of the principles behind the music, prompts an explicit departure from equal education. Immediately following this account of music, the Athenian suddenly—and surprisingly—questions the possibility of the same *musical* education for the sexes:

> In addition, it would presumably be necessary to distinguish in an outline the songs fitting for females from those fitting for males, and it is necessary to harmonize them with the harmonies and rhythms. . . . Now both kinds of song must be assigned certain necessary accompaniments; and since what belongs to females is determined by the very way they differ in nature, one must make use of this difference in order to make clear the difference in the songs. Magnificence, then, and whatever inclines to courage, ought to be declared to be masculine looking; whatever leans rather toward the orderly and the moderate should be proclaimed, in legal convention and speech, as belonging more to the feminine (802d8–e11).

The Athenian does not abandon the education of women, but he does resort to the bifurcation of virtue between the sexes, a surprising development in light of the fact that the robust soul he had earlier described seemed to transcend the partial and, here at least, gendered virtues of courage and moderation and thereby to possess a steely toughness regarding fears and a measured attitude regarding pleasures. But if males and females are educated with a view to distinct virtues, can a robust soul be cultivated in either sex? And if it cannot, why not? Why would the physical differences between the sexes require that they develop different virtues? After all, the Athenian had proceeded on the premise that physical differences fall under the rubric of gymnastic studies and are not relevant to musical ones (795d6–8). His sudden distinction in the songs required for men and women casts doubt on that premise, namely on the possibility of severing the education of the soul from the nature of bodies. But what in the intervening discussion explains this development?

In fact, the Athenian's initial account of the limited gymnastic of dancing and wrestling indicated ways in which those activities affect the soul: dancing, he said, encourages the display of a "magnificent and free demeanor" (795e2–3) and the wrestling is praised because it is undertaken with "a love of victory" (796a5–6). In addition to strengthening the body, these gymnastic exercises develop qualities of soul, particularly daring, confidence, and self-reliance. The implication seems to be that if body and soul are profoundly intertwined, then the gymnastic education provides a crucial physical foundation for or supplement to the musical education. And if girls do not participate in the same gymnastic education, they will not be sufficiently amenable to the corresponding musical education.

What, then, might be the obstacle to girls' capacity to benefit from the gymnastic education? The Athenian does not directly address this question, but we can glean possible reasons from other statements he makes about women's nature. The Athenian notes in passing women's physical weakness vis-à-vis men (781a), which by itself would not be decisive without another crucial difference: the capacity to bear children.[21] In the first short description of gymnastic studies, the only one that explicitly includes girls is the choral imitation that is undertaken in full armor to honor Athena to whom the Athenian refers as "our virgin mistress" (796b–c; see also his reference to "virgins" at 794c5). The Athenian thus emphasizes honoring Athena's childlessness. But this reference points to the problem: girls become mothers, and the Athenian seems to suggest that being a mother, even the mere capacity to become one, may limit the effect of gymnastic training on a woman's soul. This effect is not simply due to the practical need to attend to children, since at age three children are handed over to teachers appointed by the Guardian of the Laws (794b–c) and nurses help to care for infants (789e–790a). Rather, the Athenian points to the crucial psychological effect when he describes women as running to temples rather than "fighting on behalf of their babies" in the face of an assault on the city (814b–c). His statement does not imply that the greatest difficulty lies in women's attachment to their children; unlike birds, women here do not simply ignore their own welfare for the good of the young. The Athenian rather highlights the degree to which children expand or exacerbate women's sense of their vulnerability. Children's dependence on mothers heightens women's awareness of their own physical weaknesses and, most significantly, inclines them to seek help from other quarters.

This relationship between physical and psychological weakness is reflected in the Athenian's other statements about women. Just before he notes women's reluctance to participate in common meals, the Athenian claims that because of their physical weakness, women are by nature the more "secretive and cunning" sex (781a). This particular psychological quality seems to be connected to women's specific physical vulnerability, since from the time they are old enough to bear children, women are vulnerable not merely to particular strong individuals, as is the case with men, but to men as a class. Making others *wish* to accommodate them rather than trying (with a weaker hand) to force them to do so would be a reasonable response to this

[21] In the famous discussion of men and women in Book Five of the *Republic*, Plato's Socrates argues that men and women differ only in two respects, and those two respects are the same as those to which Plato's Athenian points in the *Laws*: women bear and men mount (454d–e) and women are weaker than men (455e1, 456a10–13). Although Plato's Socrates denies that these differences have any relevance to men's and women's roles in the city, the seriousness of his claim should be considered in light of the implications of such differences that Plato's Athenian suggests here.



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vulnerability.[22] Now this observation seems to support the need to give women gymnastic training. But it also suggests that while such training could imbue them with *greater* openness and confidence, it would do so to a lesser degree than for men—to whom in general women would always remain vulnerable. The Athenian thus implies that women's physical characteristics inevitably affect the constellation of desires, opinions, and hopes that characterize the soul. Yet, if gymnastic training cannot overcome women's specific *physical* vulnerability, and if that gymnastic education in turn is a crucial foundation for the musical education that fosters robust souls (790c–d, 791c; cf. *Republic* 410c5), then women's education in virtue will look different from men's.[23]

But what exactly *is* the problem if women require a somewhat different education? The Athenian says that the way in which women differ by nature means that their "songs" should look to moderation and orderliness, with measured restraint as a prudent response to their natural, physical weakness. But if moderation and orderliness are stipulated "in law and speech" to be specifically feminine virtues, then other virtues must be promoted for men. Hence, the Athenian specifies that in this case songs that embody "magnificence and whatever inclines to courage" would be declared to be masculine-looking. These virtues seem to accord with men's physical difference from women: magnificence and courage are the virtuous expressions of the desire to exert one's strength and aggressive tendencies. But the suitability of these virtues to the sexes' physical differences presents a problem rather than a solution: the bifurcation of virtue promotes two different ways of life—with women exercising their virtues less publicly and audaciously than men do. Now it is true that the Athenian never says that the sexes must sing *only* their respective songs—that is, to receive only an education in moderation and courage, respectively. But to the extent that only partial virtue is cultivated—courage for men and moderation for women—*neither* would develop the measured hopes and self-reliant toughness that characterize the robust soul and lay the foundation for the rational political reform, including the new theology, that is the city's goal. If men and women have different educations tailored to different ways of life, and if both males and females possess only partial virtues, what is the implication for this city?

## THE FAMILY AND HUMAN WEAKNESS

The need for the sexes to have distinct ways of life creates a grave difficulty, for this development is followed almost immediately by the Athenian's reflection that "the affairs of human beings are not worthy of great seriousness" (803b4).[24] The inability to cultivate robust souls appears to undermine the Athenian's educational vision and the rational political project it makes possible. Megillus's strenuous objection to this characterization of human affairs, however, does not permit the Athenian to abandon his efforts, and, in response, the Athenian undertakes a renewed attempt so that "our human race" may be "not lowly" but "worthy of a certain seriousness" (804b5–c1). In keeping with this claim, the Athenian insists that any scenario in which women require a different regimen from the men will be an inferior one (805d–6a, 807b–c), and he reiterates that "*my* law would say all the very same things about females that it says about males" (804d9, emphasis added; see also 805a–b). Educating the sexes differently clearly implies drastic consequences for the city, but it is unclear why.

If the city requires tough souls, and men are educated with a view to courage and magnificence, why can the city not still target its lofty educational goals? To put it differently, and in terms of the problem of common education, why does women's failure to reap the intended benefits from the gymnastic education prevent men from doing so? The Athenian earlier claimed that the things that are not well ordered weaken those that are (780d–e). But Spartan women, famous for their lack of education, could hardly be said to have weakened Spartan civic spirit and courage. Moreover, the preceding discussion suggests that it is not simply women's lack of education that affects men, but the failure to receive the *same* education that does so, that the mere existence of a distinct education and way of life is a problem for *both* women and men. In short, it seems that "women's weaknesses," or the concerns that stem from them, are not limited to women: they are human, not merely female.

The problem to which the Athenian' argument points is that a distinct way of life for women means family life. And the flourishing or even presence of such a life means a private sphere that is isolated from and resistant to the city's directives (788a–c, 805c–6b). But only if men are drawn to or in a fundamental way affected by family life and its private sphere would the failure to engage women fully in the civic project decisively affect men. The Athenian obliquely suggests the problem he has in mind is something common to men and women when he notes in passing, and imperceptibly to his interlocutors, that the failure to educate women in the same way as men harms "*our* female nature" (*he theleia hemin phusis* 781b2; emphasis added).[25] He thus appears to suggest that it is the existence of the family that nurtures the psychology

[22] See also the Athenian's reference to "bitter women's raging" (731d). In the context, this particular kind of anger is rooted in weakness, namely, a lack of strength to act as one wishes.

[23] Thus I take the Athenian to conclude, despite his wishes to the contrary, that education to virtue cannot simply be genderless. See Saunders (1995, 592) and Bobonich (2002, 387–8).

[24] Other commentators who discuss the Athenian's important statement here do not make the connection between it and the sudden departure from his effort to implement a common education. See Lutz (2015, 106–9); for a different account, see Roochnik (in Recco and Sanday 2013, 146–9).

[25] The Athenian's reference to the female nature in the first person plural ("our female nature") is strange in itself and unique in Plato. Although it could be taken to refer to the female part of human beings generally, assuming the Athenian is identifying the three of them with all of human kind, my rendering would be most natural if women were speaking. In light of the rest of the peculiarities of the Athenian's discussion of women, it is reasonable to interpret his unusual construction in this way.

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that, while perhaps more pronounced in women, is not only common to both but also deeper than their sexual differences. The "female nature" common to both men and women is a human characteristic that frustrates the cultivation of robust souls and thus the rational political reform that depends upon such souls. Recall that the early education in robust souls seeks to quell the primordial terror in infants so that it does not persist in adults. Males, too, experience a terror, a stinging awareness of weakness and vulnerability—if not to all the same things to which women are vulnerable, then certainly to injustice and ultimately to death. Indeed, it is precisely this latter vulnerability that according to the Athenian attaches fathers to their children; it is through offspring, he says, that human beings "partake of immortality" (721b–d). By speaking to Kleinias and Megillus of "our female nature," the Athenian quietly draws our attention to the way in which private family life, and procreation in particular, addresses men's own weakness and vulnerability.[26] The private realm and family life is powerful because it responds to a human rather than a merely female longing.

Distinct ways of life for the sexes implies a capacious private family life—women tend to the family, and men provide for and protect it. But the family, on account of its connection to a kind of immortality through procreation, poses obstacles to a city that attempts to be open to reason and its accompanying theology.[27] The longing for immortality manifests itself in many ways, but its familial manifestation is especially problematic for this city. The Athenian had initially stated that inculcating virtue in their citizens will depend on guiding that "erotic longing . . . involved in the engendering of offspring" from striving for what is pleasant to striving for what is best (783a2–8), and he closely ties this longing to the concern for immortality. If one's offspring are the means by which one participates in the "eternal coming-into-being of nature" (773e–74a), then the attachment to children promotes the hope of participating in something lasting, even eternal. And although the Athenian elsewhere acknowledges and even encourages the longing for immortality, this particular city depends upon redirecting that longing away from *personal* immortality to participation in the immortality of the species (721b–c; cf. 773e8). Indeed it is crucial for this city to channel the longing for immortality away from the hopes tied to one's own offspring, for left to its own devices the preoccupation with one's own children—the most direct connection to the hope for immortality—corrupts the city's concerns and way of life.

Recall the Athenian's claim that the city that strives for the best way of life should aim neither at war (803d) nor at money-making (831c–32b; see also 729a–b, 743d–e) but at peace and, specifically, at the "play or education" that ought to comprise the most important peacetime activities (803d; cf. 806d1–7b). In a city composed of families (i.e., in all actual cities), parents will seek to provide for their own offspring and are thus drawn away from a concern with virtue to activities such as money-making with all its attendant vices (see 729a–b, 831c–e). Moreover, by "play or education," the Athenian means most importantly the cultivation of thinking (631d5, 645b–c, 666e–67a, 803c–e, 808c). But parents' attachment to their own children resists the guidance of reason (731e2–32b2).[28] The Athenian maintains, for instance, that only the children who are most suited for it ought to receive a complete education, adding that fathers cannot have the authority to decide with regard to their own children. Rather, they must accept that in matters of education, their children "belong more to the city than to those who generated them" (804d6–8). The same goes for theological matters. The Athenian describes impiety among the young as a rejection of their parents' ways (887d–e), and yet parents will have to respect that the law requires that the impious young be corrected not by harsh treatment but by gentle persuasion (899c–d, 905c–d, 909a–b).

Indeed, it seems to be especially the connection between parenthood and piety that makes family life problematic for the city, and it is parenthood, not motherhood, that fosters piety. Although the Athenian most explicitly comments on mother's pious tendencies, chiding them for running to temples instead of protecting their young (814b) and depicting their traditional prayers and religious devotion as superstition (909e–10b), he indicates that the cause of such tendencies transcends sexual differences. In the course of his critique of private shrines, the Athenian adds that not only women become consumed with pious devotion but so do "*all those* who are sick in any way, or in danger, or at a loss . . . and also in the opposite circumstances, when they prosper in some way" (909e4–6, emphasis added).

[26] To this line of argument one might object that in light of the status of women in ancient Greece, men could not be drawn to family life (see Pomeroy 1975, 57–60, 79–80; Okin 1979, 33–6). But as Forde points out, in the *Republic*, both Socrates' hesitation at even raising the possibility of the abolition of the family and his interlocutors' shock at the suggestion suggest otherwise (1997, 665, n. 12). Additionally, the effect of such contrivances in the *Republic* as the noble lie and the communism of women and children, which essentially turn the city into one large family (463c–e), would not be necessary to strengthen the civic bonds if familial bonds were not as powerful as I suggest above. For further evidence of the strength and depth of such bonds among the ancient Greeks, see Aristotle *Nicomachean Ethics*, (1161a10–17; 1161b13–15, 18–28; 1162a25–29). For a very helpful discussion of these passages, see Pangle (2003, 89–99).

[27] Cf. J. S. Mill's critique of the failure to educate women, which differs from the Athenian's in a crucial but instructive way. Mill argues for women's education to foster "that union of thoughts and inclinations which is the ideal of married life," since while opposites attract, "it is likeness which retains" (1988, 98). The Athenian's scheme is predicated on precisely the opposite view: a common education is intended to reduce the attachment that both sexes have to each other and to family life. For an elaboration of this point, see Forde (1997, 666–9). For a different view, closer to that of Mill's, see Kochin (2002, 112–6, 131–2).

[28] The Athenian attempts to mitigate this problem by mandating that children after age three are largely raised by others, so even though parents do have children of their own, the Athenian tries hard to minimize parents' time with them (793eff, 806a–b; on this point, see also Kochin 2002, 196–211). In the *Republic*, the open rule of philosopher kings, i.e., of reason, seems to require the abolition of the family. Cf. Bruell (1994, 274).



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By describing experiences common to all human beings, he describes human beings as such as susceptible to a supplicating and immoderate piety, which is intensified by their fears and hopes for their children. But this form of piety is at odds with the reformed theology that is the foundation for the city's serious peacetime (803d, 808c) or "wholly appropriate" (807a) activity.

The Athenian's first attempt to educate robust souls experimented with the possibility that an early education could thwart the problematic passions and hopes in both males and females, passions that ultimately culminate in the family, which further exacerbates them. In undertaking a second attempt at education, to respond to Megillus's charge, the Athenian addresses the hopes and fears to which our common mortal nature gives rise by promoting a greater toughness in the form of military strength and engaging both men and women as much as possible in military training (807b4–9, 813e8–14a3, 833c9–d6, 834d4–9). Military strength, after all, breeds confidence, independence, and self-reliance in both sexes (see 829a; cf. 909e–10a), and, perhaps most importantly, it creates conditions that enable women to venture out of the private realm, thereby containing the power and influence of family life. As evidence of this, the new focus on courage and military virtue allows for common meals for female children and their mothers (806e–7a; cf. 780c–81b). The possibility of these common meals suggests that if women were to receive some of the gymnastic/military training (781c–d), the whole city could at least approximate the Athenian's rational reforms. But this is not the final mention of common meals. Before his final, and most ambiguous, statement about them, the Athenian discusses first, the festivals and contests that constitute the citizens' daily lives, and next, a complicated law regarding erotic matters, made necessary by their way of life.

## EROS AND EDUCATION

Festivals and contests that celebrate the gods and military virtue constitute the undivided focus of the city's way of life (829a–c, 830a–31b, 832d–34d; but cf. 803c–e). Practicing military skills seems to occupy all the citizens' time and training, and the extent, not to mention gravity (831a), of their military exercises raises the question of where exactly "serious play or education" will exist in the city. The Athenian's effort to promote military courage, in place of the more ambitious attempt at cultivating robust souls, threatens to undermine a crucial aspect of the city. After all, to the extent that waging war becomes the city's most serious business, the theological reforms are at risk; the centrality of war may encourage a more traditional piety and imperil the gentleness towards impiety.[29] Put simply, the focus on military courage raises doubts about the degree to which the city can be open to rationalism. But the Athenian does not address this question—at least not directly. Rather, he concludes his account of the city's way of life by saying that laws regarding the festivals and contests are paltry compared with certain "other matters" (835c). The particular matter he has in mind, which he broaches with much trepidation, is the question of eros. The Athenian explains that because the sexes are mingling in the festivals and choruses, they will be tempted into an erotic "frenzy and madness," a condition which leads to "ten thousand" dangers (835d–e, 839a–b). The public intermingling of the sexes that results from greater gender equality thus draws attention to the question of eros and its role in the city. But the discussion that ensues—what amounts to a long prelude to the law on eros and an ambiguous final law—reveals a complex link between eros and the possibility of gender equality.

The Athenian's initial concern about erotic madness surprisingly turns into a discussion of pederasty, which examines pederastic love with a view to determining whether it is a practice that could be conducive to virtue (836d). This is an especially jarring development in light of the Athenian's critique of the Spartan practice in Book One, for the problem he identifies now is not with pederasty per se but only with a certain kind (836d–e; cf. 636b–d). He begins by examining the nature of erotic desires, which reveals chaste pederasty to be the love *most* conducive to virtue. Crucially, this kind of love is accompanied by a reluctance to indulge in its physical aspect, which leads the Athenian to propose that their law permit chaste love, because it "belongs to virtue and desires that the youth become as excellent as possible" (837d). The problem with "loving the body" seems to be that it distorts the concern for the true good of the beloved, namely, improving the beloved's soul (837c–d). Having established, then, an argument for an erotic love that promotes virtue and eschews sexual activity, the Athenian proceeds to offer a long prelude (cf. 722e–23b) to a law that will attempt to promote that kind of love.

To foster such love, the Athenian seeks to detach eros from sex. He explains that the best law regarding eros would restrict all forms of sexual activity to procreation (838e–39d), which seems to leave eros to flourish with a young beloved without the corrupting element of sex.[30] But acknowledging the enormous difficulty of obtaining an agreement to a law that requires one be as averse to nonprocreative sex as to incest (838c–e)—and the model for which are birds[31]—the Athenian proposes a second law, which he stresses is inferior to the first (840d2). In this second law, more than procreative sex is permitted, but it must be seen as shameful and indulged in only rarely and accompanied by reverent awe (841b5, 837c–d). The thought seems to be that a strong sense of sexual shame would encourage

[29] This is perhaps the reason for the Athenian's passing qualification that the program of "free studies" may not always be judged acceptable by future citizens (820d–e).

[30] See 839b1–2 which suggests that viewing sex as appropriate only for procreative purposes supports stable marriages characterized by friendship, not eros.

[31] Cf. the Athenian's other "unfavorable" comparison of human beings to birds at 814b–c.



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pederastic lovers to resist sexual activity and keep the lovers' attention on virtue, thereby permitting such erotic associations to be tolerated on the assumption that they are presumed to be chaste. Strangely, though, this second law goes further: it does not explicitly prohibit *any* sexual activity and even describes engaging in it as noble as long as it kept secret (841b–c). Given the power of eros and the cover afforded by secrecy, this law could even be said to *encourage* private love affairs as distinct from marriages—husbands and wives hardly need to be encouraged to indulge in sexual activity secretly—even at the risk of considerable deviation from the chaste character required for virtuous love affairs.

The implicit encouragement provided by the second law underscores the importance of the possibility of such love affairs to this particular city. By opening the door to private love affairs, even at the risk of encouraging the corrupting kind, the second law actively promotes eros in a way that is compatible with this city, since eros in this particular form can facilitate something crucial in some of the citizens' lives: the opportunity for private conversation and education that nurtures individual flourishing, precisely the kind of education that is lacking in this city consumed with "*warrior* education and play" (832d, emphasis added), which the Athenian earlier claimed was not "worthy of our discussion" (803d; cf. 807a). The widespread acceptance of private erotic love affairs concerned primarily with virtue has an additional advantage: it confers legitimacy on *all* private associations, whatever their character.[32] A general acceptance of private erotic love affairs aiming at virtue would make possible—and less questionable—the private associations that the Athenian had praised early on and which foster genuine virtue, thereby crucially distinguishing the city of the *Laws* from a Spartan armed camp (666e–67a).[33]

When it comes time to state the official decree on eros, the status of these private love affairs is, however, unclear, as there turn out to be two alternate, and conflicting, versions of the decree: either all adultery is prohibited, but male erotic (but chaste) activity is permitted, *or* all homoerotic activity is prohibited (including chaste), and adultery, if it occurs, will be harshly punished if ever detected (841d–e). The Athenian draws our attention to this essential alternative: where there is little to no adultery, homoerotic activity is permitted, but where adultery is a problem, all homoerotic activity is prohibited. Having concluded the discussion of eros with these alternate laws, the Athenian abruptly returns to the question of common meals, whose establishment he says must now be discussed. But he then desists from saying anything about how to do so and, more strikingly, identifies the different forms of common meals without even mentioning the possibility of one that includes women (842b–c). The Athenian thus seems to draw a connection between the different requirements for regulating eros and the possibility of common meals for women.

The character and degree of the regulation imposed on sexual activity by these alternate decrees appears to depend on the relative strength of sexual shame. But what is the connection between sexual shame and the status of women? As we have seen, mandating equal military training for both men and women requires minimizing gender differences. But, as the Athenian notes when he turns to the problem of eros, the diminution of gender differences is accompanied by the *erosion* of sexual shame (835d–36b). He does not explain why, but it could be partly because sexual shame is nurtured by the social acknowledgement and institutionalization of women's sexual difference from men and partly because the city's emphasis on courage comes at the expense of moderation, at least in some of its forms.[34] But in the absence of sexual shame, only the second law is possible, as in this context the promotion of chaste pederasty will do more harm than good. The law must accordingly focus on curtailing the way sexual license imperils the general character of the city, including, and perhaps especially, the public role of women. Thus, to ensure virtue in light of close and regular interaction among the citizens, not to mention the integrity of women's participation in the city, all potential extramarital sexual activity must be tightly regulated.

Only if sexual shame is strong can the law be less severe regarding erotic love affairs. In this case, the first version of the decree, which prohibits all extramarital sex but permits erotic love, would be possible. A striking and crucial detail, however, which points to the connection between the law and common meals for women, is that the Athenian indicates that only erotic love affairs between *males* would be permitted (or wholly prohibited). This explicit prohibition is strange since the Athenian had earlier included females as objects of erotic love (836a6). The Athenian thus indicates that females would not be among those with whom these private associations conducive to virtue can take place. The allowance for love affairs in the context of sexual shame makes sense: if sexual shame is strong, there would be at least a strong prejudice in favor of its being chaste and thus conducive to virtue, promoting the kind of erotic attachments that nurture friendship, conversation, and thus flourishing at the highest level. But why exclude women from this opportunity? Why, when the Athenian has repeatedly stressed the importance of the equal education of women, are they here excluded from this particular form?

Sexual shame will be strong, according to the Athenian, only if sexual activity is adequately restrained by reverence for gods, honor, or the love of beautiful souls rather than bodies (841c; cf. 783b), and each of these

[32] For an arresting account of the complexity of close and intense associations in academic settings, see Kipnis (2015).

[33] Something like this opportunity also appears to be fostered by the two-year civil service of the field regulators (762c–63c). As Alcibiades' testimony in the *Symposium* suggests, Socrates may have used the general tolerance of pederasty in ancient Athens for precisely this reason.

[34] The Athenian notes in this context the importance of moderation but identifies it only as existing in the fact that in this city "it is impossible to get terrifically rich" (836a2).

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requires seeing sexual activity either as something low (840c) or as something impious apart from its "natural use" (838c, 840b–c, 841c–d). It is a view of sexual activity that is consistent with, and even depends upon the elevation of reproduction and marriage, the sanctity of which makes permissible something that is otherwise supposed to be seen as low or base. But elevating reproduction and marriage requires conferring upon women a distinct, special status, treating them as emphatically *different* from men. It requires seeing women as being *especially* capable in their role as mothers but thereby *less* suited for a full and equal role in political life. It seems, then, that if sexual shame were sufficiently strong to permit intense, private friendships, women would not be living the same way of life or participating in the common meals that represent their public presence. Law-endorsed erotic friendships, the argument implies, cannot coexist with such common meals, and their existence requires the prohibition of erotic friendships. The Athenian, then, does not dispense with the possibility of common meals for women, but his ultimate silence about them points to a problem: laws that channel eros to promote individual flourishing appear to be at odds with those that minimize sexual differences and promote gender equality. In advocating neither, the Athenian himself seems to remain ambivalent: each path has a strong argument in its favor, and each comes with a serious cost.

## CONCLUSION

Common meals are initially proposed for both men and women on the grounds that they promote civic virtue. But exactly what Plato means by civic virtue is obscure. Is it obtaining the greatest possible unity, stability, and virtue for all citizens? Or, is it the possibility of the most complete individual human flourishing? Plato's *Laws* as a whole explores the extent to which law can attain both of these goals. The equal education of women and their incorporation into public life, a crucial ingredient of rational political reform, is one example of the limits of law that shows how the highest political aspirations are fraught with inevitable trade-offs and thus the very great difficulties that attend any political reform. Reasonable or correct laws, according to the *Laws*, would recognize that the differences between the sexes are much less stark than appeared to the ancient cities and that those differences can and should be minimized to enable both men and women to live more in accordance with virtue and the demands of reason. The common good of both sexes would be advanced with an education that promotes women's independence, self-reliance, and strength and thereby fosters for both women and men a more complete virtue, which crucially in the *Laws* means the possibility of a more rational outlook. But for the city of the *Laws* to be superior to the Spartan armed camp, it must leave open the possibility of individual flourishing. The discussion of eros is one attempt to promote that flourishing. But the education of women that benefits the city in one respect, imperils the private education essential to the "practicability" of the regime in another, since establishing and preserving gender equality demands a problematic degree of intrusion into private life. The final silence on common meals for women underscores the limits of even the best, most reasonable, laws.

Although undertaken with a different objective from that which drives the contemporary quest for gender equality, Plato's account of both the importance of and challenges to incorporating women fully in public life remains instructive. In the first place, his *Laws* offers a subtle account of the differences between the sexes that illuminates a deeper commonality. Recognizing the profound *human* awareness of and concern for mortality establishes a common ground between the sexes that could potentially moderate bitter debates over the rate and degree of the advancement of gender equality. Even more, though, an awareness of the commonality of our mortal, and hence both vulnerable and hopeful, condition helps explain why powerful forces like eros remain fundamental to the human condition and, despite their often unruly and extreme expressions, potential sources of other human goods. As contemporary political scientists wrestle with the need to strengthen and expand our commitment to equality, we can benefit from an analysis that seeks more than equality. If our quest for gender—and other forms of—equality has necessarily led us to a focus on the adequacy of its legal implementation, our tendency is to neglect the importance of another concern: the integrity of a private sphere that fosters and permits the intense friendships and associations, even at the risk of some corruption, with a view to individual flourishing. The difficulties attending gender equality adumbrated by the *Laws* in this way alerts us to the unintended effects of such legislation, however necessary it may be. Most importantly, perhaps, by providing a means by which we may better understand those effects, Plato's account of the challenges involved in rethinking and reforming political life can help us to mitigate them.

## REFERENCES

Annas, Julia. 1981. *An Introduction to Plato's Republic*. New York: Oxford.

Bloom, Allan. 1991. *The Republic of Plato*. New York: Basic Books.

Bobonich, Christopher. 2002. *Plato's Utopia Recast*. Oxford: Oxford University Press.

Brown, Wendy. 1988. *Manhood and Politics: A Feminist Reading in Political Theory*. Totowa, NJ: Rowman and Littlefield.

Bruell, Christopher. 1994. "On Plato's Political Philosophy," *Review of Politics* 56: 261–82.

Cornell, Drucilla. 1995. *The Imaginary Domain: Abortion, Pornography, and Sexual Harassment*. New York and London: Routledge Press.

Crouch, Margaret A. 2001. *Thinking about Sexual Harassment: A Guide for the Perplexed*. New York: Oxford University Press.

Elsesser, Kim. 2019. "The Latest Consequences of #MeToo: Not Hiring Women." *Forbes*, September 5. Available from https://www.forbes.com/sites/kimelsesser/2019/09/05/the-latest-consequence-of-metoo-not-hiring-women/.

Elshtain, Jean Bethke. 1981. *Public Man Private Woman*. Princeton, NJ: Princeton University Press.

England, Edwin B., ed. 1921. *The Laws of Plato*. Manchester, UK: The University Press.



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Farley, Lin. 1978. *Sexual Shakedown: The Sexual Harassment of Women on the Job*. New York: McGraw-Hill.
Forde, Steven. 1997. "Gender and Justice in Plato." *The American Political Science Review* 92 (3): 657–69.
Friedersdorf, Conor. 2015. "How Sexual Harassment Policies are Diminishing Academic Freedom." *The Atlantic*, October 20. Available from https://www.theatlantic.com/politics/archive/2015/10/sexual-harassment-academic-freedom/411427/.
Kipnis, Laura. 2015. "Sexual Paranoia." *Chronicle of Higher Education* 61 (25): B6–10.
Kochin, Michael S. 2002. *Gender and Rhetoric in Plato's Political Thought*. Cambridge: Cambridge University Press.
Lange, Lynda. 1979. "The Function of Equal Education in Plato's Republic and Laws." In *The Sexism of Social and Political Theory: Women and Reproduction from Plato to Nietzsche*. Toronto: University of Toronto Press, 3–15.
Levin, Susan B. 2000. "Plato on Women's Nature: Reflections on the Laws." *Ancient Philosophy* 20: 81–96.
Lutz, Mark J. 2015. *Divine Law and Political Philosophy in Plato's Laws*. DeKalb, IL: Northern Illinois University Press.
MacKinnon, Catherine A. 1979. *The Sexual Harassment of Working Women: A Case of Sex Discrimination*. New Haven: Yale University Press.
MacKinnon, Catherine A. 2019. *Butterfly Politics: Changing the World for Women*. Cambridge, MA: Harvard University Press.
Mill, John Stuart. 1988. *The Subjection of Women*, ed. Susan M. Okin. Indianapolis: Hackett Publishing.
Miller, Claire Cain. 2017. "It's Not Just Mike Pence. Americans Are Wary of Being Alone with the Opposite Sex." *New York Times*, July 1. Available from https://www.nytimes.com/2017/07/01/upshot/members-of-the-opposite-sex-at-work-gender-study.html.
Morrow, Glenn R. 1993. *Plato's Cretan City: A Historical Interpretation of the Laws*. Princeton: Princeton University Press.
Okin, Susan Moller. 1979. *Women in Western Political Thought*. Princeton: Princeton University Press.
Pangle, Lorraine Smith. 2003. *Aristotle and the Philosophy of Friendship*. Cambridge: Cambridge University Press.
Plato. 1980. *The Laws of Plato*, trans. Thomas L. Pangle. New York: Basic Books.
Pomeroy, Sarah B. 1975. *Goddesses, Whores, Wives and Slaves: Women in Classical Antiquity*. New York: Schocken Books.
Rhode, Deborah L. 2019. "Why #MeToo? What Next?" *Duke Law Journal* 69: 377–427.
Roochnik, David. 2013. "The 'Serious Play' of Book 7 of Plato's *Laws*." In *Plato's Laws: Force and Truth in Politics*, eds. Gregory Recco and Eric Sanday. Bloomington and Indianapolis: Indiana University Press, 144–53.
Sapiro, Virginia. 2018. "Sexual Harassment: Performances of Gender, Sexuality, and Power. *Perspectives on Politics* 16 (4): 1053–66.
Saunders, T. J. 1995. "Plato on Women in the *Laws*." In *The Greek World*, ed. Anton Powell. Loudon: Routledge & Kegan Paul, 591–609.
Saxonhouse, Arlene. 1984. "Eros and the Female." *Political Theory* 12 (1): 5–127.
Saxonhouse, Arlene. 1994. "The Philosopher and the Female in the Political Thought of Plato." In *Feminist Interpretations of Plato*. University Park, PA: Penn State Press, 67–86.
Schultz, Virginia. 1998. "Reconceptualizing Sexual Harassment." *The Yale Law Journal* 107: 1683–805.
Schultz, Virginia. 2018. "Reconceptualizing Sexual Harassment Again." *The Yale Law Journal* 128. Available from https://www.yalelawjournal.org/forum/reconceptualizing-sexual-harassment-again.
Tinkler, Justine E. 2012. "Resisting the Enforcement of Sexual Harassment Law." *Law and Social Inquiry* 37 (1): 1–24.
Tuana, Nancy, ed. 1994. *Feminist Interpretations of Plato*. University Park, PA: Penn State Press.
Tolentino, Jia. 2017. "Mike Pence's Marriage and the Beliefs that Keep Women from Power." *The New Yorker*, March 31. Available at https://www.newyorker.com/culture/jia-tolentino/mike-pences-marriage-and-the-beliefs-that-keep-women-from-power.
Vlastos, Gregory. 1994. "Was Plato a Feminist?" In *Feminist Interpretations of Plato*. University Park, PA: Penn State Press, 11–24.
Volokh, Eugene. 1995. "How Harassment Law Restricts Free Speech." Rutgers Law Review 47: 563–78.
Wender, Dorothea. 1973. "Plato: Misogynist, Paedophile, Feminist," *Arethusa* 6 (1): 75–90.
Zarya, Valentina. 2018. "Since #MeToo the Number of Men Uncomfortable Mentoring Women Has Tripled." *Fortune*, February 6. Available from http://fortune.com/2018/02/06/lean-in-sheryl-sandberg/.
Zuckert, Catherine H. 2009. *Plato's Philosophers: The Coherence of the Dialogues*. Chicago: University of Chicago Press.



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