

## The Birth of Unlawful Freedom in Plato's *Laws* 3

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### Abstract

Plato's pronouncements about political freedom in the *Laws* have sparked renewed interest in the literature. The present paper takes a new angle on that vexed question. It focusses on Plato's account of the birth of unlawful freedom, or 'theatrocracy', at the end of book 3. By studying the transition from moderate to excessive freedom, it wishes to shed light on what sets the two apart. The paper provides a causal analysis of the key passage (700a3–701c2), suggesting four compatible and complementary explanations for the process it describes. The first is presented as the main one, but it is made more likely by the addition of the three others.

### Keywords

Plato – *Laws* – freedom – teatrocracy

Freedom in Plato's *Laws* has been the object of renewed scholarly attention.<sup>1</sup> Interpreters generally focus on defining the concept as it is used in the *Laws*. The present paper takes a different tack: its perspective is not definitional (or

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1 Classic accounts of the notion include G.R. Morrow, *Plato's Cretan City. A Historical Interpretation of the Laws* (Princeton: Princeton University Press, 1960) and A. Laks, 'Freedom, Liberality, and Liberty in Plato's *Laws*', *Social Philosophy and Policy* 24 (2007), pp. 130–52. Among the most recent accounts, see M. Lane, 'Placing Plato in the history of liberty', *History of European Ideas* 44, (2018), pp. 702–18; C. Young, 'Plato's Concept of Liberty in the *Laws*', *History of Political Thought* 39 (2018), pp. 379–98; S.S. Meyer in this volume.

analytical) but genetic.<sup>2</sup> In particular, it looks at the story told by the Athenian Stranger about how his native city went from instantiating a moderate form of political freedom, compatible with the rule of law and office-holders, to a situation in which freedom was pursued in a way that prevented the exercise of any kind of rule. Before delving into the text that tells of this transition (*Leg.* 700a3–701c2), the notions of ‘moderate’ and ‘excessive’ freedom should be briefly defined.

## 1 Moderate Freedom in Archaic Athens

In the course of book 3, the Athenian Stranger obtains the agreement of his two interlocutors, Clinias and Megillus, on the three targets a good legislator must aim at. The trio of values is introduced at 693b3–4 in the following way: ‘a city should be free (ἐλευθέραν), wise (ἐμφορονα), and friend to itself (ἑαυτῆ φίλην).’ Towards the end of that same book, the Athenian Stranger expounds the institutional foundations that, if implemented, would bring about the three legislative targets. Two ways to distribute rule are considered: monarchy, the extreme form of which consists in a single ruler confiscating power; and democracy, which gives freedom as political control to the citizens. The monarchic (or despotic) principle and its democratic counterpart, which is associated with freedom, exist in extreme or moderate versions; but when they are more or less equally instantiated, they temper each other and permit the realization of the three legislative targets. As the Athenian Stranger puts it:

There are two mothers, so to speak, of regimes, from which one would be right to say that all others are born. It would be right to call the one monarchy, the other democracy, and to say that the one has its extreme version in the Persian people, the other among us; almost all other regimes, as I said, are combined in various ways out of these two. We must, as is necessary, partake in these two, if there must be freedom and civic friendship with political wisdom.

*Leg.* 693d2–e1<sup>3</sup>

<sup>2</sup> The paper is a modified version of a dissertation chapter which also offers a definitional account of freedom in the *Laws*.

<sup>3</sup> Unless otherwise noted, translations are my own.

The Athenian then goes on to explain how the mutual moderation of freedom and monarchy under Cyrus gave way to a progressive assertion of despotism. He provides the causes of that evolution: the king's son, Cambyses, was badly educated and acquired a tyrannical character; his successor Darius tried to set things aright and to restore Persia's greatness, but he made the same mistake as Cyrus, neglecting the upbringing of his son Xerxes. After dealing with Persia, the Athenian Stranger comes to narrate the history of his own city:

After that, we must now go through what happened to the Attic regime, and show that complete freedom, from all kind of rule, is not slightly worse than freedom which has a measure of rule by others.

*Leg. 698a9–b2*

As the Stranger goes on to tell, Athens up to the time of the battle of Salamis (480 BCE) exemplified the mutual moderation of freedom and rule which he thinks is necessary to reach the three legislative targets. Athens may have leaned slightly towards freedom, which is said to be the regime's main characteristic; but this freedom was compatible with the rule of office-holders and laws.

How was this balance obtained? The indications the Athenian gives us about the regime are sparse but illuminating:

When the Persians attacked the Greeks, or rather all who live in Europe, the ancient regime (*πολιτεία παλαιά*) was in place; offices (*ἀρχαί*) were filled from the four property-classes, and there was some kind of master (*δεσπότης*), shame, by which we consented to live enslaved to the laws of that time.

*Leg. 698a9–b2*

Plato is here clearly tapping into the resources of fourth century political discourse, with its idealization of the 'ancient constitution', said to have ensured civic harmony and good rule before the reforms of Ephialtes and Pericles.<sup>4</sup> The notion that, in the olden days, offices were filled on the basis of a ranking of

4 On this notion see in particular A. Fuks, *The ancestral constitution: Four studies in Athenian party politics at the end of the fifth century B.C.* (London: Routledge & Kegan Paul, 1953); S.A. Cecchin, *Patrios politeia: Un tentativo propagandistico durante la guerra del Peloponneso* (Torina: Paravia, 1969); M.I. Finley, *The ancestral Constitution. An Inaugural Lecture* (Cambridge: Cambridge University Press, 1971); C. Atack, 'Ancestral constitutions in fourth-century BCE Athenian political argument: genre and reinvention', MPhil dissertation (Cambridge University, 2010).

fortunes was part of this embellished picture.<sup>5</sup> The mention of four classes, in particular, was bound to recall the reforms of Solon, with whom they were closely associated.<sup>6</sup> It is difficult to ascertain which exact reforms Plato believed Solon to have implemented; at least modern historians agree that he introduced election to fill offices.<sup>7</sup> The *Constitution of Athens* (8.1) makes him introduce lottery from an elected short-list for the filling of offices (κλήρωσις ἐκ προκρίτων), with rules regarding which property classes could provide candidates. It is quite likely that Plato would have associated Solon with a similar mode of filling offices: he was at least aware of the claims that the ancestral constitution of Athens was based on elections;<sup>8</sup> and when he takes up the four property classes for Magnesia, he uses them essentially to regulate elections.<sup>9</sup> Election, thus, would seem to be the element of democracy, or freedom, with which the Athenian regime tempered the exercise of rule.

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- 5 C. Mossé, 'Égalité démocratique et inégalités sociales. Le débat à Athènes au IV<sup>ème</sup> siècle', *Mètis. Anthropologie des mondes grecs anciens* 2 (1987), pp. 195–206, at pp. 199–200; E. Poddighe, 'La natura del tetto censitario stabilito da Antipatro per l'accesso al politeuma di Atene nel 322 a. C.', *Dialogues d'histoire ancienne* 23 (1997), pp. 47–82, at p. 55 with n. 41.
- 6 K.A. Morgan, 'Solon in Plato', in G. Nagy and M. Noussia-Fantuzzi (eds.), *Solon in the Making: The Early Reception in the Fifth and Fourth Centuries* (Berlin: De Gruyter, 2015), pp. 129–50, at p. 144; M. Piérart, 'Ni anarchie ni despotisme. Les élections du Conseil dans la cité des Lois', in A. Borlenghi, C. Chillet, V. Hollard, L. Lopez-Rabatel and J.-C. Moretti (eds.), *Voter en Grèce à Rome et en Gaule: Pratiques, lieux et finalités* (Lyon: MOM éditions, 2019), pp. 57–72, at p. 59.
- 7 There is agreement on this point, although some historians think that election was the only mode of selection established by Solon. See J. Ober, *Mass and Elite in Democratic Athens. Rhetoric, Ideology, and the Power of the People* (Princeton: Princeton University Press, 1989), p. 64; J. Bleicken, *Die athenische Demokratie* (Schöning: Paderborn, 1994), p. 18; J.L. O'Neil, *The origins and development of ancient Greek democracy* (Lanham: Rowman and Littlefield, 1995), p. 19; R.W. Wallace, 'Solonian Democracy: Questions and Challenges', in I. Morris and K. Raafaub (eds.), *Democracy 2500* (Dubuque: Kendall-Hunt, 1997), pp. 11–29, p. 19; M.H. Hansen, *The Athenian democracy in the age of Demosthenes: structure, principles, and ideology* (Norman: University of Oklahoma Press, 1999), p. 52; E.M. Harris, 'Solon and the spirit of the laws in archaic and classical Greece', in J.H. Blok and A.P.M.H. Lardinois (eds.), *Solon of Athens: New Historical and Philological Approaches* (Leiden and Boston: Brill 2006), pp. 290–318, at p. 301; K. Raafaub, 'Athenian and Spartan eunomia, or: what to do with Solon's timocracy?', in *Solon of Athens*, pp. 390–428, at p. 423. Others (P.J. Rhodes 'The reforms and laws of Solon: an optimistic view', in *Solon of Athens*, pp. 248–60, at p. 254; H. Van Wees, 'Mass and elite in Solon's Athens: the property classes revisited', in *Solon of Athens*, pp. 351–89, at p. 378) favor lottery from an elected short-list (κλήρωσις ἐκ προκρίτων).
- 8 *Menex.* 238c2–d2, stressing the continuity between archaic and later Athens.
- 9 See esp. 756b7–e8, a passage elucidated by J. Reid, 'The Offices of Magnesia', *Polis* 37 (2020), pp. 567–89, at pp. 576–7. On the use of elections in Magnesia and its democratic nature, see J.-F. Pradeau, 'L'ébriété démocratique: la critique platonicienne de la démocratie dans les Lois', *Journal of Hellenic Studies* 124 (2004), pp. 108–24.

If pre-490 BCE Athens practiced elections, then the mention of shame in the second half of the passage becomes clearer. Shame is defined in the *Laws* as the fear of incurring a bad reputation in the eyes of one's better.<sup>10</sup> Elections are meant precisely to select the most competent citizens for the exercise of offices. Successful candidates are officially recognized as superiors in virtue to their fellow citizens: they become an instance in the eyes of which the citizens fear for their reputation. Once the citizens have passed, through elections, their judgment as to whose authority they should follow, shame is there to ensure that their entire psychology, included their non-rational drives, is aligned with such judgment. And since the office-holders are there to enforce the law, anyone tempted to violate the latter would be prevented from doing so by the fear of being blamed by the former. Office-holders appear to be the fulcrum of the political order: they inspire reverence for their orders, but also for the laws which they are meant to enforce.

## 2 From Measured to Excessive Freedom: The Athenian Stranger's Narrative

After concluding his portrait of the well-balanced regime of archaic Athens, the Athenian Stranger gives a new illustration of his principle that any excess towards monarchy (viz. despotism) or democracy (viz. freedom) moves a community away from the three legislative targets.<sup>11</sup> Persia ruined its initial balance when its kings became despots; Athens destroyed its ancient balance by 'cherishing freedom more than it should have' (τὸ ἐλεύθερον ἀγαπήσασα μαιζόνως ἢ ἔδει, *Leg.* 693e5–6). As the Stranger informs us, this heightened love of freedom came from a revolution in musical forms. The text that lays out the steps of this evolution is long, but crucial for this paper's purpose. Let us therefore quote it in its entirety:

Athenian Stranger: Under the rule of the ancient laws, my friends, our people was not sovereign over any matter, but was somehow voluntarily enslaved to the laws.

Megillus: Which laws are you talking about?

Athenian Stranger: First, the laws regulating the music of that time (we need to go over the progress of excessive freedom from the beginning). For our music was then divided into various genres, i.e. characteristic forms. There was a genre of song for prayers to gods, and they were called

<sup>10</sup> *Leg.* 656a2–3; 701a8–b1.

<sup>11</sup> The principle itself is enunciated at *Leg.* 693d2–e1.

hymns. Opposed to that one, there was another genre of song, for which people would have used the name of dirge, most of all. Another genre was the paeon, and another, the birth of Dionysus, I think, called the dithyramb. They called nomos by this very name, as being another song. And they called them in addition 'for the lyre'. These and other genres being arranged in this way, it was not allowed to misuse one form of song for composing in another genre. And the authority that was sovereign to know (τὸ δὲ κύριος τούτων γινῶναι) and pass judgment over these things, as well as to chastise the transgressor, was not the hiss or some ignorant shouts from the audience, as it is nowadays, nor the praise rendered by applause, but the ones who had occupied themselves with matters of education (τοῖς μὲν γεγονόσι περὶ παιδείου) would listen in silence until the end of the piece, while children, pedagogues and the mass of the crowd would be admonished and brought back to order by the rod. Under this arrangement, the mass of the citizens consented to be ruled and not to dare to judge by their shouts. But afterwards, as time went by, there came a group of poets who led unmusical unlawfulness (ἄρχοντες μὲν τῆς ἀμούσου παρανομίας). They were poets by nature, but ignorant about what is just and lawful in music. Frenzied and possessed too much by pleasure (βακχεύοντες καὶ μάλλον τοῦ δέοντος κατεχόμενοι ὑφ' ἡδονῆς), they mixed dirges with hymns, paeans with dithyrambs, imitating the flute-song with the lyre, and confusing everything. Unwittingly, they calumniated music by their ignorance, claiming that it has no standard of rectitude at all, but that it is best judged by the pleasure of those who enjoy it, whether they are morally good or bad (εἴτε βελτίων εἴτε χείρων ἂν εἴη τις). Composing such mixed pieces and adding statements in the same spirit (τοιαῦτα δὴ ποιοῦντες ποιήματα, λόγους τε ἐπιλέγοντες τοιούτους), they instilled unlawfulness regarding music in the crowd, making them believe they were capable of judging. Henceforth the audiences, who used to be silent, started to make noise, in the pretense that they understood what is beautiful and what is not in matters of music: and instead of an aristocracy in music, a detestable theatrocracy came about. For if this had just been the birth of a democracy of free men in music, that would not have been very damaging. But in reality, music gave rise to everyone's belief to be wise in everything, which is unlawfulness (παρανομία). Freedom followed (συνεφέσπετο δὲ ἐλευθερία). For they were fearless, believing that they were knowledgeable, and this fearlessness produced shamelessness. For not to fear the opinion of one's better out of self-confidence, this itself is more or less base shamelessness, caused by some kind of excessively audacious freedom.

Megillus: What you say is most true.

Athenian Stranger: On the footsteps of such freedom, the freedom consisting in refusing to be slave to office-holders would come about, and following this one, the freedom of escaping from the submission to one's father, mother and elders and from their upbraiding, and for those who near the end, the attempt not to be subject to the laws, and on top of that, already at the end, a carelessness for oaths, trusts and the gods.

*Leg.* 700a3–701c2

Previous attempts to explain the birth of teatrocracy have shed light on the passage, but they still leave obscure crucial aspects of it. The most detailed causal analysis of the text, offered by L  titia Mouze in her 2005 book, elucidates it by invoking two factors: first, the revolutionary musicians ruined all notion of competence by erecting pleasure, which is common to all, as the ultimate criterion of musical judgment; second, the disregard in which musical laws fell soon affected all other laws, as the former were seen as the model of the latter.<sup>12</sup> Though helpful, Mouze's account leaves an essential element of the text unexplained: how can citizens who were ruled by shame, described as their 'master' (δεσπότης, 698b5), have suddenly come to 'disregard the opinion of their better' (701a8–b1)? Why didn't this shame prevent the citizens from applauding the new musicians, whose compositions were frowned upon by the elite? A passage from book 2 highlights why this phenomenon needs explanation. People who have received a correct education but experience a guilty musical pleasure 'are ashamed of moving their limbs in front of those they consider as wise, and of singing as well, which would give the impression that they think it seriously beautiful'.<sup>13</sup> Musical pleasure is not supposed to overcome shame. Why did it happen in the case of the Athenians? The paper's aim is to offer answers to that question. In what follows, I suggest four explanations. They are compatible, but also complementary: causes 2, 3 and 4 help explain why cause 1 has such a dramatic effect.

12 L. Mouze, *Le l  gislateur et le po  te. Une interpr  tation des Lois de Platon* (Lille: Presses Universitaires du Septentrion, 2005), pp. 388–9. Mouze does not spell out how the second explanation works, but it might go through the historical and etymological association between musical and political νόμοι. On the historical side is the Greek belief that archaic laws were sung before being written (Ps.-Ar. *Prob.* 19.28); at the linguistic level, νόμος can mean both a specific genre of citharoidic composition, and a legal order. Plato is well aware of this linguistic fact, alluding to it at *Leg.* 722d6–e1 and 799e10–12.

13 *Leg.* 656a1–5. Key to the understanding of this text is the use of αἰσχύνεσθαι + infinitive, which as opposed to the participial construction, implies that the grammatical subject does not do what is described in the infinitive (LSJ s.v. II-c).

### 2.1 *Cause 1: Pleasure, Egoism, and the Claim to Self-Rule*

One of the most striking features of the *Laws* is its lengthy digression on wine-drinking, which takes up a good part of books 1 and 2. Interpreters have often wondered about its usefulness.<sup>14</sup> For our purposes, though, it is fundamental: in investigating the powers of wine, the three interlocutors focus on its capacity to remove shame from the individual soul. The Athenian Stranger describes this effect of wine in the following terms:

Wine causes the man who drinks it to be immediately more cheerful than he was before, and the more he tastes of it, the more he is filled with good hopes and a belief that he is powerful. Thus, at the end, such a man is filled with complete frank speech (*πάσης παρρησίας*), freedom (*ἐλευθερίας*), and total fearlessness, as he believes to be wise.

*Leg.* 649a9–b4

As a symposium goes on,

Everyone is exalted, lighter than himself, and full of joy; filled with frank speech (*παρρησίας*) and not caring to listen (*ἀνηκουστίας*) to those near him, he thinks he has become fit to rule himself and others.

*Leg.* 671b3–6

This link between wine and the pretense to know is firmly established in Plato's mind: in the *Cratylus*, he has Socrates say that wine (*οἶνος*) makes one believe to have wisdom (*οἶεσθαι νοῦν ἔχειν*), when one doesn't (*οὐκ ἔχοντας*)' (*Crat.* 406c3–6). Since shame is based on the judgment that someone is wiser than oneself, drunkenness leads, via the pretense to be wise, to shamelessness.

But wine is not the only drug to have that effect. At *Leg.* 647d4–7, the Athenian mentions 'many pleasures and desires that invite to shamelessness'.<sup>15</sup> Just after the first passage quoted above, he gives a list of psychological states that expel shame from one's soul: 'anger, love, insolence, ignorance, cupidity, cowardice', adding situations in which one enjoys 'wealth, beauty, strength, and all those things which make us drunk with pleasure and thus drive us out

14 See in particular A. Taki, 'The Origin of the Lengthy Digression in Plato's *Laws*, Books I and II', in L. Brisson and S. Scolnicov (eds.), *Plato's Laws: From Theory into Practice* (Baden-Baden: Academia Verlag, 2003), pp. 48–53.

15 K. Schöpsdau, 'Tapferkeit, Aidos und Sophrosynē im ersten Buch der platonischen *Nomoi*', *Rheinisches Museum* 129 (1986), pp. 97–123, p. 103.



of our mind' (649d3–7). All these contexts boost our feelings of pleasure and thus, like wine, annul the force of shame within us.<sup>16</sup>

I suggest that the strong pleasures induced by new music have a similar effect.<sup>17</sup> The *Republic* already mentioned that new musical forms are always enticing (*Resp.* 424b2–c2). The *Laws* adds that every new invention is welcomed with pleasure, although music is singled out as a remarkable example of this fact (*Leg.* 657b2–b8, 797b8–c3). But the music described in the theatrocracy passage has more direct ways to inspire intense pleasure than its newness. Plato has the theoretical means to explain how mixing genres would cause particularly strong fits of pleasure. Later in the dialogue, he alludes to a practice of New Music he calls heterophony, which consists in the dissonance between the notes played on the lyre and those sung by the interpreter (*Leg.* 812d4).<sup>18</sup> We know, especially from the Pseudo-Aristotelian *Problems*, that heterophony was resolved into harmony.<sup>19</sup> Yet the resolution of disorder into order creates, according to the *Philebus*, violent fits of pleasure, causing those who experience it to scream, as the audience of our passage.<sup>20</sup> Granted, Plato does not mention heterophony in the text: he only describes the new musicians as 'confusing everything' (πάντα εἰς πάντα συνάγοντες, *Leg.* 700d8–e1). But it does not seem far-fetched to imagine the musicians described as resolving this disorder into some kind of harmony: they could not totally alienate their audience, after all. What we know for sure is that the poets managed to transmit to the audience the pleasure by which they were themselves 'possessed' (κατεχόμενοι, 700d6). Their music acted as wine, or any cause of intense enjoyment: it 'freed' the citizens from the despotism of shame.<sup>21</sup>

In the passage, such musical performances trigger a chain-reaction of unlawfulness: once citizens are convinced that they could judge music well,

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- 16 D. Frede, 'Puppets on Strings: Moral psychology in *Laws* Books 1 and 2', in C. Bobonich (ed.), *Plato's Laws: A Critical Guide* (Cambridge: Cambridge University Press, 2010), pp. 108–26, at p. 119.
- 17 T. Pangle, *The Laws of Plato. Translated, with Notes and an Interpretive Essay* (Chicago and London: The University of Chicago Press, 1988), p. 408, already mentioned 'the intoxicating enchantment of musical poetry and drama', without elaborating on this observation.
- 18 See on this point A. Barker, 'Heterophonia and poikilia: accompaniments to Greek melody', in B. Gentili and F. Perusino (eds.), *Mousike. Metrica ritmica e musica greca in memoria di Giovanni Comotti* (Pisa and Rome: Istituti editoriali e poligrafici internazionali, 1995), pp. 41–60.
- 19 *Prob.* 19.39 (with the comments of A.-G. Wersinger, *Platon et la dysharmonie : recherches sur la forme musicale* (Paris: Vrin, 2001), p. 73).
- 20 *Phlb.* 47a3–9 (cf. *Rep.* 586b7–c5). On this point S. Delcomminette, *Le Philèbe de Platon, Introduction à l'agathologie platonicienne* (Leiden and Boston: Brill, 2006), p. 466 with n. 32. E. Moutsopoulos, *La musique dans l'œuvre de Platon* (Paris: Presses universitaires de France, 1961), p. 288, noted that the audience's shouts indicated a frenzy of pleasure.
- 21 On being freed from shame see *Leg.* 699c6; on shame as δεισιπότης, see *Leg.* 698b5.

they go on to assert themselves in all other social contexts. The analogy with wine reveals, however, that there is an explanatory gap to fill here: once the festivals ended, why didn't the audience experience hang-over? The fact that we sometimes feel overly confident when we listen to great music does not imply that, after the hearing, we feel confident enough to dismiss the opinion of all the authorities we recognize. Plato does not explain, at least within the passage, how the suppression of shame in one occasion leads to its disappearance in all others.

Elsewhere in the *Laws*, however, he provides us with the means to understand that process. In book 2, the Athenian Stranger has introduced a basic human desire 'for things to happen according to the dictate (*ἐπιταξίν*) of our own soul' (687c5–6). This idea, that humans think they are able to give orders and to rule over themselves and others, is elaborated later on in the general prelude to Magnesian legislation:

The greatest cause of all evils for most human beings is naturally ingrained in the soul. No one devises a way to escape it, out of indulgence towards himself. This is what is meant when people say that 'everyone is by nature a friend to himself' and that 'it is right that things must be so'. In reality, however, the cause of all mistakes always is the excessive affection one has for oneself (*τὴν σφόδρα ἑαυτοῦ φιλίαν*). For the one who loves is blind about the object of his love, so that he judges falsely matters of justice, goodness and beauty, thinking that he should value more what is his own than the truth. But he who wants to become a great man must not cherish himself or his own, but justice, whether it is done by himself or by another. It is from this mistake that everyone happens to mistake their ignorance for wisdom (*τὴν ἀμαθίαν τὴν παρ' αὐτῷ δοκεῖν σοφίαν εἶναι*): from whence, knowing nothing, so to speak, we think we know everything, refusing to entrust to other what we do not know how to do; yet, acting on our own, we are forced to fail. This is why every man should flee from excessive love of himself and look for his better, without being ashamed of doing so.

*Leg.* 731d7–732b4

Human beings have an ingrained desire to listen to themselves only: they take what they think and wish to have greater value than what anyone else could tell them.<sup>22</sup> This, I suggest, explains why occasional shamelessness became general in the case of Athens. The festivals kindled in the audience the desire

22 Cf. Diotima's critique of Aristophanes in the *Symposium* (205d10–206a4): human beings in fact desire the good, not what is their own as such.

for self-assertion which lay dormant in their souls. Once awakened, this inborn desire went on to satisfy itself in all domains of social life.

This effect is compounded by the fact that any small violation of social norms creates, for Plato, a habit of unlawfulness. The idea is already present in *Republic 4*: the disregard for musical traditions allows unlawfulness to ‘creep in unnoticed’ (λανθάνει παραδυσμένη, *Resp.* 424d2–3). Altering characters and activities, it affects contracts and agreements before undermining the laws themselves. A similar idea appears in the *Laws*: ‘if humans are accustomed to break the law in small but frequent ways, the written laws end up being undermined’ (*Leg.* 7.788b6–c1). This self-reinforcing tendency of law-breaking surely plays a role in our passage, without however making the invocation of excessive self-love unnecessary: the teatrocracy passage deals with disregard for personal authorities spreading in rash succession, which involves the suppression of shame and the denial of authority to any other; the two texts just quoted (*Republic 4* and *Laws 7*) pertain to impersonal laws, whether written or unwritten, and their gradual effect on character habituation: the kind of norms disregarded are different.

This, I hope, is an economical explanation of Athens’ passage from a measured to an excessive form of freedom. Excessive freedom, like excessive self-love, rejects the subjection to someone superior in virtue: it is ‘excessively bold’ (λίαν ἀποτετολμημένης, *Leg.* 7.00b2–3). Shame, which used to rule over the Athenians’ souls, is now seen by them as an unnecessary constraint, since it was based on the recognition of hierarchies that are not acknowledged anymore: the Athenians end up being ‘free’ from it (*Leg.* 6.99c6). They are not willing to be ruled by wisdom anymore: freedom has been pursued to the detriment of wise rule.

Explanation 1 argues that self-love bridges the gap between, on the one hand, intense fits of pleasure felt when hearing music, and on the other different areas of life. The text is more fully explained, however, if other causes help bridge this gap. In what follows, I offer three causes that fulfill that role.

## 2.2 Cause 2: *The Public Role of Poets*

An additional explanation for the birth of teatrocracy, fully compatible with the first and reinforcing it, involves seeing the poets as figures of authority. If this is right (as there are reasons to think), then shame in the Athenian case would have been undermined *from within*, so to speak. This is a situation we know from common experience: when someone is overwhelmed by their respect for an authority figure and cares very much about that person’s opinion, to the point that they do not dare to express their own judgment (think of a very shy student), one efficient way to cause them to express their opinion

is for the authority figure itself to invite them to do so. Shame, the fear of incurring a bad reputation in the eyes of the model person, motivates the shy individual to judge with independence.<sup>23</sup>

Reasons for thinking that this is at play in the teatrocracy passage are both textual and contextual. The text, first, introduces the new musicians as ἄρχοντες τῆς ἀμούσου παρανομίας (700d3). This is variously rendered by translators. Some, such as Des Places and Pangle, take ἄρχοντες as referring to some sort of rule or command.<sup>24</sup> Others, like Saunders and Brisson-Pradeau, translate ἄρχοντες with words indicating beginning.<sup>25</sup> The genitival construction tends to favor the second rendering, but the two ranges of meanings of ἄρχω are obviously related: beginning is leading, and being a leader is being a ruler.<sup>26</sup> Even if the second meaning of ἄρχω predominates in the passage, echoes of the first are likely to be heard by a Greek audience.

Contextual considerations add weight to this hypothesis. From archaic times on, the poet was recognized as a figure of authority with semi-public status. In our text, public heralds assume the role of wielding the rod (ῥάβδος) to keep the audience quiet; but a tradition reflected in Pindar links ῥαψωδός to ῥάβδος, as rhapsodes were given a rod to perform, like speakers in the public assembly.<sup>27</sup> The notion that poets had a civic function was still held in the Classical period: the Athenians, for instance, took it for granted that the role of public performances was to educate the citizens.<sup>28</sup> Athenian institutions

23 Plato seems to know of such situations: in the *Republic*, the drones who corrupt the budding democrat use their influence to suppress the young man's shame. By re-describing it as 'stupidity' (ἡλιθιότης), they 'drive it out of his mind' (*Resp.* 560d3–4). The only missing piece to supply is that the drones act as figures of authority: this does not seem too costly, at least in the terms of the *Laws*, where friends are seen as figures of authority.

24 E. Des Places, *Platon. Œuvres Complètes. Tome XI, 1<sup>re</sup> partie: Les Lois, Livres I–II* (Paris: Les Belles Lettres, 1951): 'L'autorité en matière de délits contre la musique passa à des compositeurs qui avaient sans doute le tempérament créateur mais ne savaient rien de la justice et des droits de la Muse' (p. 44). T. Pangle: 'the poets became rulers and held sway over unmusical unlawfulness.'

25 T. Saunders, in J.M. Cooper, *Plato. Complete Works* (Indianapolis and Cambridge: Hackett Publishing, 1997): 'composers arose who started to set a fashion of breaking the rules.' L. Brisson and J.-F. Pradeau, *Platon. Les Lois* (Paris: Garnier Flammarion, 2006): 'apparent des compositeurs qui commencèrent à violer les règles dans le domaine des Muses.'

26 LSJ s.v. A-II-1.

27 Pindar, *Isthmean* 4, 38. See on this point W. Burkert, 'The Making of Homer in the Sixth Century B.C.: Rhapsodes versus Stesichorus', in D. von Boehmer and A.L. Boegehold (eds.), *Papers on the Amasis Painter and his World* (Malibu: The J. Paul Getty Museum, 1987), pp. 43–62.

28 A. Ford, *The Origins of Criticism: Literary Culture and Poetic Theory in Classical Greece* (Princeton: Princeton University Press, 2002), p. 200; M. Folch, *The City and the Stage*.

reflected this belief: the exact process by which poets were selected to perform at public festivals is a matter of debate, but we know that the eponymous archon played a key role in it.<sup>29</sup> The poets selected could legitimately be seen by the audience as having received some kind of official endorsement. Short of being ἄρχοντες themselves, they were still appointed by an ἄρχων.

The poet's role as civic educators gave them an aura which filled their audience with reverential awe. Socrates himself admits in the *Republic* that he has felt αἰδώς for Homer since childhood (*Resp.* 595b9–c1). But even a maverick, non-conformist poet could inspire a sense of shame in his listeners. Shame, we recall, is the fear to incur bad reputation in the eyes of those one takes to be superior to oneself. These can also be the majority of the audience, especially in a democracy: in such a regime, it is natural to take the judgment of one's fellow citizens as authoritative.<sup>30</sup>

How does this idea concretely apply to our passage? I suggest that the authority possessed by poets, or by the audience's majority, creates in the citizens a conflict of loyalty. They still feel some reverence for the judgment of the elite; but if they sense that poets appointed by the city, or a majority among the audience, invites them to disregard the judgment of the elite, the prospect of disagreeing with the former will fill them with a shame that should undermine the one they feel for the latter's opinion.

To sum up: because new musicians and their fans (if numerous) can be seen as endowed with some form of authority, they weaken the shame the rest of the audience feels for the opinions of the elite. This mechanism collaborates with the first cause mentioned above in inviting the people to assert their judgment.

### 2.3 Cause 3: Which λόγοι?

For Plato, even a firm belief in the superiority of an institution or a group can be undermined by repeated exposure to adverse opinions. This is the moral of the tale of *Republic* 7.537e9–539a3: an adopted son discovers that the parents

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*Performance, Genre, and Gender in Plato's Laws* (Oxford: Oxford University Press, 2015), pp. 10–2. The most characteristic of the idea is Aristophanes, *Ran.* 1009–1013.

29 This applies at least to the Dionysia, the main dramatic festival; A.W. Pickard-Cambridge, *The Dramatic Festivals of Athens* (Oxford: Clarendon Press, 1973), p. 84; N. Croally, 'Tragedy's Teaching', in J. Gregory (ed.), *A Companion to Greek Tragedy* (Malden: Blackwell, 2005), p. 62; E.M. Harris, 'Many Ancient Greek Occupations, but Few Professions', in E. Steward, E.M. Harris and D. Lewis (eds.), *Skilled Labour and Professionalism in Ancient Greece and Rome* (Cambridge: Cambridge University Press, 2020), pp. 29–67, at p. 31.

30 A. Barker, 'Fourth seminar: Laws 669b5–670a6 and 700a7–701c4', in *Music in Plato's Laws. Seventh Annual Seminar in Ancient Greek Music* (2010), pp. 31–131, at p. 79.

who educated him are not his biological ones; under the shock and the disappointment, he yields to flatterers who tell him that all he has been taught is worthless, especially compared to a life of pleasure.<sup>31</sup> Our passage can be turned into a similar narrative. Wine and self-love have forced the door of shame in the citizens' souls, while the authority of poets has opened it more stealthily; now, unlawful opinions are permitted to creep in and to undermine the audience's willingness to submit to the elite's judgment.

The passage makes room for such opinions, by referring to the λόγοι the poets added (ἐπιλέγοντες, *Leg.* 700e4–5) to their music. Here again, a translation problem faces us. Two options present themselves: λόγοι can either be lyrics ('paroles', Brisson-Pradeau; 'dialogue', Allen; England *ad loc.*), or aesthetic manifestos, whether written or oral ('arguments', Pangle; 'propaganda', Saunders).<sup>32</sup> Klaus Schöpsdau sees in the use of the verb ἐπιλέγειν an argument in favor of the second option: in Greek, ἐπιλέγειν is never used to describe the relation of lyrics to music.<sup>33</sup> A point Schöpsdau does not note, but which comforts his view, is that ἐπιλέγειν characterizes an addition that is subsequent in time; lyrics of course do not come after the tune.<sup>34</sup> On this picture, the musicians' λόγοι are then manifestos, either delivered in conversations or published in writing. The *Republic* knows of such λόγοι: Socrates is ready to re-admit the poets he has just banished, provided their fans plead for them in prose λόγοι (607d4–10).<sup>35</sup> As to written texts, they are especially conducive to the pretense to be wise, according to the *Phaedrus* (275b2). This would make them good candidates to play a role in our text. Aesthetic manifestos arguing that pleasure is the only criterion of musical judgment would directly weaken the citizens' respect for their elite.

This interpretation, though, runs against two problems. The first is that we have no evidence that New Musicians ever produced manifestos outside the ambit of their songs. The only manifesto we have is what Timotheus offered in the lyrics of his *Persians*.<sup>36</sup> In her study of the poem, Pauline LeVen demonstrates that its lyrics combine 'self-defense and critical attack': they argue

31 A. Bonnemaïson (in this volume) offers a very illuminating analysis of the passage.

32 D. Allen, *The World of Prometheus. The Politics of Punishing in Democratic Athens* (Princeton: Princeton University Press, 2000), p. 276.

33 K. Schöpsdau, *Platon, Nomoi, Buch I–III* (Vandenhoeck and Ruprecht: Göttingen, 1994), p. 512.

34 As Andrew Ford suggested to me, Plato may imagine, however, that lyrics are added subsequently to the music in the compositional process. This would go against Schöpsdau's interpretation.

35 Cf. 380a9, where λόγος is used of an interpretation of iambic lines from a tragedy.

36 P. LeVen, *The Many-Headed Muse: Tradition and Innovation in late Classical Greek Lyric Poetry* (Cambridge: Cambridge University Press, 2014), pp. 89–90.

that “poetry is meant for anybody, that is, for anybody who has an ear for good music.”<sup>37</sup> The echoes of Plato’s description text are noteworthy. A further reason to read λόγοι as manifestos-in-lyrics is that the practice of using poems to defend aesthetic conceptions was not peculiar to New Music: Aristophanes, clearly not a sympathizer of the movement, tells the audience of his *Frogs* that they have all the tools they need to judge his work.<sup>38</sup> If there was some kind of competition to win the audience’s favor by flattering them in this way, Plato might be allowed to speak of a marked historical tendency.

The second possible objection to Schöpsdau’s view is that Plato sometimes uses λόγος to refer to lyrics, or to any linguistic component of poetry.<sup>39</sup> At *Laws* 2.669c3–e4, the Athenian Stranger mentions a poetic practice he condemns, which consists in alternating ‘bare words’ (λόγους ψιλούς, 669c7), i.e. metrical lines devoid of musical accompaniment, with moments of music without words. The language he uses there, focusing on mixture and confusion, is strongly reminiscent of his description of New Music in our passage.<sup>40</sup> Such ‘bare words’ can be said to be ‘added’ (cf. ἐπιλέγοντες) to the purely musical compositions, since they come at a different time. Thus, the λόγοι of *Leg.* 700e4–5 could refer to poetic lines delivered without musical accompaniment, and not to manifestos separate from the work itself.<sup>41</sup>

We have very few examples of texts with such a structure.<sup>42</sup> But there is one kind of well-preserved poetic form which alternated musical passages mixing genres (though never without words) and lines spoken without music: tragedy.<sup>43</sup> The word λόγος was actually used to talk about spoken, especially iambic, lines, as opposed to choral odes (Arist. *Poet.* 4.1449a15–18). The λόγοι of

37 LeVen, *The Many-Headed Muse*, p. 96.

38 See on this point Ford, *The Origins of Criticism*, p. 188.

39 *Grg.* 502c6; *Rep.* 402a2; *Laws* 699e3.

40 Ἐμπλέκοντες καὶ συγκυκλώντες, 669d3 (the similarity is noted by Schöpsdau, *Platon. Nomoi*, p. 328 and B. Kowalzig, ‘Broken Rhythms in Plato’s *Laws*: Materialising Social Time in the Chorus’, in A.-E. Peponi (ed.), *Performance and Culture in Plato’s Laws* (New York: Cambridge University Press, 2013), pp. 171–211, at p. 187).

41 Which means that ποιήματα would mean ‘musical compositions’, as noted by E.B. England, *The Laws of Plato. The Text Edited with Introduction, Notes, Etc.* (Manchester: Manchester University Press, 1921), p. 410. See *Prt.* 326a6–b2 for the use of ποιητής in this sense.

42 A. Bélis, ‘Un Ajax et deux Timothée (P. Berol. N° 6870)’, *Revue des études grecques* 111 (1998), pp. 74–100; E.E. Csapo, ‘The Politics of the New Music’, in P. Murray and P. Wilson (eds.), *Music and the Muses: The Culture of Mousike in the Classical Athenian City* (Oxford: Oxford University Press, 2004), pp. 207–48, at p. 213.

43 L. Jackson, *The chorus of drama in the fourth century BCE: presence and representation* (Oxford: Oxford University Press, 2019), pp. 147–52, rejects the view that fourth-century choral parts were ever devoid of lyrics. N. Weiss, *The Music of Tragedy. Performance and Imagination in Euripidean Theater* (Berkeley: University of California Press, 2018), p. 53,

700e4–5 can thus be understood as iambic lines of tragedies.<sup>44</sup> True, it is the poets and not their characters who are described as ‘saying’ (ἐπιλέγοντες) those lines: but Plato, in the *Laws* as elsewhere, does not refrain from ascribing to the poets the words of their characters.<sup>45</sup>

If this is on the right track, our passage would be alluding to dialogic lines of tragedies that invite to shamelessness, or that make pleasure the ultimate criterion of judgment. If one scans through the extant tragic corpus, such lines are not hard to find. Shamelessness is praised by a character from Euripides’ *Temenos*, who argues that audacity (τολμά) ensures success.<sup>46</sup> Even someone we tend to sympathize with, Sophocles’ *Antigone*, might not have received Plato’s approval. Creon depicts her as a model of audacity (449), anarchy (672), boldness (853); the chorus blames her for acting with αὐτόγνωτος ὀργά, ‘self-willed disposition’ (875). As to judging everything by pleasure, audiences might learn it from Darius’ ghost, who invites the old men of Aeschylus’ *Persians* to ‘give pleasure to their soul every day;’ the guard in Sophocles’ *Antigone* denies that anything can be compared to pleasure.<sup>47</sup> An audience who would take such advice seriously would naturally start judging works of art according to the pleasure they give.

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insists on the fact that the mixing of genres, although developed by Euripides under the influence of New Music, was always part of tragedy.

44 The idea that the new musicians described in our passage could be tragedians has been first suggested to me by Sean Gurd, whom I would like to thank. In favor of this hypothesis are two arguments: 1° the chronology: προϊόντος τοῦ χρόνου at 700d3 is unlikely to refer to 60 years, as would be necessary if Timotheus and his contemporaries were alluded to, since the same phrase at 698e6–7 is used for a three-years interval; 2° tragedy was always a mixture of genres (as Weiss, *The Music of Tragedy*, convincingly shows), and Euripides was seen as the great practitioner of blending (as P. Murray, ‘*Paides Malakon Mouson: Tragedy in Plato’s Laws*’, in E. Peponi (ed.), *Performance and Culture in Plato’s Laws* (New York: Cambridge University Press, 2013), pp. 294–312, at p. 309 shows, citing Ar. *Ran.* 1298). Against it are parallels with the way Plato describes New Musicians in other dialogues, especially at *Grg.* 501e8–502a8. Ultimately, it might be misguided to look for a temporally and individually identifiable target of Plato’s polemical description: he might paint ‘new musicians’ with the same broad brush he uses to depict ‘atheists’ in *Laws* 10 (for the question whether the atheistic doctrine attacked in book 10 is ascribable to a single author or not, see R. Mayhew, *Plato: Laws 10. Translated with an introduction and commentary* (Oxford: Oxford University Press, 2008), p. 76).

45 719c7. He does the same in the *Republic*: see e.g. 568a8–b4. On this point see A. Laks, “Qu’importe qui parle”. Remarques sur l’anonymat platonicien et ses antécédents”, in C. Calame and R. Chartier (eds.), *Identités d’auteur dans l’Antiquité et la tradition européenne* (Grenoble: Jérôme Million, 2004), pp. 99–117.

46 Aesch. *Pers.* 840–2; Soph. *Ant.* 1170–1 (see also 1165–7); Eur. *Temenos* frg. 745 Nauck.

47 Eur. *Temenos* frg. 745 Nauck; Aesch. *Pers.* 840–2; Soph. *Ant.* 1170–1 (see also 1165–7).



It may seem too naïve *to us* to blame a poetic work because of lines spoken by one of its characters. But in the *Republic* Socrates does condemn Aeschylus' *Niobe* for the accusations which the eponymous character levels against the gods (*Resp.* 383b1–8). Socrates is aware that one can give more or less elaborate interpretations to poetic works, such as ὑπόνοιαι; but he is worried that young people, those who are the most in need of education, will not be able to distinguish what should be taken at face value from what should not (378d3–1). His interpretive assumptions are shared by others: in the *Frogs*, for instance, Aeschylus accuses Euripides of having taught sailors to answer their rulers back, which surely comes from a line spoken by a character of his (*Ran.* 1071). Plato's mode of interpretation is clearly not our own, but it is not idiosyncratic either.

#### 2.4 *Cause 4: From Aesthetical to Political Expertise*

One last consideration will help us understand Plato's account of the birth of teatrocracy. As we have seen, artists as different as Aristophanes and Timotheus told their audience that they possessed the means to judge works of art competently. In our passage from the *Laws*, the audience ends up being convinced of this, but does not stop there: the citizens go on to extend their claim to the moral and political field. As Marcus Folch puts it,

The crowd's purported σοφία is not limited to poetic qualities; it also claims to encompass the determination of moral excellence, for the democratic audience regards itself as possessing a kind of philosophical understanding of the nature of goodness and vice (τό τε καλὸν καὶ μῆ) in themselves and as manifest in music. Principles of aesthetic judgment in the theater are shown ultimately to be indistinguishable from those of moral and political deliberation.<sup>48</sup>

Folch spots the transition from one domain (music) to the other (ethics and politics), but without providing an explanation. Yet Plato in the *Laws* gives us the means to account for such a move, with his theory of an audience's response to music.

In book 2 of the *Laws*, the Athenian Stranger delves into the ways in which the pleasures of song and dance affects our souls. As he puts it, 'we rejoice (χαίρομεν) when we think we are doing well (εὖ πράττειν), and whenever we rejoice (ὁπόταν χαίρωμεν), we think we are doing well' (657c5–6). 'Rejoicing'

48 M. Folch, 'Who calls the Tune: Literary Criticism, Teatrocracy, and the Performance of Philosophy in Plato's *Laws*', *American Journal of Philology* 134 (2013), pp. 557–601, at p. 565.

in the *Laws* is equivalent to 'feeling pleasure', while 'doing well' designates the ultimate good of human life, εὐδαιμονία.<sup>49</sup> The Athenian Stranger goes on to give an example of 'rejoicing': the experience of enjoying a guilty musical pleasure. Speaking about unlawful music, he avers: 'surely it is necessary (ἀνάγκη) that one who rejoices (τὸν χαίροντα) in things becomes like (ὁμοιοῦσθαι) the things he rejoices in (χαίρει), even when he is ashamed (αἰσχύνηται) to praise them' (656b4–6). This seems to apply fairly well to our Athenian audience. But besides shaping character, musical enjoyment has another, more direct effect: as 657c5–6 indicates, every fit of enjoyment affects our rational soul-part by creating in it a belief that we are experiencing something not only pleasurable, but good, something that brings us closer to the end of human life (cf. εὖ πράττειν).<sup>50</sup>

This translation of pleasure into an ethical belief partly explains, I suggest, why the Athenian audience converted their newly acquired opinion to be musical experts into a claim to self-rule. The strong and repeated pleasures provided by New Music have convinced them that the psychological state they were in was not only pleasurable, but ethically good. Yet this psychological state lacked shame and included a refusal to defer to any authority. These features were, through pleasure, made morally and politically acceptable. They could thus be extended to the whole domain of social life.

### 3 Conclusion

The text describing the birth of teatrocracy at Athens is one of the 'purple passages' of the *Laws*. The present paper has argued that it can be sifted for causal processes by which freedom turns from its moderate into its excessive version. The four explanations provided here (involving respectively inebriation through pleasure, the authoritative role of the poets or the audience, the content of λόγοι and the translation of aesthetic enjoyment into ethical commitment) have, I hope, shed light on this intricate and elusive text. These explanations are not only compatible, but complementary: the first is sufficient by itself, but faces the problem of how citizens can bridge the gap between their musical pleasure and the other areas of life. The three other causes help to bridge this gap.

49 On the equivalence between χαίρειν and ἡδεσθαι, see for instance 659d5 and 897a2. On εὖ πράττειν, S.S. Meyer, *Plato: Laws 1 and 2* (Oxford: Oxford University Press, 2015), p. 242.

50 See on this point the illuminating comments of Meyer, *Plato: Laws 1 and 2*, p. 242.