

On the *Minos*

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This thesis is a study of Plato's *Minos*, the subject matter of which is law. The dialogue depicts Socrates conversing with an anonymous companion, and it begins with Socrates abruptly asking the companion "what is law for us?" The question that sets the *Minos* in motion culminates in a perplexing answer: law wishes to be the discovery of what is. The first part of this thesis examines the portion of the dialogue that leads up to the aforementioned definition of law; in particular, it looks at what the definition suggests about law, and its relation to the other definitions (of which there are two) that precede it. The second part turns to the companion's response to the third definition, which changes the course of the dialogue from an attempt to answer the opening question to a defense of an altered version of the third definition—that law *is* the discovery of what is. This section of the dialogue comprises two attempts made by Socrates to defend, or prove, that version of the third definition. Both of these proofs ultimately fail, but their failure, that is, the reason for their failure, shows why law can only *wish* to be the discovery of what is. The third part focuses on the third and final proof of the altered version of the third definition, which comes in the form of a defense of the titular Minos' laws. The success of this proof, which persuades the companion of the altered version of the third definition, indicates what can be attained by law in light of the inadequacy revealed in the dialogue. By drawing out our expectations for law, and demonstrating the chasm between those expectations and what is possible, the *Minos* clarifies the limits of law; at the same

time, by showing why law falls short, it also points beyond law. In this way the *Minos* indicates the common ground shared between politics and philosophy—and the latter's superiority.

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First Section

The *Minos*, or “*on Law*,” as it has been traditionally subtitled,¹ has as its subject matter the question “what is law?” The thematic question, with which Socrates abruptly opens the dialogue, appears in a slightly modified form: Socrates asks his interlocutor “what is law *for us* [ἡμῶν]?”² The addition of “for us” to the question “what is law?” lends a certain ambiguity. On the one hand, Socrates could be asking what *their* law is, i.e., what the laws of Athens are; on the other, he could be asking about what law is *in their* (his and the interlocutor’s) *opinion*. The former question is practical and thus straightforward, if strange,³ while the latter question could be understood as theoretical, in that it asks what defines any law. In response to Socrates’ question, the companion⁴ asks “what sort of laws”⁵ Socrates is asking about. He interprets the question as practical, rather than theoretical. This may suggest that the companion is of a practical, and perhaps generally conventional, character.⁶

By means of a correction of the companion’s response, Socrates leads the conversation back to the theoretical question; he attempts to speak about theoretical matters to a practical man. Socrates, as the companion appears to have understood his opening question, had spoken of Athenian law in the singular, i.e., as if it were a kind of

¹ See Hoerber, “Thrasyllus’ Platonic Canon and the Double Titles” (1957) [sic], for a discussion of the origin and meaning of the subtitles, or so-called double titles.

² *Minos* 313a1. Emphasis added. All translations are the author’s, unless otherwise stated. The Stephanus citations refer to the Oxford Classical Texts *Platonis Opera*, ed. John Burnet, unless otherwise stated.

³ Socrates’ use of the definite article adds to the strangeness, as if he were asking about Athenian law as a whole. For the differences between the two ways the question could be understood see Strauss, “On the *Minos*,” from Pangle, *The Roots of Political Philosophy* (1987), pg. 68., from which I draw upon here and throughout the beginning of the section.

⁴ “Companion” translates “ἑταῖρος,” which could also be rendered “comrade,” or even—but probably less likely in this case—“pupil.”

⁵ *Minos* 313a2.

⁶ Cf. also Priou, “Plato’s *Minos* and the *Euthyphro*” (2018), pg. 148.

unified whole. This understanding of law seems initially unintelligible to him. The differentiation of law into distinctive kinds of laws prevents the companion from seeing any “one” amidst the “many.” Thus the companion seems confused by the question put to him. Socrates leads the conversation back to the theoretical question by asking him if any law differs from any other law “according to this very thing, according to its being law.”⁷ The companion is able to recognize, after all, that different kinds of laws, despite their differences, can still be called laws.⁸ Not stopping to allow the companion to answer, he compares his initial question to the question “what is gold?” It would not be correct (ὁρθῶς) to ask him what kind of gold he had meant, as gold is homogenous and therefore does not have distinct parts; Socrates suggests the same holds for stone as well,⁹ asserting that, on the grounds that the law does not differ from law with respect to being law, “all [laws] are the same.”¹⁰ No law is more a law than any other law, for each law is law “alike [ὁμοίως].”¹¹ On the basis of this line of thinking, Socrates restates the question: “what is law as a whole?”¹² This no longer seems to refer to Athenian law as a whole, as it might have initially, but to law as such as a whole. Socrates appeals from the differences in laws to the sameness that persists amidst those differences; the companion’s mistake was that he did not recognize this sameness. And to ask what is

⁷ *Minos* 313a3-4.

⁸ Here it should be noted that the word translated as law, “νόμος,” refers to more than just written law. It can also have the meaning of custom or “unwritten” law. See also Goldberg, “The Strange Conversation of Plato’s *Minos*” (2019), pg. 15.

⁹ Note how Socrates mentions gold and stone at first, but then switches the order in the second part of the sentence. This use of the chiasmic structure invites reflection on the relation between the two examples.

¹⁰ *Minos* 313b3. In Greek, this reads “πάντες [pl.] εἶναι τὸ αὐτόν [sing.]” Socrates moves from plurality to singularity on the basis of some kind of “sameness.”

¹¹ *Minos* 313b4.

¹² *Minos* 313b5.

common to all laws as member of the class “law” is to ask what defines law, that is, the theoretical question.

While the correction of the companion was meant to clarify Socrates’ question, at the same time there are also several peculiarities in his clarification. To repeat, Socrates compares law first to gold, and then to stone. The two comparisons, where one would have sufficed, invite one to consider whether law is more like one or the other. Any piece of gold, given its homogeneity, is the same (τὸ αὐτόν) as gold as a whole (τὸ πᾶν). Each part is itself the same as the whole. The same cannot be said of stone. No stone is the same, in the precise sense, as another stone, though it may be alike; stones could also be grouped into kinds. Each stone is its own whole. In this respect, law seems to be more akin to stone than gold, because—though Socrates tries to diminish the significance of this fact—there are different kinds of laws. That is, the sameness that all laws share does not negate the existence of the differences between them. Law might have a kind of unity, as the companion’s second definition will show,¹³ but this unity cannot simply be the homogenous unity of gold.

Socrates’ emphasis on law’s similarity to gold, insofar as it exaggerates the character of that sameness, appears to skew the question of what law is in a particular manner: it abstracts from the content of law. This abstraction can also be seen in Socrates’ assertion that no law is more or a less a law than any other law, a claim that in at least two ways conflicts with common sense. Any human being would recognize that his law (the law of their political community¹⁴) is “more” a law than the law of another political

¹³ See *Minos* 314b10-c1.

¹⁴ By this I simply mean any political entity that is not a polis. For example, Persia, which is not a polis, is mentioned at 316a2.

community, in that the latter lacks the binding force of the former for him; in addition, most would not deny the difference between a bad law and a good law—a point Socrates extracts from the companion later in the dialogue.¹⁵ Socrates offers no explicit justification for his approach to the question. It may be that abstracting from the object of inquiry in such a way is a necessary precondition for answering the theoretical question of what law is. Whatever Socrates' reasoning, the abstractions present no small problem: their presence suggests that the treatment of law that follows might leave aside questions such as what a *good* law is or what the fundamental subject matter of law is. This might then bring into question both the value of the theoretical question and Socrates' purpose in asking it. For now, it remains an open question whether or not Socrates' inquiry into law is in some sense partial, or after a specific aspect of what law is.

The peculiarity of Socrates' clarification is not entirely lost on the companion, as his response to Socrates indicates, in what constitutes the first definition of law in the dialogue: [s]o what else would law be, Socrates, other than the things that are lawfully accepted [τὰ νομιζόμενα]?"¹⁶ As the companion's phrasing suggests, he appears almost exasperated, perhaps with Socrates.¹⁷ The companion does not simply state his opinion, but presents it as if it were the only one possible. This could be because he himself sees

¹⁵ See *Minos* 314c4-e6.

¹⁶ *Minos* 313b6-7. "The things that are lawfully accepted" is a translation of "τὰ νομιζόμενα," a phrase that, as many have noted, cannot be translated easily into English. The difficulty is that it the verb from which the verbal noun is formed, "νομίζειν," has no direct English translation. It means, generally, to accept something as law or custom. The translation above, which follows Pangle, is one that is as literal as possible, at the expense of style. See also Pangle (1987), pg. 53-4n2., and Goldberg (2019), pg. 15.

¹⁷ Note Strauss (1987), pg. 77. The first invocation of Socrates' name, then, would be relevant, specifically with regard to the first reason Strauss lists for why a name is invoked.

nothing in law beyond the fact of the law's being "lawfully accepted,"¹⁸ or because Socrates' question appears to the companion to admit only of that particular kind of answer. Perhaps Socrates suspected the companion held some such opinion, and part of his intention was to draw it out into the open.¹⁹ The first definition would then be of some importance to the companion with regard to his opinion of law, and to Socrates as a starting point for his inquiry. This would suggest that the character of Socrates' inquiry is intimately related to the type of individual with whom he is in conversation. The peculiar way in which Socrates clarifies the original question may be a result of the intertwining of the purely theoretical question and his particular interest in the companion.

By defining law as "the things that are lawfully accepted," the companion offers an answer that is circular or tautological. In effect, he is claiming that what defines law is its being something that is accepted as law; a law is whatever is considered a law. This answer meets the parameters set by Socrates' explanation: it does not distinguish the different kinds of laws, the goodness or badness of laws, or "our" laws from "another's" laws. Insofar as all laws are believed to be laws, they are the same (τὰυτόν) and alike (ὁμοίως). But this is to suggest that, according to the first definition, there is no standard by which one might judge law beyond the mere act of it being held as law, and that the law to which one is subject is ultimately arbitrary. Both follow from the supposition that "accepting as law" would determine what is considered law; the law of Athens is therefore no less arbitrarily grounded than that of any other people, and no more

¹⁸ Cf. Priou (2018), pg. 148n8. This cannot simply be true, though, as the companion evidently also has a great respect for law (see especially *Minos* 314d2). The companion is, therefore, not an unqualified conventionalist.

¹⁹ The pair evidently are acquainted with one another, as the companion knows Socrates' name and Socrates elsewhere seems to understand the companion's character, e.g., *Minos* 320e3.

deserving of respect by Athenian citizens. This position resembles—but is not necessarily identical to—conventionalism, or the notion that what is right is grounded solely in what is customarily believed or accepted.²⁰ In light of the first definition, then, law comes to sight as something low, at least in the opinion of the companion.²¹

For the time being, Socrates does not oppose this understanding of law, and instead takes issue with the companion's apparent inability to speak about law in the singular; for the companion, law "as a whole" is merely the sum of all laws. As before, Socrates proceeds by a series of analogies, setting law (νόμος) against "τὰ νομιζόμενα"; he shows the companion that law cannot be the same as the things that are "lawfully accepted," which leads to the companion amending his definition. However, in the process of correcting the companion, Socrates modifies their inquiry into law. On the basis of the original question, the companion was prompted to define law as if it were a stone or gold, that is, in terms of law as an external thing or being. The set of analogies Socrates offers compares law to three separate faculties or "acts of the soul,"²² and contrasts those faculties with the products or objects of those faculties. On the side there is speech (λόγος),²³ sight (ὄψις), and hearing (ἀκοή), and on the other "the things spoken" (τὰ λεγόμενα), "the things seen" (τὰ ὁρώμενα), and "the things heard" (τὰ ἀκουόμενα). The inquiry shifts from law as some external thing to the faculty in us by which we recognize laws as laws; this appears to be a turn away from the question of the class

²⁰ See Strauss, *Natural Right and History* (1965), pg. 93. One reason it only *resembles* conventionalism is that conventionalism in the strict sense emerges from the discovery of the opposition of convention (νόμος) and nature (φύσις), and it is not possible to infer whether or not the companion holds this belief.

²¹ Cf. Bruell, *On the Socratic Education* (1999), §1. It is also possible that the theoretical perspective leads to a similar conclusion.

²² Strauss, from Pangle (1987), pg. 69.

²³ This word also means "reason."

character of law.²⁴ While it is not yet clear why Socrates would push the conversation in this direction, it is clear that it was the companion's first answer that made it possible, for he introduced the verb "to lawfully accept" (νομίζειν).²⁵

Socrates' distinction between faculty and the object of that faculty persuades the companion that law is not "the things that are lawfully accepted." Shaking the companion's confidence in his answer creates an opportunity to expand upon the distinction between faculty and object, and to raise the question of what kind of faculty law is, that is, what it would mean to recognize something as law. Socrates conjures up a hypothetical interlocutor, an anonymous "someone,"²⁶ who asks both Socrates and the companion about what they had just said. Perhaps, by including himself, Socrates now considers this a question for himself too.²⁷ The anonymous questioner, using the faculties previously mentioned as examples—except that of speech, which is left out—asks this question about law: "since indeed it is by law that the things that are lawfully accepted are lawfully accepted, by law's being what are they lawfully accepted?"²⁸ Socrates offers several alternatives for the companion to choose from. Law is either some perception (αἰσθήσει τινί), a manifestation or clarification (δηλώσει),²⁹ or some finding (εὐρέσει τινί).³⁰ According to the first choice, law as a faculty would be a kind of perception, like sight or hearing. For the second, law is likened to a science, which is made manifest

²⁴ Cf. Bruell (1999), §1. I borrow here the term that he uses, "recognize." One could also consider here Michael Davis' remark, in "Plato's *Minos*: The Soul of the Law" (2016), pg. 345n7, that the "ἡμῖν" at 313a1 could be taken as locative, which would render the opening question as "what is law *in us*?"

²⁵ At *Minos* 313b6-7.

²⁶ *Minos* 313c8. Note that Socrates employs a similar procedure at the very end of the dialogue, from 321c4-d3.

²⁷ But cf. what Socrates also says at 314e7-8.

²⁸ *Minos* 314a6-7.

²⁹ Another possible translation would be a "showing," as Pangle renders it.

³⁰ *Minos* 314b1-2.

through learning. Manifestation had also been linked to the senses, when Socrates gave his definitions of sight and sound.³¹ The last option likens law to art (τέχνη),³² and gives as example the medical art and the diviner's art. The anonymous interlocutor finishes his lengthy question by asking if art is “for us a finding of the things [τῶν πραγμάτων].”³³ Here, it is again worth reflecting on the different possibilities that Socrates presents to the companion before considering his answer; the variety of options leads to a multitude of questions.

By asking the companion what kind of faculty law is, the anonymous interlocutor is pursuing the question of what it means to “lawfully accept” something, that is, what grounds belief in a law. The first definition suggests it may be *merely* belief, and so it seems that Socrates—setting aside the façade of the anonymous interlocutor (that appeared at 313c8-9)—is pressing the companion on precisely this point. Each answer attempts to ground “lawful acceptance” in something more than mere belief by likening law to other acts of soul; further, each has different implications concerning the status of law, which are as follows. The first possibility, that law is akin to perception, leads to the question of how the senses relate to their objects; the two senses defined by Socrates, sight and hearing, illustrate what this means. On the one hand, it is said that sight makes manifest “the things [τὰ πράγματα],”³⁴ while, on the other, hearing makes manifest only “the sounds [τὰς φωνάς].”³⁵ If law is akin to sense-perception, then it is possible that it is

³¹ See 314a1 and 314a5.

³² This refers to art in the original sense of a craft or skill.

³³ *Minos* 314b5. Note the similarity in structure to the third definition of law given by Socrates at 315a2-3.

³⁴ *Minos* 314a3. This word has the connotation of things that are of concern to us, or our “affairs.” See Goldberg (2019), pg. 17n8, who may overstate the meaning of the word somewhat, and Davis (2016), pg. 346.

³⁵ *Minos* 314a6. This word can also mean “voices.”

to some degree untrustworthy, in the same way that seeing something is more trustworthy than merely hearing about it. In any event, law does appear to be as natural for human beings as sight and hearing are.³⁶

The second possibility, that law makes manifest its object, and the third, that it finds its object, liken law to science or art respectively. These would provide a firmer ground to “lawful acceptance,” than sense-perception, insofar as science and art are kinds of knowledge; science and art have an authority and reasonableness that the senses lack. However, because of the manifest variability of law,³⁷ there is no readily apparent art or law at work in all the things that are “lawfully accepted.” It could alternatively be concluded that most or even all of the things that are “lawfully accepted” are not truly law. What would result are two disparate poles representing what it would mean for law to be a faculty, at one end of which is possibly unreliable but common sense-perception, and at the other is well-grounded but difficult to obtain science or art. There is also the distinction between science and art, the most pertinent difference between which seems to be that science is contemplative and concerned with what is always, while art is concerned more with making and is oriented toward particular objects (e.g., making this particular body healthy).³⁸ On the one hand, law seems oriented toward the particular—law is first and foremost the law of this or that political community; on the other hand, the standards, such as justice, for example, that govern law may be in some sense unchanging or immutable. The former aspect of law is manifest in the various decrees

³⁶ Cf. *Minos* 315e7-316b5.

³⁷ Compare *Minos* 315b6-d5 with what expertise would result in at 317b2-7.

³⁸ See Aristotle, *Nicomachean Ethics*, Bartlett and Collins trans. (2011), 1139b14-36 and 1140a1-24. But cf. how the two are intertwined with one another from *Minos* 316c2 to 317d2. Science and art may not then be strictly separable in the case of law.

passed by the political community, the latter in the opinions held by those who make the law and thus the principles that inform it.³⁹ Lastly, the anonymous interlocutor gives two examples of an art: the medical art (ιατρικῇ) and the diviner's art (μαντικῇ). The former looks toward some standard of good and bad health, the latter to "the things which the gods think."⁴⁰ Law, then, might take its bearings by the natural the divine, or even both.⁴¹ By qualifying his defining of the diviner's art with "as the diviners say,"⁴² though, the anonymous interlocutor appears to cast doubt on the genuineness of the diviner's art.⁴³ The art that "finds" law may then not be unquestionable as an art.

At first, the companion responds only to the last of the questions, affirming that he agrees with the anonymous interlocutor about art; this affirmation may reflect a high estimation of art on the companion's part. Socrates pushes past his apparent unwillingness to answer the larger question of what kind of faculty law is by asking again which "we" would suppose law to be. The companion responds—marking the second (and central) definition of the dialogue—with a twofold answer, that law is "these official opinions [τὰ δόγματα] and votes," or "the official opinion [δόγμα] of a city."⁴⁴ Official opinion (δόγμα), or more precisely the outcome of the faculty of opinion (δόξα),⁴⁵ is not any of the options the anonymous interlocutor suggested, but it is what the companion

³⁹ Consider *Minos* 320a6-7.

⁴⁰ *Minos* 314b4. "Think" could also be translated as "have in mind," i.e., "intend."

⁴¹ Cf. *Minos* 319c3-4, where the two are brought together. Note that "nature" never occurs in the *Minos*. What it would mean for both the natural and the divine to govern law may be difficult to say, but it is at least a possibility.

⁴² *Minos* 314b4-5.

⁴³ Cf. Strauss, from Pangle (1987), pg. 73., and *Minos* 316e11-317a2.

⁴⁴ *Minos* 314b10 and 314c1. For "δόγμα" and its forms I borrow Pangle's rendering of it as "official opinion" to differentiate it from the faculty of opinion, "δόξα." The former word could also be taken to mean "public decree" or "resolution."

⁴⁵ See Goldberg (2019), pg. 18.

supposes law as a faculty to be; this must amount to a rejection of the other options. As an aside, one might wonder the reason that the anonymous individual had left it out. To opine about something is to assert what *seems* to be, but which is not necessarily, true.⁴⁶ The companion could then be taken to mean that, just like opinion, law might grasp the truth. This conclusion is belied by the companion's insistence that law is only opinion: he asks "what else would someone say law is?"⁴⁷ By implying that no other answer is possible, the companion implies that opinion can be nothing other than *mere* opinion.

With the second definition, law becomes explicitly political for the first time in the dialogue; no longer is the subject matter of law unclear, as it seemed to be from Socrates' earlier clarification (at *Minos* 313a-b). Socrates' restatement of the companion's answer—that law is "political opinion [πολιτικὴν δόξαν]"⁴⁸—indicates that law is opinion concerning the political things in particular. The implication of the second definition is then that there cannot be knowledge of those things, but only opinion. That opinion finds its expression in "that whole [τὸ ὅλον τοῦτο],"⁴⁹ the official opinion of a city, which the companion suggests is determined by the "votes [ψηφίσματα]" of a given political community, that is, what the majority of the ruling part of the city decides upon.⁵⁰ Law, in other words, is whatever at a given time happens to be agreed upon in a particular city. Unity, or wholeness, appears in the second definition in the form of the official opinion of

⁴⁶ Cf. *Republic* 477e, and also an earlier moment in the *Minos*: from 313c4 to c 6, the companion admits that what seemed to him to be true about law now seems different. What seems can seem different—it is not certain or stable.

⁴⁷ *Minos* 314b11.

⁴⁸ *Minos* 314c2. This is not to say that Socrates' rewording is exactly what the companion had meant.

⁴⁹ *Minos* 314c1. Whereas Socrates had spoken of "τὸ πᾶν," the companion uses a different term to denote the wholeness of law. As the use of "ὅλην" at 320c1 suggests, perhaps this word could refer to a whole with discernable parts.

⁵⁰ Cf. Bruell (1999), §4.

each city, as opposed to the wholeness Socrates sought in *all* law; it seems there is no true whole, but instead an innumerable multitude of individual wholes. If Socrates' question had asked about law as if it were gold, the companion's answer appears to compare it to a sea of pebbles. What follows from the second definition, therefore, is that law would be strictly equivalent to the convention of the city; and if the official opinion of a city is merely opinion, as the companion suggests, then law would be merely conventional. The second definition confirms what was a possibility raised in the first definition: law is conventional, and thus something entirely low; one need not follow or devote oneself to mere opinion.

The radical character of the second definition is counterbalanced by a degree of caution on the part of the companion. In the first definition, the companion had asked what else law "would be," but in the second definition he asks what else someone "would say" law is.⁵¹ Seeing no other possible answer is not the same as saying that the answer is correct, and so he appears to take a step back from his earlier confidence. Moreover, for the companion to say "at least to me myself it seems," and "it is likely," when answering betrays considerable uncertainty.⁵² The companion may doubt the worth or goodness of law, but this doubt has not yet become a complete rejection of law. What remains to be seen is the cause of this doubt, and the countervailing opinion that prevents the companion from fully accepting the conclusion of the second definition, that law is merely opinion; the companion must think that law is not merely what the assembly decides is just or unjust at any given time.

⁵¹ *Minos* 313b6 and 314b11.

⁵² *Minos* 314b10 and 314b11. Note that "it is likely," could also mean "runs the risk of..." Perhaps the companion is somewhat alarmed by what law now appears to him to be. Cf. also Goldberg (2019), pg. 18.

Instead of immediately questioning the companion, Socrates begins by granting that the companion “may perhaps speak nobly.”⁵³ The companion’s answer may not be true, but it may accord with what is noble. If the noble is the distinct preserve of the city, that is, if human beings learn what is noble primarily from the law,⁵⁴ then Socrates might mean that the second definition captures something of how the city understands itself.⁵⁵ After this remark, Socrates proposes that they will “probably know better”⁵⁶ by proceeding in a different manner. What precisely they may know better is left unsaid, though it seems to be whether or not law is political opinion. The procedure that Socrates adopts to this end is a quick succession of short questions, from which he draws out further the companion’s opinion of law. After that, Socrates leads the companion to a third definition of law—the final definition of the dialogue.

The present section, which extends from 314c5 to 314d8, begins with Socrates asking if the companion believes there are some who are wise (σοφούς), and if they are so through the possession of wisdom. The companion agrees to both. As justice and lawfulness are connected to law later in the section (at 314d1-2), one is led to wonder how wisdom relates to law: does the law make one wise, or is wisdom distinct from the law? After this brief mention wisdom drops out of the conversation, and Socrates goes on to ask if the just are so “through justice,” to which the companion emphatically agrees.⁵⁷

⁵³ *Minos* 314c4. “Nobly” and “beautifully,” which translates “καλῶς,” could also be rendered “finely.” Cf. *Minos* 316d7 and 318b1 for similar responses from Socrates. Socrates never says the companion speaks truly, whereas the companion does twice to Socrates at 317b1 and 318b5.

⁵⁴ Cf. *Minos* 320a5-7, the only example in the dialogue of an actual law.

⁵⁵ Cf. Strauss, from Pangle (1987), pg. 69.

⁵⁶ *Minos* 314c4-5.

⁵⁷ *Minos* 314c7. The companion responds with “πάνυ γε,” which can be rendered as something akin to “certainly.” The term “through justice” translates “δικαιοσύνη,” which appears to indicate the possession of justice.

Next the companion is asked if the “lawful [νόμιοι]” are so “by law,”⁵⁸ to which he also agrees. Here “by law” must mean law as the particular external object, and not as a faculty. Socrates then asks the companion the same question about the “lawless[ἄνομοι],” and if the lawless are so “by lawlessness.”⁵⁹ Lawlessness comes from not adhering to the law, as opposed to being without the faculty—whatever that faculty may be—of law. The lawful are then agreed to be just, and the lawless unjust. To obey the law is to be just; part of justice is law-abidingness. This is not, however, to say that the law itself is equivalent to justice; the just are explicitly said to be just by justice, not law. Socrates maintains the distance between the two, despite the connection between them. Justice appears as one counterbalance to the companion’s opinion about law, perhaps because it is more than mere opinion for him. But if virtue is taught above all through the law,⁶⁰ which would mean the two are not separable, law would then be something both low and high, opinion and more than opinion.

The next pair of questions carries forward what the previous ones had established. Socrates asks if “both justice and law are most noble,” and then if the opposite pair is “most shameful.”⁶¹ The companion assents to both. The basis for this connection seems to be that because justice is noble (though this is not explicitly stated), and since there is some relation between justice and law, law must also be noble.⁶² Law has now been elevated even further, though the condition for that elevation seems dependent on its

⁵⁸ *Minos* 314c8. The root word “νόμος” is an adjective that means literally “conformable to custom.”

⁵⁹ *Minos* 314d1 and 314d2.

⁶⁰ Consider, *Minos* 320b3-4.

⁶¹ *Minos* 314d2 and 314d3. The translation attempts to bring out a grammatical point in the Greek: Socrates asks if each pair *together*, that is, *as a pair*, is most noble or most shameful. In other words, it may be a different question for one or the other.

⁶² Consider, e.g., *Minos* 317c4, where justice plays a prominent part in defining law in terms of its being a kind of written work.

connection to justice. In addition, according to the companion it is most shameful to disobey the law; one wonders if, for the companion, the shame of breaking the law overshadows the harm that he would incur by following a bad law. Socrates asks the companion one last question, to which he also assents: if he agrees that “the one [i.e., justice and law together] saves the cities and all the other things, and the other [i.e., injustice and lawlessness together] destroys and overturns.”⁶³ Socrates emphasizes the benefit rendered to the city by the law, leaving unnamed the other benefactors (such as the individual citizens). If the city is preserved by the law exhorting its citizens to fight and die for it, that is, if the law exhorts the individual to noble self-sacrifice, then the benefits it renders may not be good for all alike; the good of the city that comes from law may come at the expense of the good of the individual.

This agreement leads Socrates and the companion to the following conclusion: one ought to “think of law as about some noble being, and to seek it as good.”⁶⁴ To this, the companion emphatically agrees. Law is both noble and good.⁶⁵ Here Socrates seems to refer to law as an external object, as he emphasizes what law does; it is not the faculty of opinion, but the thing opined, that would preserve the city. The effect of law being noble and good, taken together, is to elevate it—in contrast to its appearance as something low in the second definition. Socrates, however, also distinguishes between the way that the nobility of law and the goodness of law affect his and the companion’s

⁶³ *Minos* 314d6. It is true that what “the one” and “the other” refer to is not stated, but it can be assumed based on the conclusion Socrates draws from this section at 314d6-8.

⁶⁴ *Minos* 314e-8. That law is now explicitly spoken of as a being, as opposed to a faculty, is of note, as it implies that law as a faculty, that is, law as opinion, must lay hold of the noble and the good. “To seek” could also mean “to inquire into.”

⁶⁵ But cf. what Socrates says at *Apology* 21d, specifically that he knows nothing “noble and good [καλὸν καὶ ἀγαθόν].” Note that Socrates himself does not endorse the conclusion at *Minos* 314d6-8, strictly speaking.

discussion. If the present conversation is an inquiry into law, then its primary motivation would seem to be to discover the goodness of law; this may mean that the inquiry is not concerned with law insofar as it is noble.⁶⁶ Despite this, the nobility of law cannot be dispensed with in Socrates' and the companion's inquiry, if only because the companion insisted upon it.⁶⁷ Just like with the first and second definition of law, the results of this section stem from the companion's opinion about law, regardless of its truth. It is also of note that while Socrates' earlier clarification (at 313a-b) seemed to leave out the question of what a good law is, the question of law's goodness has now reentered the discussion, though perhaps from the perspective of the city.

Socrates now returns to the second definition of law, asking the companion if they were asserting that law is the official opinion (δόγμα) of a city; the earlier restatement of the companion's definition from the product of opinion to the faculty of opinion has been undone. It is also of note that Socrates had not agreed to the second definition. The postponed questioning of the second definition now resumes. An official opinion can be decent (χρηστὰ), or it can be worthless (πονηρά).⁶⁸ There is a standard by which opinion can be evaluated, be it morally or in terms of its utility. From this it would follow that a law, according to the second definition, could be worthless. If the companion were more convinced that law were merely opinion, he may have agreed. But when Socrates refers to what they had concluded in the previous section—that law “at least was not

⁶⁶ Note that Socrates speaks of law as something noble, but not something “most noble,” as would have followed from what the companion earlier asserted at 314d3.

⁶⁷ Cf. Goldberg (2019), pg. 19. Another conclusion that one could draw by thinking through this distinction is that one ought not to think of law as something good.

⁶⁸ *Minos* 314e1-2. The words for “decent” and “worthless” also can have non-moral connotations, referring more straightforwardly to use or worth. The ambiguity of the word is relevant in this passage and what follows. See Goldberg (2019), pg. 19n15.

worthless”⁶⁹—the companion holds onto his opinion that law is something high; according to the companion’s view, law would have to be decent.

Having drawn this out, Socrates shows where it leads.⁷⁰ Because law is decent opinion, the companion was not answering correctly (ὀρθῶς) when he claimed that law “simply [ἀπλῶς]”⁷¹ was the official opinion of the city. The qualification of “simply” that Socrates adds suggests that law must be in part the decree of a city, for law is necessarily law “of” some city or “for” some political community.⁷² The second definition is thus in need of revision, because it did not correctly define law. As a result of law being decent opinion, it would also not “harmonize”⁷³ for a worthless official opinion to be law; to this, the companion responds “certainly not.”⁷⁴ A worthless law would not be a law at all, because there is a standard by which law can be judged and declared to be truly law. This does not simply elevate law, however; rather it exposes a potential problem in the very attempt to do so: the grounds for one’s respect and adherence to law—that it is something noble and good—may also undermine that respect and adherence. From the perspective of the city this would amount to a betrayal: lawfulness in the ordinary sense refers to obeying all the laws.⁷⁵ Both a low estimation of law—that it is mere opinion—and a high estimation of law make it permissible to disobey the law, though in different conditions.

⁶⁹ *Minos* 314e3.

⁷⁰ He prefaces each remark with a “ἄρα,” indicating that the statements that follow are consequences of what has been agreed upon.

⁷¹ *Minos* 314e4. Literally, this means “one-foldedly.”

⁷² Cf. Bruell (1999), §4.

⁷³ *Minos* 314e6. That is, it would not “fit together.”

⁷⁴ *Minos* 314e5.

⁷⁵ Consider, e.g., *Crito* 50a-b, where the city objects to what is implied by the remark at *Minos* 314e5-6.

At this point, Socrates prefaces his next question with a telling admission. Law, he says, “appears [καταφαίνεται] even to me myself to be some opinion [δόξα] at least.”⁷⁶ The verb that Socrates employs here, “appears,” is related to the one that the companion had used earlier (at 313c4) in the context of his opinion being changed. This admission, which contrasts with the apparent lie Socrates told earlier about agreeing with the companion about the second definition,⁷⁷ may then indicate that Socrates has changed his mind, or perhaps learned something. It may be that this admission on Socrates’ part is connected with what he was able to elicit from the companion in the previous section, that law is something noble and good.⁷⁸ Law is spoken of as opinion in the sense of a faculty once more (as it continues to be up until the third definition at 315a2-3), and Socrates carefully calls it “some [τις]” opinion. By not specifying the kind of opinion he refers to, Socrates differentiates his conclusion from the view that it is the opinion of a city, and perhaps also that it is a political opinion. For Socrates, then, opinion may be more than merely opinion.

The question that follows this remark is if, because law cannot be worthless opinion, it is not clear that it must then be decent opinion. The companion assents, avoiding the difficulty that appeared in the possibility of a law being worthless. There is not only a standard by which it is possible to judge law, but law in fact meets that standard. Socrates then raises the question of what decent opinion is, and asks if it is not indeed true (ἀληθής) opinion. The companion agrees. Law, as decent opinion, must then also be true opinion; what the companion implied in the second definition, that law is

⁷⁶ *Minos* 314e7-8.

⁷⁷ I.e., *Minos* 314d9.

⁷⁸ Cf. Goldberg (2019), pg. 20.

merely opinion, he now rejects. Socrates has moved the companion, by only the companion's own opinions, from the view that law is merely opinion to the view that law lays holds of what is true. But the way in which Socrates has done so is problematic: he has not demonstrated that law is true, but instead appealed to the companion's opinion about what is decent. One need only mention the "noble lie"⁷⁹ of the *Republic* to see that what is decent, and that which may indeed be of paramount importance to the preservation of the city, may very well not be true. Further, whether true opinion is also decent may be another matter altogether. True opinion, Socrates next establishes, is the "discovery [ἐξεύρεσις] of what is [τοῦ ὄντος]."⁸⁰ The definition of true opinion resembles the definition of art given at 314b5 in form, except that true opinion seems to be more complete than art, and it discovers "what is," or "being," as opposed to "things." One may wonder how true opinion, if it is in fact a discovery of what is, is different from knowledge or science. The companion finds no difficulty with this estimation of true opinion, and agrees strongly that it is. Socrates himself then offers the third and final definition of the dialogue, which seems to serve as the correction to the second definition, that "law wishes to be the discovery of what is."⁸¹

After the third definition, the character of the *Minos* changes. No longer do Socrates and the companion attempt to define law, but instead they analyze the adequacy

⁷⁹ See especially *Republic* 412b-414c for the discussion that leads up to the "noble lie."

⁸⁰ *Minos* 315a1-2. Note that the word for "discovery" (which could also be rendered "finding out") is the same word used for "finding" in the definition of art at 314b5, with the addition of the prefix "ἐξ-." This addition suggests a sense of completion or finality. Cf., e.g., *Phaedrus* 228b4 and the use of "ἐξεπιστάμενος."

⁸¹ *Minos* 315a2-3. "What is" could also be rendered "that which is" or even, more tantalizingly, "being." I follow Pangle (amongst others) in rendering "βούλεται" as "wishes" as opposed to "tends" as, e.g., Cobb (1988), does, taking Socrates' reiteration at 315b1-2 as confirmation of this reading. See Pangle (1987), pg. 56n4.

of the third definition. This definition modifies or qualifies—but does not simply replace—the second definition, that law is the official opinion of a city. Both definitions of law are drawn out from the companion's own opinions, though the former is stated, and the latter given a very limited form of approval, by Socrates. Because the third definition becomes the focus of the dialogue, it is first necessary to piece together its meaning.

That law wishes to be the discovery of what is, but is not explicitly said to do so, is immediately of note. Although before Socrates seemed to follow where the companion's opinion led in pursuing what law is (to the extent that he primarily pushed the companion to clarify or adjust his definitions), here he stops short of doing so. Socrates does not conclude that law *is* the discovery of what is, though it would have followed from that to which the companion agreed. What Socrates thereby implies is that law is not necessarily the discovery of what is, but merely wants to be so. Law is defined by its wanting to meet a standard. There is then the questions of what this standard is and whether or not it can meet that standard. The latter question is what in a way the rest of the *Minos* takes up, and so it is only possible to address the first question for the time being.

What law wishes, according to the third definition, is to be true opinion. To understand this, let the definition be broken down into its two parts: the “wishing,” and true opinion. The equation of true opinion with the discovery of what is seems to indicate that those things which are opined truly about are beings. Law, as a faculty, lays hold of what really is. But this leads to a difficulty: are the laws themselves beings, or are they rather “about” what is? The earlier assertion (at 314d7) that law is a noble being suggests

that each law would be a being; the law would understand itself to be “real” in the same way that a being is “real.”⁸² Insofar as the third definition applies to law as a faculty, however, it is not clear that this is the case; at most it seems that law would have a connection to what is, or that what is is revealed through law. It would also follow from law (as faculty) being true opinion that law is of equal or greater rank than the sciences or arts, insofar as these also seem to aim at the truth. Law (as faculty) would be a kind of knowledge. This leaves open the question of how law relates to science and art, and how one acquires true opinion. This ambiguity may be connected to Socrates’ unwillingness to specify whose opinion law is. Notwithstanding these difficulties, the question remains of what it means for law to have such a standard, that is, what the significance of the truth is to law. This leads to the question of the cause of the “wishing” of law, that is, of what causes it to look to true opinion as the standard.

The third definition attributes the wish to law itself, but Socrates derives the definition from the companion’s view that decent opinion is true opinion. That, in turn, followed from the view that law could not be something worthless, because it is noble and good; the nobility and goodness of law then rested on the connection between law and justice. This wish could be attributed to the companion as much as law itself. Further, the companion’s responses leading up to the third definition imply that he considers this wish fulfilled, though what immediately follows the third definition will complicate this.⁸³ The companion may tend toward thinking law is merely conventional, but he also

⁸² Does law, as something that exists in speech, equate speech with being, or make speeches into beings? In any case, if law attempts to be speech about the beings, and especially of “beings” like the just, noble, and good, then it would be of no small significance to Socrates (cf. *Phaedo* 99d-100a). Cf. also Bruell (1999), §3.

⁸³ That is, the companion’s immediate rejection of (how he understood) the definition at 315a4-6.

believes that law is more than merely the will of the majority, or a matter of opinion, and that it is something just, noble, and good. Insofar as law is such, then, according to the companion it must be true. If these things can be called the most important concerns of human life,⁸⁴ then what Socrates draws upon in the third definition is the companion's attachment to the just, noble, and good. Law, if it is understood in this way, provides guidance about the most fundamental things, and in these matters, it seems that the companion desires the truth, and not just what seems to be so. Law wishes to be the discovery of what is because of the place that it occupies in human life, and the expectations that follow from that importance. This connects to how law, or the city, understands itself: the city understands itself as that which actually does what is hoped for from law.⁸⁵

Putting the two parts of the third definition back together, we see how it answers the thematic question of the dialogue. The first definition led to the faculty of law as “lawful accepting” (νομίζεῖν), which was then said, in the second definition, to be a kind of opinion (δόξα), specifically that *of* the city *about* the political things. The third definition articulates how law (as faculty, though not necessarily of the city) is guided by the expectations that human beings, or at least the companion, have of it. In other words, the third definition answers the question of what law is by showing where our opinions about it lead. But because law is only said to “wish,” and not to “be,” the discovery of what is, it seems the third definition defines law by its possible inadequacy; the *Minos*

⁸⁴ Consider *Euthyphro* 7c-d. The three terms used here are mentioned there exactly, which is not to say the list is exhaustive.

⁸⁵ Consider Davis (2016), pg. 350.

then indicates the fundamental problem of law more than anything else.⁸⁶ Some indication of this problem can be seen in the tension between the third definition and the—not entirely refuted—second definition. Both the second and the third definition define law in terms of the faculty of opinion. Law is not simply the official opinion of a city, because, it seems, the official opinion of a city wishes to be true opinion. The law strives to go beyond mere opinion and toward the truth. It is not then possible to understand law without seeing both what it looks up to and what it turns out to be. The problem of law therefore depends on where this tension leaves law, and the simplest indication of the result of the tension, as becomes evident in the dialogue, is this: law varies, both in time and place.

⁸⁶ Perhaps this is why “form” or “εἶδος” is absent from the dialogue, even though one might expect it, given the opening question. That is, the *Minos* may not be solely about the “what is” question, if that is the question that seeks the form or look of the object of inquiry.

Second Section

At the pronouncement of the third definition of law, that law “wishes to be the discovery of what is,”⁸⁷ the companion balks; though he had agreed more or less confidently to what led up to the third definition, the final step proves to be one too far. The companion then sets down a challenge to Socrates’ definition—or more precisely, a version of his definition—with which the rest of the *Minos* occupies itself. That challenge is as follows: if law is the discovery of being, how do we (that is, we Athenians) not always (ἀεὶ) use the same laws about the same things?⁸⁸ If law were to truly have discovered what is, then, according to the companion, it would presumably be the same always—since “what is” is, presumably, the same always.⁸⁹ Opened up by this question is the road that the companion had left untaken, when (at *Minos* 314e8-9) he had said that law is decent opinion; his doubt about law reasserts itself once more. The task the companion sets down to Socrates, then, is to reconcile the variability of Athenian law with the belief that it is the discovery of what is. How Socrates meets this task will shed light on the problem that the third definition pointed to: that law is said only to *wish* to be the discovery of what is.

The difficulty that Socrates faces with the companion’s question is that he had not said that law *is*, but only *wishes to be* the discovery of what is. Socrates is now compelled by the companion to defend a position he had not taken; Socrates does this, while at the same time carefully delineating the meaning of the definition as he stated it. The

⁸⁷ *Minos* 315a2-3.

⁸⁸ *Minos* 315a4-6. Note the first appearance of the word “always,” and that it is introduced by the companion.

⁸⁹ Cf. Bruell (1999), §3, and Strauss, from Pangle (1987), pg. 70. Law again comes close to being itself a kind of “being.”

companion's response indicates that he has misunderstood Socrates, either intentionally or unintentionally.⁹⁰ He may have understood Socrates this way because such an answer may have been the conventional one, that is, what an ordinary citizen would have said; it also may be that the companion himself wants for law to be the discovery of what is, and so is eager—even while at the same time doubting it—to hear such a tantalizing formulation from Socrates.⁹¹ However it may be, the companion's question brings to the fore the conflict between the two opinions he holds about law, for he appears somewhat willing to believe that law is the discovery of what is, but his doubt, which seems to be fueled by the apparently frequent change in Athenian law,⁹² prevents him from fully accepting what he takes to be Socrates' definition. Socrates can then either reveal Athenian law for the sham it might be, or lead the companion back to a respect for the law that law might deserve. While his definition leans in the direction of the former conclusion, Socrates chooses, in a complicated manner, to attempt the latter⁹³; he is no debunker of the law.

Socrates avoids answering in either direction the question of if Athenian law is the discovery of what is, and so its status—whether or not it is true opinion—is left unclear. This may be the reason that Socrates does not correct the companion: to reveal the deficiencies of Athenian law would be to debunk the law; to the extent that Socrates would confirm the doubts of the companion in this way, from the perspective of the city

⁹⁰ Part of this may be explained by the fact that the grammatical construction Socrates uses makes it possible to translate the third definition as “law *tends to be* the discovery of being,” hence why Cobbs (1988) and Lamb, in the Loeb translation, translate the definition in that manner. As mentioned before, Socrates' clarification at 315a7-b5 suggests that that is not how the definition ought to be understood.

⁹¹ The third definition, after all, is drawn out from the companion's own opinions.

⁹² See *Minos* 316b6-c2., and cf. the mention of “ἄνω κάτω” in connection with the ever-shifting Euripus Strait at *Phaedo* 90c.

⁹³ Cf. Bruell (1999), §1 and §3.

Socrates would corrupt him. Instead, Socrates carefully clarifies and restates the third definition, suggesting what the obstacle is between “wishing” to be and “being” the discovery of what is. The problem is not that law does not wish to be the discovery of being, but rather that “human beings are not always [ἀεὶ] able to discover that which law wishes, what is [τὸ ὄν].”⁹⁴ Human beings, and the inadequacy of human knowledge, appear to be the obstacle that law faces. That Socrates specifically says human beings are not “always” able to discover what is implies that it is in fact possible for a human being sometimes to discover what is.⁹⁵ It is then a matter of what would make one able to discover what is, or of how one ascends from opinion to true opinion; the problem of law—that law would need to be the discovery of what is and yet could never attain it—may admit of a solution. But Socrates does not explicitly go so far, and to say that human beings might be able to discover what is is not to say that law’s wish can be fulfilled. The question must be left open for now.

The conversation turns away from the theoretical question almost entirely when Socrates poses a new and more practical, one which examines law as an external being, not a faculty. Socrates meets the companion’s challenge—and poses this practical question—by proposing that he and the companion see if Athens has always used the same laws, and if “quite everyone”⁹⁶ uses the same laws, or if different people have different laws; the question is no longer about what law is, as it was initially, but about real, particular laws. In addition to questioning the variability of Athenian law, Socrates brings in the variability between the laws of different political communities. To the

⁹⁴ *Minos* 315a8-b2.

⁹⁵ This possibility may be qualified by the “as we suppose” that Socrates inserts into the sentence at 315b1.

⁹⁶ *Minos* 315b4.

companion, Socrates must appear exceedingly absurd, for he had just mentioned that Athenian law has changed; moreover, it is readily apparent to everyone that the laws of different political communities differ from one another. While Socrates may mean in part to provoke the companion, so that he can see the companion's opinion on the matter, the question that he sets down—which concerns the variability of law—seems to become the theme of their “investigation[τὸ σκέμμα].”⁹⁷ But making this the theme quietly alters their discussion about the third definition in a crucial sense. Before, it had been a matter of whether law can attain true opinion, and so the problem was one of knowledge. The companion then claimed that stability would be a mark of law that had discovered what is, and so the investigation proceeds in response by making what was epiphenomenal the one thing needful.⁹⁸ Law can be the same always, and yet still not be true opinion; that is, mere stability would not prove that law is the discovery of what is. In this way, the companion's concern with law's stability comes to overshadow, if not wholly erase, the question of whether law can discover what is. Socrates thus continues to let the companion's opinions guide the conversation.

In response, the companion takes it upon himself to inform Socrates of the overwhelmingly obvious in what is his longest remark in the entire dialogue.⁹⁹ This long speech attempts to show that “both the same people do not always use the same laws and different people use different laws,”¹⁰⁰ and several aspects of it shed light on the type of

⁹⁷ *Minos* 315e2.

⁹⁸ Cf. Bruell (1999), §5.

⁹⁹ From 315b6 to 315d5.

¹⁰⁰ *Minos* 315b7-8. The two usages of “people” are added for the sake of readability, but do not otherwise alter the meaning of the text; if translated literally the two phrases would read “the same ones” and “different ones.”

human being the companion is. The laws used to illustrate the companion's point concern the gods, death, and the relationship between human beings and the gods.¹⁰¹ This confirms the significance of law to the companion, that for him it provides guidance about the most important things; there emerges a connection between law, which dictates how human beings ought to live, and death, or more specifically what awaits one after it.¹⁰² The choice of these laws as examples is all the more pertinent, then, because disagreement over such matters would be the most consequential for human life. That there is no consensus among the Greeks as to whether or not the gods demand human sacrifice, or among Athenians past and present about how to bury the dead, may be a grave problem for the companion. It may lead to the view that the sacred things are also a matter of convention, just as the companion's second definition did for law in an apparently different sense; and if the sacred things are determined by convention, then the fate of one's soul, for example, would be decided by the opinion—true or not—of one's city. The companion's response seems to demonstrate precisely what it set out to do: law does indeed vary between political communities and over time within the same political community.

And yet, despite the evidence the companion has put forward, his own words betray him; in the attempt to prove that law varies, which would indirectly disprove the third definition as he heard it, the companion shows in his speech that he himself believes Athenian law is true.¹⁰³ The companion begins by contrasting Carthaginian law, and

¹⁰¹ Cf. Strauss, from Pangle (1987), pg. 70. It is perhaps of note that the highest matters for the companion are not "the things that are," or "beings," but the gods. Both may occupy the place of the "first things."

¹⁰² Cf. also *Minos* 318a6-7., where it seems that the soul is the distinctive preserve of the law.

¹⁰³ For this section of the argument, cf. Priou (2018), pg. 151.

broadly, barbarian law, on the question of human sacrifice; for “us,” that is, the Greeks, it is “not the law to sacrifice human beings, but impious [ἀνόσιον],” but for the Carthaginians it is “pious [ῥόσιον]” and “lawful [νόμιμον].”¹⁰⁴ The language he uses to describe Carthaginian human sacrifice indicates his opinion of it: “some of them [sacrifice] even their own sons to Cronos.”¹⁰⁵ But even among the Greeks, that is, among “us,” there are those who practice human sacrifice, “though being Greeks.”¹⁰⁶ Greekness, the companion implies, is superior to barbarism; however, those in Lycaea and the descendants of Athamas fall short of that standard.¹⁰⁷ Even Greeks can act barbarically.

At this point, the companion shifts from the “us” of the Greeks to the “us” of Athens, pointing to two different Athenian customs concerning the burial of the dead, each set further back than the present; either Athens never practiced human sacrifice, or he is unwilling to admit that even his own city practiced such a gruesome custom. At first, the companion groups himself with Athens as such, speaking of the laws “we were using.”¹⁰⁸ But he then disconnects himself from past Athenians, referring to “those ones [ἐκεῖνων]”¹⁰⁹ who practiced one kind of custom, and then an even earlier group who practiced another. In contrast to earlier Athenians, the companion asserts that “we ourselves do none of those things.”¹¹⁰ The continual narrowing of the “we” that occurs

¹⁰⁴ *Minos* 315b8-9;315b9-c1. Note that the companion seems to equate law and piety with one another. If the gods determine what is pious, then this would suggest that he believes that piety governs law, i.e., he would believe in some kind of divine law.

¹⁰⁵ *Minos* 315c1-2. Cf. his condemnation of Minos at 318d9-10, who demanded from the Athenians a kind of human sacrifice (see *Phaedo* 58a-b).

¹⁰⁶ *Minos* 315c5.

¹⁰⁷ Consider in connection to this Plutarch, *Life of Pelopidas*, 21.4. Both Lycaon (via Pelasgus) and Athamas (via Minyas) seem to be traditionally connected to the people who lived in Greece before the Greeks.

¹⁰⁸ *Minos* 315b6.

¹⁰⁹ *Minos* 315d1.

¹¹⁰ *Minos* 315d2. Emphasis added.

throughout this passage, from Greeks, to Athenians, to present day Athenians, suggests that the companion believes his customs are superior to those of other political communities, and to those in his own city that came before him. More important is the fact that his opinion persists amidst the variability of law; despite his full awareness of the variability of Athenian law—at least with regard to the sacred things—his belief in the truth of his religious customs appears to retain its hold all the same. The companion's speech shows that the laws concerning the sacred things may either be true in his judgement, or else have some power to persuade the companion of their truth. The divine comes to sight in the *Minos* as something possessing the authority of truth for the companion. How this might point to a solution to the problem of law remains to be seen.

The companion's long remark meets with the first praise offered by Socrates in the dialogue, earning the companion the appellation of “best one”¹¹¹ from Socrates. Perhaps ironically, Socrates says that it would not be wonderous if what the companion said was correct (ὀρθῶς) and that it had escaped his notice. To continue what he soon calls their investigation, though, Socrates indicates that the companion cannot keep speaking “according to your own [way],” that is, in a “long speech.”¹¹² But the reason that speaking in such a way would obstruct their investigation is revealing: it would prevent the pair from “coming together [συμβῶμεν]” and “saying the same thing [ὁμολογήσαιμεν].”¹¹³ Socrates does not say that it would prevent them from arriving at

¹¹¹ *Minos* 315d6.

¹¹² *Minos* 315d8. Cf. *Protagoras* 334c-d for another instance of Socrates invoking a similar argument. It becomes clear later in that dialogue, however, that he was being ironic.

¹¹³ *Minos* 315e1 and 315e2. Note that Socrates says that they *might* come to say the same thing (“but if the investigation is set in common, perhaps we might say the same thing”), which suggests that he is not entirely confident that he will be able to gain the companion's assent.

the truth, but that it would prevent their *agreement*.¹¹⁴ Arriving at an agreement concerning the matter is not the same as arriving at the truth of the matter, as the second definition of law implies, though arriving at the truth would necessarily mean arriving at an agreement. This suggests that their inquiry into law does not aim at the truth of the question of what law is, but something else related to gaining the companion's assent. To facilitate this agreement, Socrates proposes either that the companion ask him questions, or the reverse. The companion chooses to respond to Socrates' questions.¹¹⁵

This section of the dialogue marks what can be called the beginning of Socrates' and the companion's investigation, the aim of which is as follows: to prove that the third definition as the companion heard it is correct, as well as in the manner that he sought it—which was to reconcile the variability of Athenian law with its supposedly being the discovery of what is.¹¹⁶ Socrates neither provides such a reconciliation, nor does he explicitly mention Athenian law. As will be seen, Socrates makes several different attempts to prove the definition, the first two of which will be the subject of this section of the current work; whether or not these proofs are satisfactory will in turn shed light on the problem of law.

The first proof looks for stability in that upon which all human beings agree, primarily concerning matters such as the just and the noble. Socrates first asks about the just things, and whether the companion “lawfully accepts [νομίζεις]”¹¹⁷ that the just

¹¹⁴ Consider Goldberg (2019), pg. 24., and also pg. 24n23.

¹¹⁵ Cf. Priou (2018), pg. 149. The companion continues to illustrate his passivity.

¹¹⁶ Cf. Bruell (1999), §5., and also Strauss, from Pangle (1987), pg. 71. Note that Strauss calls what Bruell would call the first proof the second proof, apparently regarding the section that led up to the third definition as the first.

¹¹⁷ *Minos* 315e7. In this section, the verb for “lawfully accept” is used more in the sense of “believe.”

things are just, or that the just things are unjust. By looking to the act of “lawful acceptance,” Socrates looks to opinion as the standard once more. The question will become *whose* opinion is the standard, as it is not clear that Socrates is speaking about the opinion of the city anymore¹¹⁸; that he is asking the companion *himself* what he thinks is then of note. To Socrates’ question, the companion replies that he thinks that the just things are just. Then, Socrates asks the companion if what he “lawfully accepts”—that the just things are just and the unjust are unjust—is “lawfully accepted” by everyone (παρὰ πάντων), just as it is “here.”¹¹⁹ The companion agrees that it is so. After this, Socrates asks if the agreement concerning the just and the unjust holds also among the Persians, and if it holds “doubtlessly always [ἀεὶ].”¹²⁰ The companion agrees to both of these questions.¹²¹

What Socrates establishes here is an ostensibly “universal” agreement among human beings that the things that are regarded as just are in fact regarded as just and not unjust; this can be seen in the ascent from the companion’s opinion at the beginning, that the just things are just, to the opinion of everyone always that the just things are just. On the one hand, this agreement is deceptive insofar as it does not establish that there is a universal answer to the question “what is justice?” That is, it does not amount to an agreement as to what particular things count as just; rather, leaving aside this question is

¹¹⁸ Cf. Strauss, from Pangle (1987), pg. 71.

¹¹⁹ *Minos* 316a1. By “here,” Socrates seems to mean Athens, or perhaps Greece.

¹²⁰ *Minos* 316a2. Note that though Socrates asks about “always” for justice, he only asks about “everywhere” for the others.

¹²¹ To the former question, the text that comes down to us records a lacuna. Burnet hypothesizes that the companion answers affirmatively “also among the Persians.” As Pangle notes (on pg. 57n9), it is possible that the companion simply did not respond. Because Socrates’ response does not suggest that the companion said anything out of the ordinary, Burnet’s reading will be retained.

what makes this “universal” agreement possible at all. On the other hand, the argument does suggest that the question “what is justice?” may be a universal one.¹²²

Socrates then shifts from questioning the companion about justice to questioning the companion about weight. He asks if what weighs more is “lawfully accepted” as being “heavier [βαρύτερα]”¹²³ and the same for what weighs less, or the opposite; this question differs from the question about justice in that “heavier” is a comparative adjective, whereas “just” is not. The companion answers that what weighs more is heavier and what weighs less is lighter. But precisely the companion’s agreement on this point would make the opposite true, and this he does not seem to notice. To say that something is heavier is to place it relative to other things, thus making it both what it is and the opposite of what it is at the same time; the same thing is always simultaneously “heavier” and “lighter.” This is implicit in the very notion of weight, which is necessarily relative and a matter of degree. In this way, weight is contrasted with justice as the companion conceived of it, which to him contains no admixture of its opposite. For the just to truly be just, it cannot be also unjust. By placing weight and justice beside one another, Socrates calls attention to the way that justice is considered in absolute terms, that is, without degree. Why this is relevant becomes clear by the end of the first proof. As if to emphasize this point, Socrates asks the companion—who answers affirmatively—if what was agreed upon about weight is the same in Carthage and in Lycaea, where the companion earlier said human sacrifice is practiced; such things the companion doubtlessly thinks are unqualifiedly unjust.

¹²² Cf. Bruell (1999), §6.

¹²³ *Minos* 316a4.

Socrates stops asking questions and shifts to asserting that, as it seems from what has been said, everywhere the same agreement holds for the noble and the shameful. Likewise, the same weakness present in the question about justice—that it is not the particular just things that are agreed upon—would be present. From the companion’s agreement to this, Socrates claims, “so to speak according to everything,”¹²⁴ that the same holds for “the things that are [τὰ ὄντα]” and *not* for the things that are not [τὰ μὴ ὄντα].”¹²⁵ It is the case for both themselves and everyone else that the things that are, are lawfully accepted to be, and the opposite; to this the companion responds with a more demure “to me myself at least it seems.”¹²⁶ This leads to the conclusion of the first proof, which Socrates draws out, that “then whoever may err about what is, errs about the lawful.”¹²⁷ What is lawful, and hence law itself, is connected to what is, because a mistake about the latter constitutes, or entails, a mistake about the former. The underlying argument seems to be that because law, by means of “lawful acceptance,” dictates that certain things “are” and certain things “are not”—and the same for the just, the noble, and so on—that knowledge of those things is the standard that governs law (which is not to say that law necessarily meets that standard). From the perspective of the law, it knows what it declares “is” truly is, or what it declares to be just is truly just. The conclusion of the first proof indicates what would be the case if the third definition, as the companion heard it, were true: knowing what is would be to know the law, because knowledge of the

¹²⁴ *Minos* 316b2-3. This could also be rendered less literally “so to speak universally.”

¹²⁵ *Minos* 316b3-4.

¹²⁶ *Minos* 316b4.

¹²⁷ *Minos* 316b5.

law and knowledge of what is would be inseparable from one another. Law would constitute the fundamental truth about the world.

However, as a proof *for* the third definition, or rather as a proof for the stability of the law, the conclusion has a different meaning; what comes to light is not that law is stable or that it is the discovery of what is, but the reason why it cannot be the discovery of what is. The agreement as to what things “are” or “are not” must extend to an agreement as to which things in particular “are” or “are not” if the agreement is to be of any significance; the same would hold, to repeat, for the just and the noble. Both the philosopher and the citizen, for example, may agree that something “is,” but if the philosopher asserts that “Zeus is not”¹²⁸ and the ordinary citizen that Zeus is, then such an agreement yields no “law” to abide by. If there is no agreement about what constitutes justice—if it is doing one’s own thing, or the advantage of the stronger, or something else—either amongst all human beings or amongst a particular political community, then it does not seem that law has discovered what is just. It is precisely the question of whether law errs, or *must* err, that the first proof assumes has an answer: it rests on the implicit claim that what is “lawfully accepted” to be is true, that is, it does not demonstrate that it is so, but assumes it. At the same time, by looking to all human beings for this agreement, the first proof takes as evidence for its claim that which in truth is evidence against it; at most it seems to prove the third definition as *Socrates* stated it, insofar as it shows that law pronounces upon things as if it had discovered what is, and in such a way that such pronouncements are absolute in character. Law may opine about what is, but the question of if it can discover what is is crucially left aside.

¹²⁸ Aristophanes, *Clouds*, 367.

Here the example of the heavier and lighter becomes relevant to the conclusion of the first proof. The comparative distinction between the heavier and lighter can be contrasted with the absolute distinction—from the perspective of the law—between, for example, the just and unjust. Law treats its objects as if they were pure and contained nothing of their opposite. Law thus regards things such as the just and the noble as if they were beings,¹²⁹ in the way that a being can only “be” or “not be.” But the example of weight points to the possibility that justice or nobility might be considered in those terms, that is, comparatively, as well. Law may present the just or the noble as otherwise, but what it declares to be perfectly just might be more or less just depending on the circumstances or the action in question. Law appears to be inflexible. The problem that the first proof points to is that law, in the role that it plays in human life, may fundamentally misrepresent the things upon which it pronounces; it might be that law can only wish to be the discovery of what is because what law must do, that is, the purpose or end of law,¹³⁰ demands that it cannot be as stable as the beings themselves.¹³¹ In other words, the inadequacy of law would not be due to the unknowability of what is—as Socrates had quietly suggested (at 314a7-8)—but due to the necessities of political life, or the hopes human beings have for law. The companion may deeply long for what is just to be just everywhere always, but that does not mean that such a thing is attainable, or even beneficial for the political community if attained. The first proof, then, reiterates the conclusion of the third definition as Socrates stated it, that law opines about what is, but does not know what is. In addition, it shows what might present an obstacle, perhaps a

¹²⁹ Cf. pg. 21 of the present work.

¹³⁰ Cf. *Minos* 314d5-6., 317c3-7., and 318a6-7.

¹³¹ Cf. Priou (2018), pg. 153.

permanent one, to the attempt to remedy that flaw, that things such as the just or noble cannot be conceived of as pure or absolute beings. The first proof proves neither the third definition as the companion heard it nor that law does not vary; it does, though, point to the extent of law's influence over human life, and the apparent universality of its presence.¹³²

That the first proof is unsatisfying even to the companion is evident in his response. He admits that “Socrates, as you yourself say, the same things appear lawful both to us always and to the others,”¹³³ but also, in the very next breath, he declares that the Athenian practice of unceasingly changing their laws “up and down”¹³⁴ leaves him unable to be persuaded.¹³⁵ Once more the variability of law—Athenian law in particular—prevents the companion from accepting the third definition as he heard it. Socrates responds to the companion's complaint by saying that “perhaps you do not consider that these things [ταῦτα], being moved as draught pieces [μεταπεττευόμενα], are the same [ταὐτά].”¹³⁶ Socrates points to both the weakness of the first proof, that what in particular is just always seems to change, and that there is some sameness that persists amidst the change. How these things (ταῦτα) are the same (ταὐτά) is left unsaid, but the image of pieces on a game board suggests that the variability of law might be due to the

¹³² Cf. Davis (2016), pg. 354.

¹³³ *Minos* 316b6-7. Pangle appears to read “ταῦτα” (these) as “τὰαὐτὰ” (the same things), which does not follow Burnet, but, maybe, though I am not sure (because Pangle does not state why he makes this choice), the Budé edition. The source of this disagreement appears to be that manuscript A has the former, and manuscript F the latter. The latter offers a more interesting reading, and so the current work will follow Pangle's lead. This can also be justified by the fact that the difference between the two readings is not so great as to decisively effect the current argument.

¹³⁴ *Minos* 316c1. See note 92 of the present work. The phrase “ἄνω κάτω” has the connotation of something done in a disorderly and confused manner.

¹³⁵ The word for “persuaded” could also make the phrase translatable as “I am not able to obey.”

¹³⁶ *Minos* 316c3-4.

various circumstances of the “game” in which political communities and their laws are involved, as opposed to mere ignorance of the matters in question.¹³⁷ Socrates comes close to justifying a kind of variability of law; this variability is similar to that which the weight example pointed to in the first proof, to the extent that the image Socrates employs suggests something may be legitimately more or less just depending on the particular political circumstances.

Since he has not managed to come to an agreement with the companion, Socrates turns to what can be called the second, and central, proof of the dialogue. This proof begins with Socrates asking the companion if he has ever happened upon “the writings concerning the healing of the sick,”¹³⁸ that is, the writings of those who possess the medical art—the doctors. The second proof turns to art (τέχνη), perhaps in response to the failure of the first proof and the possibility of error, and thereby truth or correctness, that was raised therein.¹³⁹ By investigating the possibility that law is, or can be, the product of an art, Socrates directly examines the possibility that law can be informed by knowledge.¹⁴⁰ This may be an explicit move away from law considered as a form of opinion, of which even Socrates seemed convinced (at 314e7-8); the knowledge spoken of here does not seem to be the same as true opinion. Why this possibility is examined by means of the writings of those possessing an art in particular is not yet clear.¹⁴¹ The

¹³⁷ A game, moreover, is played to *win*. To be motivated by victory is not the same as being motivated by the truth. Cf. *Laws* 626a-b., and also *Minos* 320c2, as to what kind of “game” political communities might be engaged in.

¹³⁸ *Minos* 316c5.

¹³⁹ Cf. Strauss, from Pangle (1987), pg. 72., and Bruell (1999), §7.

¹⁴⁰ Note the similarity, but also the difference, between art being described as a finding (εὑρεσις) and law being described as a discovery, or finding out (ἐξεύρεσις). This will become important at the end of this section, especially at 317d1-2.

¹⁴¹ Cf. Strauss, from Pangle (1987), pg. 72.

second proof is far longer and more complicated than the first, and so a word about its structure is necessary. It begins with a discussion of the scope and degree of agreement among knowers (316c6-d8), moves into a discussion of the writings of expert knowers and the function of those writings (316d9-317b1), and ends by setting standards by which expert knowers and their writings (or, as they come to be called, their laws) can be assessed (317b2-d2). At this point, after asking the companion if their agreement about the third definition was correct, Socrates then pivots to what can be called a subsection of the second proof; this subsection will be taken up after the main part.

Socrates continues the second proof by asking the companion if he calls doctors expert knowers (ἐπιστήμονας)¹⁴² concerning the things which their writings are about. Expert knowers are then said to “lawfully accept”¹⁴³ the same things about the same things (ταὐτὰ περὶ τῶν αὐτῶν); this earns a lukewarm agreement from the companion, who says “to me myself at least they seem [to “lawfully accept”] the same things.”¹⁴⁴ This leads Socrates to ask a similar question about the things they know (ὧν ἂν εἰδῶσι),¹⁴⁵ and whether the agreement among knowers transcends the differences between Greeks and barbarians, that is, if the agreement is universal. The companion responds, with great enthusiasm, that there is much necessity that the knowers “together lawfully accept [συννομίζειν]”¹⁴⁶ the same things. This response, Socrates notes, is

¹⁴² The word for knowing that Socrates uses has the connotation of scientific knowing. Cf. the earlier mention at 314b2. “Expert knowing” is used as a translation to distinguish these knowers from those who know (“εἰδῶσι”). In the first section of this thesis, the word for “expert knowing” appeared as a noun (at 314b2) and was translated as “science.”

¹⁴³ Just as in the first proof, the force of the word here seems to be “believe.”

¹⁴⁴ *Minos* 316d2.

¹⁴⁵ Or, literally, “the things which they know.” Note the shift from expert knowing to merely knowing in this sentence and the companion’s response.

¹⁴⁶ *Minos* 316d6. This is the only extant usage of this word; one might wonder if the companion’s enthusiasm has led him to invent new words. Pangle renders this “agree with themselves in accepting.”

answered “nobly at least,”¹⁴⁷ which is not to say that it is true; the companion may place an undue confidence in that particular kind of knowing.¹⁴⁸ In addition to agreeing with one another everywhere, the companion also grants that the agreement among knowers holds always (ἀεὶ). Those who know—both expertly and otherwise, it seems—do not vary with regard to the things they know. Socrates may have turned to the writings of the knowers because the writings present themselves as a kind of stable knowledge to which law, which also can appear in the form of writing,¹⁴⁹ might aspire as a model; these writings would seem not to suffer from the weaknesses of Athenian law lamented by the companion (at 315a4-6) and law in general (at 315d3-5), as well as what proved to be the fundamental weakness of the first proof—the knowers would be able to agree about what things in particular are just and noble, which the non-knowers could not.

Socrates turns specifically to the writings of the knowers. He asks the companion, who answers affirmatively, if the doctors write, concerning health, the very things which they also “lawfully accept” to be. These writings of the doctors, Socrates asserts, must then be the “medical and the medical laws.”¹⁵⁰ The companion agrees they are medical writings, but does not seem convinced that the writings are also laws. Socrates’ statement relies upon taking the writings of doctors as prescriptive writings, in which the doctors dictate how the patient is to become healthy. But such writings may be intelligible or useful only with the mediation of the doctor himself, and it is unclear if medical writings

¹⁴⁷ *Minos* 316d7. The other possible translation of “καλῶς,” “beautifully,” is possible here as well.

¹⁴⁸ Cf. Strauss, from Pangle (1987), pg. 73.

¹⁴⁹ Cf. *Minos* 320b-c. Minos’ laws are embodied both in the personages of Minos and Rhadamanthus, and in the tablets held by Talos.

¹⁵⁰ *Minos* 316e1-2.

are of this character, or if they instead instruct one how to become a doctor.¹⁵¹ The “laws” of the doctors, then, may be fundamentally different from the laws in the ordinary sense, which must be intelligible to all human beings as such. The stability of law might come at the price of it being inaccessible to most human beings; this would suggest that if all human beings cannot become experts, such laws, which would be the best laws, may require the intermediary of the king or statesman. For now, this is only an intimation, but the activity of the king will make its appearance in the subsection of the second proof (at 318a6-7). What would have to be seen is if the laws of the king could satisfy the companion’s desire for stability, and how those laws would be rendered intelligible or accessible to the non-knowers.¹⁵² Socrates solidifies the connection between writings and laws with his next question, in which he shifts to the example of farmers, by asking if farming writings are then the farming laws.

From farming, Socrates moves to gardening, cooking, and finally politics, about each of which he asks a series of similar questions. The companion agrees, with regard to gardening and cooking, that the “writings and lawful things” of each are the respective laws of the gardeners and cooks; the gardeners and cooks are also expert knowers, and know expertly how to rule (ἄρχειν) the working of gardens, on the one hand, and the preparation of “cuisine [ὄψου]”¹⁵³ on the other. With regard to the cooks (μάγειροι) and their art, Socrates expresses a degree of uncertainty, qualifying the question about their

¹⁵¹ Take, for example, the corpus of Hippocrates, which contains writings for laymen, the doctors themselves, and students. See *Hippocrates*, Loeb edition vol. 1, translated by W. H. S. Jones, pg. xxii.

¹⁵² Cf. *Gorgias* 456a-b.

¹⁵³ *Minos* 316e9. This word also has the connotation of a “relish,” the more pleasant part of a meal. Cf. the appearance of “food [τροφήν]” at 317e3. Also see its usage in the *Republic*, especially *Republic* 332c-d and 372a-d. Consider also *Gorgias* 521e-522a.

expert rule with “as it seems,” and the question of their being expert knowers with “so they say”¹⁵⁴; the companion is adamant that the cooks are in fact expert knowers. The choice of these examples invite comparison of the writings of gardeners and cooks with those political writings that are called “laws.” The main difference between the gardening laws and the culinary laws is, according to Socrates, that the latter may not be the product of genuine expert knowing, whereas the former is. That the companion believes the culinary art is the product of a genuine art, whereas Socrates may not, reminds of the doubt expressed by Socrates’s imaginary interlocutor (at 314b3-5) of the diviner’s art, which looked to the thoughts of the gods.¹⁵⁵ Similarly, it might be that the culinary art looks to the thoughts—or perhaps, desires¹⁵⁶—of those for whom the meal is made, as opposed to the standard of health, as the medical art did. The problem suggested by the comparison, then, seems to be twofold. On the one hand, the art governing law in the ordinary sense may be spurious, in that the practitioner would seek not what was truly just or noble—if that is the genuine end of law—but what would be pleasing to the people; law would then embody the opinion of a city, as opposed to the discovery of what is. On the other hand, there is the companion’s insistence that the possibly spurious culinary art is a genuine art. How this is a problem becomes clear after Socrates turns to political writings, or what would be called laws.

The conversation, at last, turns to political writings. As Socrates had specified what the writings of the earlier two arts concerned, so he does for these writings: the

¹⁵⁴ *Minos* 316e11-317a1; 317a1-2.

¹⁵⁵ Cf. Strauss, from Pangle (1987), pg. 72-3. As to the theological dimension of Strauss’ comment, I am at a loss. It may mean that law also attempts to look to the gods for its standards.

¹⁵⁶ Cf. *Gorgias* 500b and 500d.

writings are about “the administration of a city.”¹⁵⁷ Before allowing the companion to answer whose writings those belong to, Socrates asks if it is not to the ones who know expertly how to rule cities; the companion responds only with “to me myself it seems.”¹⁵⁸ By combining what in the earlier examples were two separate questions, Socrates compels the companion to agree that those who produce what would be called laws (according to their previous agreements about what the writings of the expert knowers are) also know expertly how to rule; whoever would possess the political art would thereby be entitled to rule. The connection between ruling and law that first emerges here is strange, as it is unclear what the ability of the expert knower to rule has to do with whether or not law is the discovery of what is. In his next question, Socrates puts a name to those whom he had just asked the companion about, asking if the expert knowers are none other than “both the statesmen [πολιτικοί] and the kingly men [βασιλικοί].”¹⁵⁹

The companion agrees emphatically to this, which would seem to lead to the same conclusion as the other examples—that the respective writings are the laws pertaining to the respective art. Instead, Socrates concludes that the political (πολιτικά) writings, those of “both the kings [βασιλέων] and good men [ἀνδρῶν ἀγαθῶν]”¹⁶⁰ are what human beings call laws; the companion says that Socrates speaks truly. Ordinary human beings, it seems, are unable to recognize laws that are genuinely the product of an art, and instead look to those human beings who *appear* to be knowers. This can be taken together with

¹⁵⁷ *Minos* 317a4. Note the shift from the administration of a city (singular) to the rule of cities (plural), in the next question. The administering of a city may depend on the particularities of that city, but not the ruling. This may be one sign that these writings cannot be wholly “universal.”

¹⁵⁸ *Minos* 317a5.

¹⁵⁹ *Minos* 317a6. Note that the word Socrates uses for “kingly men,” can imply the possession of an art. Cf. the later mention of a king at 317a8.

¹⁶⁰ *Minos* 317a7-b1.

the companion's earlier insistence that the culinary art is a genuine art, with the implication that the gap between knowers and non-knowers poses a problem for the writings of knowers becoming law. The non-knowers would not be able to recognize the laws of the knowers as laws of knowers, and so the recognition of the laws as laws cannot be based on their being the discovery of what is. This does not seem to be an objection to the third definition in the strict sense, but rather to the companion's hope for law to be discovery of what is, as he would *never even be able* to know if law were the discovery of what is. In other words, if the companion's respect for law depends on it being the discovery of what is, his inability, as a non-knower, to know if law has discovered what is, or if it is just mere opinion, would pose a serious problem. Socrates shows, by way of the companion's inability to distinguish between the laws of knowers and those of the influential non-knowers, that—even though he may wish for law to be the discovery of what is—the third definition as the companion can hear it could only be proved (in a way that is satisfactory to the companion) by means of the stability of law. Unless all citizens are themselves knowers, the truth cannot function as the basis for the recognition of law.

The final section of the second proof draws out this conclusion, and indicates a further problem that is taken up in the addendum to the second proof. As it had been agreed that the expert knowers (and also the knowers) “lawfully accept” the same things concerning the same things, Socrates asks if the ones who know expertly also write the same things, or different things at different times; he also asks if the expert knowers will ever change (μεταθήσονται)¹⁶¹ the things they consider to be lawful. In both respects, the

¹⁶¹ This is the word the companion used to describe the change in Athenian law at 316c1.

companion answers that the expert knowers will not vary. Those who do vary, according to what Socrates and the companion agree to next, can be declared to be non-knowers—even by those who themselves do not know! The stability attributed to knowledge is made to be the standard for judging knowledge itself. Following this, Socrates now brings a new standard over law: the correct (ὁρθόν). Whatever may be correct, he asks, “will we declare it to be the lawful [νόμιμον] for each...?”¹⁶² The same is asked about that which is not correct, and the companion agrees to both. Socrates does not state explicitly what determines correctness, but it seems to be that standard which came to light just before it: not changing. This connection appears to be affirmed by Socrates’ assertion that that which is correct in the writings is the law, and, as was agreed earlier (at 317b2-3), the expert knowers do not vary in their writings, and thus also their laws. The correct law, then, turns out to be kingly law (νόμος... βασιλικός),¹⁶³ and that which is not correct is “that which seems to be law to those who do not know [εἰδόσιν].”¹⁶⁴ But this restates the problem that occurred in their discussion of the writings of knowers, that the non-knowers would not be able to recognize the laws of the knowers on the grounds of their being knowledge. Despite this, the companion agrees with the characterization of kingly law. Socrates draws the second proof to a close by asking if “correctly we were saying the same thing [ὡμολογήσαμεν] that law is the finding [εὑρεσιν] of what is.”¹⁶⁵ The companion seems unconvinced, but only says that it appears to be so; moving from a

¹⁶² *Minos* 317c1-2.

¹⁶³ Note that Socrates returns to the formulation that implies the possession of an art, and drops the statesmen.

¹⁶⁴ *Minos* 317a7.

¹⁶⁵ *Minos* 317d1-2. Note that Socrates had never agreed with the companion to anything of the sort, and that Socrates alters the third definition as the companion heard it, changing discovery (εξεύρεσις) to finding (εὑρεσιν), which was associated with art at 314b5.

rejection with a stated reason to a half-hearted agreement can only be a small improvement.

The second attempt to prove the third definition as the companion heard it, though it has not wholly convinced him, has at least held out the possibility that law could be the discovery of what is¹⁶⁶; one problem that the second proof points to is one that concerns the companion's acceptance of law. Law may not be able to be the discovery of what is because it is not possible for non-knowers to recognize it as such. This would mean only that it would not be possible for the companion to recognize the truth of the third definition as he heard it, not that the third definition is untrue as such. Though the second proof may satisfy the companion's desire for stability, that stability seems to come at the price of law being intelligible to him as worthy of recognition.

In what can be called the subsection to the second proof (beginning at 317d3), Socrates proposes that he and the companion look further into the matter, which implies that it is a kind of continuation of the second proof. In the subsection, Socrates turns away from the writings of knowers to their distributions, by which he refers to the way that arts assign certain things to their objects with a view to the end of that art.¹⁶⁷ This turn in the argument relies upon forms of the verb "to distribute [νέμειν],"¹⁶⁸ from which the word law (νόμος) is derived. The farmer, who distributes (διανέμει) seeds to the land, distributes those seeds which are fitting (ἄξια)¹⁶⁹ to each portion of land; each thing

¹⁶⁶ Cf. Bruell (1999), §7.

¹⁶⁷ Cf. Strauss, from Pangle (1987), pg. 73. These things assigned may be the "things [πραγμάτων]" referred to at 314b5.

¹⁶⁸ The verb "to distribute" can also mean "to pasture" or "to graze," as it seems to have originally referred to such activities. See Pangle (1987), pg. 60n12. This additional meaning or connotation is important throughout this subsection.

¹⁶⁹ This word means, more generally, what is "deserved."

distributed must be suited to that which it is distributed. Yet what precisely determines what is fitting is unclear. Farming, for example, may distribute what is fitting to each piece of land, but the end of the farming art lies in what good it does for human beings, *not* the particular piece of land. This problem will emerge later in the subsection. The farmer that distributes according to what is fitting is said to be the “good distributor [νομεὺς ἀγαθός],”¹⁷⁰ and his laws and distributions are said to be correct (ὀρθαί). In the second proof, the correct law seemed to be that which everywhere and always was the same, in accordance with its being the product of expert knowledge. Now, the correct laws turn out to be the distributions, also in accordance with expert knowledge,¹⁷¹ that are fitting to each object. The correct law has shifted from that which is absolutely stable and the same to that which varies an indefinite amount.

The disappearance of the writings of knowers and the emphasis on the distributions of knowers have, on the one hand, made laws out to be the distributions of knowers, as opposed to their knowledge itself (as the second proof suggested), and, on the other hand, made the active role of the knower of central importance. Correct laws now strictly owe their existence to the knower himself, which was in part prepared by the connection between knowing and ruling that emerged in the second proof (first at 316e7). Socrates reinforces the importance of the knower by asserting that—in the case of aulos tunes—he who is “the most knowledgeable about the law [νομικώτατος] in these things, this one is the most knowledgeable about the aulos.”¹⁷² The equation of knowledge of the

¹⁷⁰ *Minos* 317d6. The word “distributor [νομεὺς]” can also mean “herdsman,” and is related to the verb “to distribute.”

¹⁷¹ See *Minos* 317d3, where expert knowledge is mentioned for the first, and final, time in this section.

¹⁷² *Minos* 317e1-2. The word “most knowledgeable about the law” can also mean “conventional,” cf. Aristotle’s usage of the word at *Nicomachean Ethics* 1134b18-24. I follow Pangle’s translation of this term.

law with knowledge of the art in question seems to widen the distance between the knowers and the non-knowers with regard to the law; the equation implies that the law in the strict sense cannot be known at all by the non-knowers.

With this established, Socrates turns to human beings for the first time in the subsection: he asks the companion if he who is most excellent (ἄριστος) at distributing food to the bodies of human beings is who in fact distributes the fitting food, to which the companion agrees. This one is said to be the most excellent distributor (νομεὺς ἄριστος), whose laws are the best (βέλτιστοι),¹⁷³ and who is the most knowledgeable in the law concerning those things. The move from the good distributor (at 317d6), to the most excellent distributor was prepared by Socrates' having brought in the standard of knowledge. The best distributions, and hence the best laws, would be those which are the product of one who has discovered what is. It is of note that while in the subsection Socrates speaks of the best laws and the correct laws, in the second proof proper Socrates had only spoken of the correct laws. The emergence of a standard of better and worse is tied also to a shift away from the city—which is no longer mentioned in the subsection, though it had essentially been the focus of the second proof—to individual human beings. In other words, the vantage point by which law is to be judged appears to change from the vantage point of the city to that of the individual human being.

Following the mention of the body, one might expect, in typical Socratic or Platonic fashion, that the soul would enter into the discussion. That is not the case. Instead, several questions intervene before the soul is mentioned. Socrates asks the

¹⁷³ Both “most excellent” and “best” are the superlative of “good [ἀγαθός],” and can be translated in roughly the same way, as Pangle does.

companion if the trainer, who was the subject of his question about the body, is “most capable [κράτιστος]¹⁷⁴ at pasturing [νέμειν] the human herd of the body.”¹⁷⁵ Socrates asks further about who is most capable of pasturing a herd of sheep, with the companion answering that it is the shepherd; this leads Socrates to ask if the laws of the shepherd are most excellent (ἄριστοι) for the sheep, and also the same with regard to the cowherd and cows. To both, the companion unblinkingly agrees. It is of note that the “fitting” and “distributions” drop out of the conversation at this point. The introduction of capability or power to the argument, at any rate, implicitly raises this important point: it is necessary for the most excellent distributor also to be the most capable, if the best distributions are to be accomplished. A shepherd may know what is best for the herd of sheep, but a herd of animals will not simply submit or obey in the way that a field or song would, because a field or song cannot resist at all; a herd of sheep, on the other hand, requires compulsion. Capability, in other words, may be distinct from knowledge of what is fitting.¹⁷⁶

At the same time, the introduction of capability or power points to a much darker possibility: the laws of the city may treat its citizens as a shepherd treats his sheep. This could mean two distinct but related things. On the one hand, it could mean that the laws of the city treat its citizens as a herd, that is, as a uniform mass, without a concern for

¹⁷⁴ This word is the superlative of the word for “strong.” Though it often has the connotation of “best,” here Socrates seems to have in mind the literal meaning.

¹⁷⁵ *Minos* 318a1-2. W.R.M. Lamb, the editor of the Loeb edition containing the *Minos*, objects to the authenticity of the dialogue in part because of the grammar and language used in this sentence. I do not presume to know what Plato could or could not write, and so such objections can be largely disregarded. For a defense of the authenticity of the Platonic corpus as handed down to us, see especially the editor’s introduction to *The Roots of Political Philosophy* (1987).

¹⁷⁶ Something akin to this distinction can be seen as one of the fundamental problems that besets the philosopher-kings of the *Republic*.

what is fitting for each individual.¹⁷⁷ If this were so, the laws of the city would be of questionable goodness, at best; one might also suppose that the laws of the city treat its citizens as a herd insofar as it concerns the body and not the soul. On the other hand, the laws of the city could treat its citizens as a herd in the sense that a shepherd tends to its herd so that it may become the best *food*.¹⁷⁸ The laws of the city would then be to the advantage of the knower, and the disadvantage of those who obey it. Just as with the insertion of the example of the culinary writings (at 316e9-10) before moving to the political writings, the insertion of these examples before the question of the soul is relevant for thinking through the argument. Both the culinary art and the “shepherding art,” insofar as the two arts function as analogies, seem to be of dubious goodness. The question of recognizing whether the laws are of truly of a knower or of a genuine art, would also apply to the distributions of the knowers. The problem of law being governed by knowledge seems to apply to both laws as writings and laws as distributions.

Socrates concludes the subsection by asking the companion whose laws are most excellent for the souls of human beings.¹⁷⁹ However, before the companion is able to respond to the first question, Socrates also asks if it is not the laws of the king (βασιλέως)¹⁸⁰ that are so, and then—in a manner that borders on tyrannic—tells the companion: “declare it [φάθι]!”¹⁸¹ The companion responds that he does indeed declare

¹⁷⁷ Note that Socrates switches the verb used for distribute from some form of “διανέμειν” to “νέμειν,” though the latter had also been used in the case of the aulist and the kitharist at 317d9.

¹⁷⁸ This is roughly the position that Thrasymachus stakes out in the first book of the *Republic*. See *Republic* 343b-c.

¹⁷⁹ This is the first mention of the soul in the dialogue.

¹⁸⁰ Note how, while what is best for the body is known by the trainer, i.e., an art that is, as it were, sub-political, what is best for the soul appears to be the distinct preserve of politics. Cf. this to the two questions about the good lawgiver at the end of the dialogue, from 321c4-d5.

¹⁸¹ *Minos* 318a7.

it, to which Socrates says that he therefore speaks nobly (καλῶς).¹⁸² Though not without a hint of compulsion, Socrates has led a presumably democratically inclined Athenian to accept that the best laws are those of a king, on the grounds that those laws are governed by knowledge and, it seems, that they would be good for those who obey them. In this sense, the subsection of the second proof does not fail as the main section did; even with the element of compulsion, the companion does not object. What the subsection does accomplish, then, is to prepare the way for the final section of the dialogue, in which the namesake of the dialogue, Minos, is brought in; the final proof of the dialogue will concern that Cretan king and the question of whether his laws are in fact the discovery of what is.¹⁸³ Before it is possible to turn to the adequacy of the final proof of the dialogue, it is necessary to turn back to the problem that has emerged in the subsection: if the subsection is put together with the main portion of the second proof, the correct law turns out to be at once entirely stable and entirely variable.

What resulted from the first proof, which looked to the agreement of all human beings everywhere and always, was that there is no agreement as to that which in particular is, for example, just or unjust. That is, it proved that there was opinion about what is, but not that there is true opinion, or knowledge, about what is; in addition, the proof was unable to find any stability in what was universally agreed upon, or at least a stability that satisfied the companion. The second section and its subsection turned to art as something that might attain knowledge and, moreover, fulfill the companion's desire for stability. While the first proof suggested that error was the rule, the second proof held

¹⁸² Or, as it is also possible to translate it, "beautifully."

¹⁸³ This, at least, would be how the section *would* function as a proof. As will be seen, there are difficulties and other unique elements that emerge in that proof which complicate the matter.

out the hope that there might be an exception to that rule. The second proof as a whole then arrived at two different conclusions about law, that it would be invariable as the truth, and that it would vary as much as human beings vary. Both conclusions began from the implicit premise that there is expert knowledge concerning law; both parts of the second proof are examinations of what would result *from* the existence of such expert knowledge, as opposed to being proofs *of* the existence of such expert knowledge. The possibility of law's being knowledge, and that of law being stable appear to conflict with one another, therefore, on the very same ground: law's attaining one possibility seems to preclude the attainment of the other. The second proof, as a proof for both the third definition as the companion heard it, and as a proof of law's stability, seems to stand or fall by this difficulty.

The root of the problem lies in the meaning of the "correct," and how the subsection of the second proof, in which the correct is defined, alters what appeared to be the conclusion of the first part of the second proof. At the end of the first part, the correct appeared without any preparation, and because Socrates did not establish what it meant for a law to be correct, it seemed that the correct was the law of an expert knower and something which thereby did not vary whatsoever—as was agreed to by the companion (at 316d1-2 to what is known, and 317b2-3 to what is written). However, because the subsection is a continuation of the second proof, it seems that the definition of the correct in the subsection is in fact what Socrates had meant by the correct in the main part; the conclusion that Socrates drew at the end of the main part, then, would be purposefully premature. That which would be correct in the writings concerning the ordering and

organizing of a city would be *only* those things which are fitting.¹⁸⁴ What is fitting, in turn, would depend upon what is most excellent for the particular souls in the city. Further, if the truly best distributions, and thus the truly best laws, depend upon each receiving what is fitting, then the ordering and organizing of a city would change—to carry it to the logical conclusion—with each and every change in the individual composition of the city; the king would have to have expert knowledge of each and every soul. Even assuming that such expert knowledge was possible for a human being, the law would vary precisely to the degree that it was the discovery of what is. Law could very well change by the day.

The ultimate consequence of law's being the discovery of what is would be that the best law would be indistinguishable from the Athenian law that the companion laments; further, the unrecognizability of the best law would follow from the problem that was seen in both sections of the second proof: the non-knower would not, as such, be able to know that the laws of the expert knowers are the products of knowledge, because that would require being an expert knower oneself. Moreover, what was suggested in the first proof, that what is just or unjust would be in a certain respect relative, or a matter of degree, would seem to be true as well; what is just for one individual could be unjust for another individual, and thus there could be no universal justice in the sense that it was desired. Understood this way, law could never attain the stability of a prescriptive writing; to the extent that it could, it would fail *ipso facto* as law.

Socrates' task in the investigation, it seems, was to secure the companion's agreement to the third definition as he heard it (that law is the discovery of what is). This

¹⁸⁴ Cf. Bruell, §9.

meant that Socrates either had to prove that law is the discovery of what is, or prove that law does not vary. Socrates has not done the former, though he seems to have prepared the ground for a demonstration of the latter—which comes in the form of his defense of Minos. However, the problem of the second proof—that law cannot be the discovery of what is and be stable—indicates that whatever agreement Socrates is able to reach with the companion will be one that proves the third definition as Socrates himself stated it, to repeat, that law wishes to be the discovery of what is. Because law cannot be absolutely stable, it will always merely want or wish to be the discovery of what is. How Socrates is able to restore the companion's respect for the law, or to what degree he is able to do so, will shed light on what can be hoped for from law in the face of its inability to meet the standard to which the companion holds it.

Third Section

The results of the second proof and its subsection, unbeknownst to the companion, have left the investigation at an impasse. It was revealed that law, to the extent it fulfills its purpose—and thereby is the discovery of what is—cannot be stable; that is, law can never meet the standard that the third definition as the companion heard it set, while also meeting the companion's desire for stability. Because the recognition of law as law depends upon it being stable, and not on its goodness or truth, it seems that law must be deficient if it is to be recognized as law. The investigation, then, cannot succeed insofar as it sought to prove the adequacy of the third definition as the companion heard it; if the investigation did find some a way for law to be stable, that stability would come at the cost of law fulfilling the purpose that emerged in the second proof—that law ought to distribute what it is fitting for the souls of each individual. However, because Socrates stated that his intention was merely to come to an agreement with the companion (*Minos* 315d7-e2), it may be that Socrates can secure the companion's agreement while avoiding this difficulty. The third and final proof instead seems to indicate what the best law might be in light of law's necessary defectiveness. Law may never attain its wish, but this may not mean that it is *merely* the opinion of the city, or that it ought to be regarded as simply "conventional." It would still be the case, though, that the dignity of law would rest ultimately on its pointing beyond itself toward that which could do what law cannot, that is, something that could be the discovery of what is.

At the end of the second proof, Socrates seems to have prepared the way for the companion's acceptance of kingly law, on the grounds that the laws of that king would

establish the truth of the third definition as the companion heard it. This is in fact what the third proof attempts: Socrates turns to the laws of the Cretan king Minos, a son of Zeus. Divine law, it seems, could be of a different character from the law of ordinary human beings, or even of human knowers; one could then say that the third proof is also a test of whether or not divine law is superior to human law.¹⁸⁵ That the emphasis of the third proof is on the divinity of Minos' law can be seen by the way that Socrates leads the conversation to a discussion of Minos' law itself.

The third proof begins without any indication of its separation from the subsection of the second, as had been the case for the first and main section of the second (at 315e1-4 and 316c4 respectively); this points to the connection the third proof shares with the second proof as a whole. For the same reason, the beginning of the third proof is abrupt and strange.¹⁸⁶ After asking about the laws of the king, Socrates asks the companion if he would be able to say "who of the ancients has become a good lawgiver [νομοθέτης] in the aulos laws."¹⁸⁷ Socrates plays upon the fact that the word "laws [νόμοις]" can also mean "songs" or "tunes." It seems from the thrust of this question that the laws of the aulos art are in fact the art's product; this reminds of the subsection of the second proof, in which the distributions of the aulist were his songs (at 317d8-9). In this use of "lawgiver" and "laws," Socrates also likens law to a kind of song, and the lawgiver to a kind of musician. This can be contrasted with the beginning of the second proof, in which law is implicitly likened to the medical art (at 316c4-5), and the beginning of the subsection of the second proof, in which law is likened to the farming art (at 317d3-4).

¹⁸⁵ Cf. Bruell (1999), §8.

¹⁸⁶ Cf. Strauss, from Pangle (1987), pg. 74.

¹⁸⁷ *Minos* 318b1-3. One may wonder if a good lawgiver is equivalent to a good distributor.

The companion does not seem to know who he is being asked about, and so Socrates has to remind him; he asks the companion if “Marsyas and his boyfriend Olympos the Phrygian”¹⁸⁸ are said to have become good lawgivers, to which the companion agrees strongly. The reason that Socrates brings up Marsyas and Olympos comes to sight in his next remark: “and indeed the aulos songs of these ones are most divine [θειότατά].”¹⁸⁹ The good lawgiver in the aulos art produces not the fitting or the best songs, but those that are divine, though it may be that the divine encompasses the fitting and the best.¹⁹⁰ Socrates attributes the divinity of these songs not to their divine origin, or their supreme goodness, but to the fact that “[the songs] alone move and reveal those in need of the gods.”¹⁹¹ The songs of Marsyas and Olympos attract and move those who are in need of the gods, which is not to say that the songs satisfy that need. What the songs move those in need of the gods to do, as well as what attracts those individuals to them, is left unsaid.

As a result of their divinity, Socrates concludes, “still even now [the songs] alone remain [λοιπά], as being divine.”¹⁹² This indicates another aspect of the divinity of their songs, for what is divine is extremely long lasting or even immortal. If the two reasons are put together, then one might conclude that the songs are long lasting *because* they

¹⁸⁸ *Minos* 318b4-5. Marsyas was said to be a satyr, and was associated with the aulos. One myth has him challenge Apollo to a duel in music playing, which he lost. Notably, Socrates is likened to Marsyas in the *Symposium* by Alcibiades. Olympos was said to have invented a number of songs. Phrygia referred to a place in modern day Turkey, whose people were not Greeks. See Pangle (1987), pg. 62n14., whence this information is derived.

¹⁸⁹ *Minos* 318b6.

¹⁹⁰ But cf. what emerged from the companion’s long speech from 315b-d, that the old is not necessarily good. He may not, in other words, be of such an opinion.

¹⁹¹ *Minos* 318b6-7.

¹⁹² *Minos* 318c1. The word used for “remain” refers to remaining in the sense of “remaining over,” or “left over.”

reveal those who are in need of the gods, which is to say that the songs may speak to some need in human beings that is not ephemeral but present always.¹⁹³ That the need is invoked by the playing of the aulos, “which reminds most forcibly of speech and yet which cannot be practiced while one speaks,”¹⁹⁴ may also suggest something about the character of its rationality; divine law, considered as a song, may irrationally satisfy those in need of the gods. More important here than the cause of the song’s being divine is that their divinity is itself the cause of their longevity or stability. The divine laws of Minos may satisfy the companion on the grounds of their stability or divinity, rather than on the grounds of their goodness as laws.

The divine, which is necessarily ancient, if not the most ancient, might then hold out the promise of stability in the case of law as well. In light of the second proof, however, one is led to think that the divine laws may also be bad. This is the question that the third proof implicitly raises when Socrates turns from the laws of the aulist to the laws of the king. The next question Socrates poses to the companion resembles the one that began the third proof—in that it asks about ancient, good lawgivers—but instead asks who of the ancient kings (βασιλέων) “is said to have become a good lawgiver, whose lawful things still even now remain [μένει] as being divine.”¹⁹⁵ The previously separate questions are now combined into one. These lawful things are also said to owe their longevity to their divinity, though Socrates makes no mention of what seemed to be the more fundamental ground of the aulos song’s divinity (that they revealed those in

¹⁹³ One might then say that it reveals a need that is by nature.

¹⁹⁴ Strauss, from Pangle (1987), pg. 75. This passage also informs several of the points made here.

¹⁹⁵ *Minos* 318c1-3. The word for “remain” used here has the connotation of “staying,” and is therefore slightly different than the earlier word used for remain.

need of the gods). Either it is implied, or the divinity of those laws is of an altogether different character. This is an important difference, and the fact that Socrates leaves it open indicates that it should be understood as a question.

Despite the questionable ground of their divinity, the actual existence of divine laws would seem to hold out some hope to the companion. Laws that have endured since antiquity would satisfy his desire for stability; moreover, what is divine and of a good lawgiver would seem to be good—in the sense that was revealed in the second proof—as well. But it is in the making of this assumption, which would be absolutely necessary for the third proof to succeed, that a problem in the third proof emerges: Socrates sets out¹⁹⁶ the third proof as a proof of the antiquity of Minos' laws, which seems to be a sign of their divinity, and thus in turn a sign of their being the discovery of what is. However, proving that the law is ancient, and that it still retains its force, does not ipso facto prove the latter two elements, even though the latter two are of far greater importance. The third proof thus seeks to prove the third definition of law as the companion heard it on the only possible ground that the companion could understand, and in the only way that would be satisfying to him—by means of its stability. While the third proof may gain the companion's agreement, this does not make it true.

Just as with the aulists of old, the companion does not know whom Socrates is asking about; he is not familiar with the kings of old, despite being familiar with the customs of faraway barbarians like the Carthaginians. This time, however, Socrates does not remind the companion (as he did at 318b3-5); instead, Socrates asks the companion if

¹⁹⁶ That Socrates is derailed from this plan by the companion's objection is a somewhat separate matter. See his remark at 321b6-8, which suggests that this is part of his aim in the third proof.

he knows (οἶσθα) “who of the Greeks uses the most ancient laws.”¹⁹⁷ If it is the case that an ancient law which remains in use is divine, then—according to this line of thinking—the most ancient laws would either be the most divine or at least the most likely to be divine. The qualification present in this question, that it concerns only the Greeks (while the aulos song question looked to Olympos, a non-Greek), leads one to wonder if the companion would accept an ancient law of a barbarian people. Given the companion’s opinion of Greekness (that could be seen in his long remark at 315b6-d5), it may be that stability is a necessary, but not sufficient, condition for the recognition of law. In response to Socrates, the companion asks if he means the laws of Sparta and its lawgiver Lycurgus. Spartan laws turn out to be, however, of only middling antiquity. Socrates asks the companion where the best of their lawful things come from, and the companion responds, with a certain degree of doubt: “they say at least from Crete.”¹⁹⁸ The Cretans, Socrates and the companion conclude, use the most ancient laws of the Greeks.

With the antiquity of Cretan laws established, Socrates now asks if the companion knows who the good kings (ἀγαθοὶ βασιλῆς) of the Cretans were, and he proceeds to answer his own question by saying that the two kings, to whom the Cretans owe their laws, were Minos and Rhadamanthus, the sons of Zeus and Europa. Cretan law would seem to be divine in the sense that it is the product of a demi-god, or divine human being. But it is at this moment that the companion interrupts the conversation, objecting at the mention of Minos’ name that “they say, Socrates, that Rhadamathus was a just man, but

¹⁹⁷ *Minos* 318c4-5.

¹⁹⁸ *Minos* 318d2. Cf. the opening of Plato’s *Laws*, where Kleinias says, with Megillus’ approval, that Spartan laws come from Apollo. But also see Plutarch, *Lycurgus* 4.1, where it is said that Lycurgus visited Crete and adopted some of their customs; Plutarch, however, also notes the connection to Apollo and the Oracle at Delphi.

Minos was someone savage, harsh, and unjust.”¹⁹⁹ The companion’s objection implies that someone cannot be at once just and harsh, which would seem to make justice something easy; the opposition between justice and savagery suggests that justice is civilized, as implied also in the companion’s first long remark (at 315b6-d5).

It now seems that the companion will not so easily be swayed by the mere antiquity or stability of a law.²⁰⁰ Thus in the third proof a new challenge emerges, which is that Socrates must refute or justify the harshness of Minos, and by implication the harshness of his laws. Because Minos’ harshness, reputed or true, presents itself as the foremost obstacle to the companion’s acceptance of his law being the discovery of what is, it thereby becomes the theme of the third proof.²⁰¹ Socrates signals that the objection is serious by praising the companion for the second (and central) time in the dialogue. The source of this reputation, as Socrates indicates, is Athenian tragedy. Against the tragedians, he leverages the authority of Homer and Hesiod, who apparently did not see Minos as harsh, and who are “more trustworthy [πιθανώτεροι] at least than all the tragic poets together.”²⁰² With this, Socrates begins a defense of Minos, which constitutes the bulk of the third proof.

To restate, the original question of the third proof was if divine law is superior to human law, or how divine law faces the problem posed by the second proof, that is, if divine law can be recognized (and thus obeyed) by the non-knowers while also providing

¹⁹⁹ *Minos* 318d9-10. The first of the three descriptors literally refers to something that is wild, or of the field. The second term could also be translated as “difficult,” as in “the beautiful things are difficult” from *Hippias Major* 304e.

²⁰⁰ Cf. Bruell (1999), §10., and Strauss, from Pangle (1987), pg. 75.

²⁰¹ Cf. Bruell (1999), §10.

²⁰² *Minos* 318e2-3. The word for “trustworthy” could also mean “more persuasive.”

what is good for the soul of each individual. The third proof addresses the first question indirectly through the attempt to meet the companion's objection to the harshness or injustice of Minos and his laws. To be more precise, the third proof in large part is an exposition of what Homer and Hesiod said about Minos, an exposition that is supposed to refute the charges levied against him by the Athenian tragedians; following this exposition (at 320e2), Socrates gives an account of the origin of the tragedian's charge. What must be seen, then, is whether or not the exposition of the two Greek poets answers satisfactorily either of the two questions, and how those answers relate to the explanation of the tragedian's charge.

The difficulty present here is that Socrates' exposition of Homer and Hesiod is not a straightforward or simple exposition of the truth of the matter; the passage that Socrates cites from Homer is given by Odysseus—that is, not Homer directly but by one of his characters—and at a moment in the *Odyssey* in which Odysseus is lying, by pretending to be another person, in an attempt to trick his wife Penelope. Hence, the truth about Minos does not come from the poet directly but from one of the most well-known liars of antiquity, which makes its veracity questionable. Further, the praise of Minos is condensed almost to the point of obscurity,²⁰³ and so most of the explicit argument in favor of Minos is made not by Homer but by Socrates himself. The same holds for Hesiod, as Socrates extracts his praise of Minos in an even more tenuous fashion.²⁰⁴ The praise of Homer and Hesiod therefore appears to be more the praise of Socrates, and so one may wonder how true the evidence provided by the poets is.

²⁰³ Cf. *Minos* 319c2-2., where Socrates admits as much himself.

²⁰⁴ The passage, moreover, is not extant in the writings we possess of Hesiod. See Pangle (1987), pg. 65n21. Pangle also notes that the first line of the passage is imperfectly metrical.

Socrates' defense of Minos, in addition to its explicit purpose, raises questions about poetry, divine revelation, and the interpretation of traditional religious texts that go beyond the question of the adequacy of divine law; this is also the case for the Socratic "exhortations" to piety (318e-319a) and moderation (320e-321b) that flank the exposition of Homer and Hesiod. These questions no doubt inform the question of law's adequacy, but for the present purpose they must be left aside. The current work, then, will have to limit itself in the following way: Minos' law will be examined in light of how Socrates has portrayed it, without taking fully into account those deeper questions. This procedure can be justified on the grounds that divine law is judged (in the dialogue) on the assumption that it is true, and whether or not—if it is true—it is then adequate or inadequate as law; that is, it is matter of if divine law, *as it is presents itself*, meets the standards to which law is held. This is not to say that the questions are unrelated, but that the adequacy of divine law can be decided without answering the more fundamental question.²⁰⁵ It must be remembered that the third proof, as a proof, is directed to the companion himself.

Socrates cites a single passage directly from both Homer and Hesiod in support of Minos, while also alluding to an additional Homeric passage; the cited passage from Homer constitutes the focus of the bulk of the third proof, while the passage from Hesiod appears to be a kind of addendum. The main passage from Homer comes from the

²⁰⁵ To be sure, the standard that the third definition represents, that we wish for law to be true, would require an answer to the more fundamental questions. But what Socrates is doing in the third proof is proving the ultimate inadequacy of divine law not on the grounds of its being false, but on the grounds of it being unable to meet the standard which the best law would have to meet. It may be that answering the question of the adequacy of divine law is the *only* available way to adequately answer the question of its truth. See Goldberg, "Philosophy and Law: On the Gravest Question in Plato's *Minos*," from *Brill's Companion to Leo Strauss' Writings on Classical Political Thought* (2015), pg. 359-60., especially pg. 359n29.

Odyssey, from a speech given by Odysseus to his wife Penelope, in which he pretends to be a Cretan named Aithon—the descendant of Minos himself.²⁰⁶ In it, the disguised Odysseus makes reference to Minos when he says:

and among them [the ninety cities of Crete] is the great city Knossos, and Minos was ruling as king [βασίλευε] in the ninth season [ἐννέωρος], the confidant [ὁαριστής] of great Zeus.²⁰⁷

Though the passage as Socrates reproduces it is slightly modified from the text that has come down to us,²⁰⁸ what he takes to be the important element, its encomium of Minos, lies primarily in its description of Minos as a “confidant [ὁαριστής]”²⁰⁹ of Zeus. A confidant, Socrates tells the companion, is one with whom one shares “discourses [ὅαροι],”²¹⁰ and discourses, he says, are speeches; a confidant is therefore a “companion [συνουσιαστής] in speeches.”²¹¹ The phrase “in the ninth season [ἐννέωρος],” moreover, refers to the nine-year interval in which Minos visited the cave of Zeus, apparently for the purpose of being educated, on the one hand and, on the other, for demonstrating to Zeus the things he learned from him in the previous period. Though what took place in the cave of Zeus might seem to be hidden from mortal eyes, what Socrates takes “confidant” to mean, and the repeated visits made by Minos, sufficiently attest—so he claims—to it being an education. It is of note that while Minos’ education at the hands of Zeus is not

²⁰⁶ *Odyssey* 19.183. That Odysseus’ could have been inclined to embellish his disguise’s ancestry may partially provide an answer to the passage’s veracity.

²⁰⁷ *Minos* 319b5-6. The term “in the ninth season” is somewhat unclear in meaning.

²⁰⁸ Socrates omits a few lines between “ninety cities” and “and among them” that mention the different peoples—who speak different languages—that populate the ninety cities.

²⁰⁹ This word seems to refer to a person with whom one shares an intimate association. The root of the word, “ὅαρ,” means “wife.”

²¹⁰ *Minos* 319e1.

²¹¹ *Minos* 319e2. This is not the same word used to refer to the companion of the dialogue.

said to have ceased during his lifetime, Minos' laws, in contrast, were evidently completed while he was alive.²¹²

Socrates' revelation of the secrets of the cave of Zeus leads to an even more important revelation about divine law: divine laws, like the laws of human knowers, are the product of an art. Human laws and divine laws would not appear to be fundamentally different. Socrates calls the art that Minos possessed the kingly art (βασιλικὴν τέχνην).²¹³ This art, the art that Socrates indicates, but never explicitly states,²¹⁴ also belongs to Zeus is "all-noble [παγκάλη]."²¹⁵ While one might expect that the possessor of the kingly art would be a king or kingly man, Socrates instead calls Zeus a sophist, or wise man (σοφιστής).²¹⁶ The only other appearance of a word related to wisdom preceded the third definition of law (at 314c5-6); it might be that wisdom is higher than law, and that the superiority of divine law would rest on the wisdom of its author. The other possibility suggested by describing Zeus in that manner is that he is a sophist in the pejorative sense, that is, in the same way that Hippias or Protagoras are referred to as sophists.²¹⁷ If Zeus were a sophist in this sense, he may have taught Minos how to trick the many and rule for his own advantage; this possibility points back to the same difficulties present in the

²¹² See *Minos* 320c5-7., which describes how Minos had his laws inscribed on bronze tablets for Talos to carry around Crete.

²¹³ *Minos* 320c1-2. Note that the word used for "kingly" is the same as at 317a6 and 317c6.

²¹⁴ Socrates claims at 319c2-3 that Homer often says that "Zeus is a sophist and the art itself is all-noble." This can be assumed to mean that it is Zeus' art, but it is not stated in those terms.

²¹⁵ *Minos* 319c4. Or, alternatively, all-beautiful.

²¹⁶ The word can have the pejorative meaning it developed by Socrates' time, but it can also refer generally to someone who possesses wisdom, that is, an expert. There is, I believe, only one occurrence of any word related to wisdom that occurs in the extant Homeric corpus, and it is used in an image describing a carpenter, but one whose wisdom or expertise comes from the counsel of Athena (*Iliad* 15.410). In other words, Homer never says what Socrates claims he does, at least openly.

²¹⁷ Cf. the definition of the sophist given at *Sophist* 264c-268d. This is not to say that this definition is Plato's final word on the matter, however, or that it is simple and straightforward, but that it shows what one might consider a sophist.

second proof, with the cook and the shepherd (at 316e9-317a2 and 318a2-7, respectively), that the non-knowers could be preyed upon or tricked by the knowers. The stated reason for Zeus being described in this way is that Minos associated with Zeus in speeches and frequently visited him for the purpose of education, “as by Zeus being a sophist.”²¹⁸ The proof of Minos’ education in the kingly art, again, depends wholly on the meaning of “confidant.”

The problem of distinguishing the knower from the non-knower manifests itself in the form of those who suppose that what occurred in the cave of Zeus was not an education, but something entirely unserious; these men suppose that Minos and Zeus associated with one another not for the purpose of education, but for the kinds of things that, for example, one does at a symposium. Homer, perhaps unsurprisingly, was not as clear as Socrates suggested. It is here that Socrates announces that there is a proof (τεκμηρίω) that one can use to refute those claims, which is to say that there is proof that Minos received an education from Zeus. This proof is evidently intelligible even to the non-knowers, and it is as follows: the Cretans, and also the Spartans who learned from the Cretans,²¹⁹ are the only human beings who do not participate in “drinking parties and that play,”²²⁰ which are the very things that Minos is accused of. Socrates turns to the law of Crete, which Minos established, that one should not drink together with one another to drunkenness²²¹; Minos must have not engaged in such activities with Zeus, and instead

²¹⁸ *Minos* 319c6-7.

²¹⁹ It is of note that this would suggest that the principles of divine law are able to be learned by human beings. Cf. also how Socrates says that Minos taught part of the kingly art to Rhadamanthus at 320b8-c3., and that the Spartans are also said to be as happy as the Cretans at 320b5-6.

²²⁰ *Minos* 320aa2-3.

²²¹ *Minos* 320a5-6.

must have received an education, because—and this is what the proof ultimately rests on—only a paltry human being would legislate some things (the law against drinking together) and “lawfully accept” others. This proof resembles, but it is crucially distinct from, what they had agreed upon in the second proof as something which the expert knower would not do; there (at 316d9-e1), it was agreed that an expert knower would write the things which he “lawfully accepted,” which became the basis for the claim that political writings are laws. If Minos was an expert knower, which possessing the kingly art would make him, Socrates very well could, and should, have relied upon *this* agreement. Instead, Socrates appeals to a moral argument, on the grounds that Minos could not be paltry; Socrates, in other words, appeals to the companion’s belief that the gods, and those who are descendants of the gods, could not be morally bad individuals.²²²

The problem with this argument is that the paltriness of Minos, or the general badness of his character, is *precisely* what is at question in the third proof.²²³ Socrates seems then to beg the question, and it is on this question-begging that the third proof, as a proof for the third definition as the companion heard it, also rests. That is, the evidence for Minos’ laws being the product of a divine education ultimately rests not on a demonstration that his law is informed by art or otherwise is the product of expert knowledge, but on the assertion that Minos—on moral grounds—would necessarily legislate the things that he “lawfully accepts,” and that those things are what he learned from Zeus. But even if it were true that Minos was not a paltry human being, and that he

²²² Cf. *Minos* 318e6-319a8, in which Socrates exhorts the companion to not speak ill of the gods and their descendants, for the gods take vengeance upon those who do (note also that the gods evidently did not take revenge on the Athenian tragedians); Socrates may therefore be speaking piously, but not truthfully.

²²³ Cf. Strauss, from Pangle (1987), pg. 76.

did legislate the things that he “lawfully accepted,” it is not necessarily the case that he possessed the kingly art. In this way, the third proof leaves obscure, as if hidden in the cave of Zeus, the question of whether or not Minos learned the kingly art from Zeus, or if he possessed that art at all. If it is the case that the demonstration of the divinity of Minos’ law is meant to be the refutation of its supposed injustice, then the fact that the proof does not satisfactorily demonstrate its divinity is a problem.

Though Socrates’ exposition of Homer renders somewhat dubious the claim that Minos received the kingly art from Zeus, it suggests that divine law is ultimately to be judged by the same standard as the law of human knowers. Moreover, the exposition suggests that despite divine law being unable to meet the same standard—because it claims to be the product of an art—there may be some aspect of divine law that makes it adequate or recognizable as law. The exposition of the Homeric passage is brought to a close with Socrates reaffirming that the meetings of Zeus and Minos were as he had characterized them.²²⁴ The education that Minos received, he asserts, was through speeches and had as its end virtue (ἀρετήν).²²⁵ Though Minos’ education had virtue as its end, Socrates does not go so far as to say that Minos’ laws are themselves an education in virtue; this points back to another problem that emerged in the second proof, of whether or not the laws of the knowers would make one become a knower. From this education, Socrates concludes, Minos has established these laws and on account of them “both Crete

²²⁴ Note, though, that Socrates now says they were as “I myself say,” not “as Homer says.”

²²⁵ This seems to equate the kingly art with virtue and, moreover, implies that virtue is teachable. Virtue can also be translated as “excellence.”

and Sparta are happy [εὐδαιμονεῖ] for all time [πάντα χρόνον], from when they began to use them, because they are divine.”²²⁶

The divine laws of Minos then appear to be the cause of happiness—which is no doubt high praise—but the happiness of Crete, that is, the political community as a whole, in particular. Socrates does not say that the city and “all the other things,” as he said earlier (at 314d5-6), are happy, which suggests that this happiness may not extend to each individual in the political community. It may be, as was suggested earlier, that the happiness of the political community in fact comes at the expense of the individual. At the peak of Socrates’ praise of Minos and his laws, at the end of which he calls Minos’ laws divine for the first time (at 320b4-7), Socrates silently indicates that those laws may be defective, as it was the good of the individual that emerged as the standard for law in the second proof. And yet, because the laws are said to be divine, it seems that their defectiveness and divinity coexist. Despite the praise that Homer and Hesiod supposedly give Minos, Socrates’ defense of Minos seems to indicate that Minos’ laws do not meet the standard that is set for them, insofar as divine law is held to the same standard as the law of human knowers. Minos’ law may be stable, but it is inadequate as law. While Minos’ law may be defective insofar as it does not meet the standard of the second proof, that it makes Crete as a political community happy is, nevertheless, important: as the companion had agreed earlier (at 314d5-6), law is meant to preserve the political

²²⁶ *Minos* 320b4-7. The word for “all time” is not the same as the word “always,” perhaps because the laws have a beginning in time and are thus not simply eternal. In the Greek text, Socrates places Crete near the front of the sentence, and places Sparta near the end of the clause.

community.²²⁷ This may not be the highest end of law, but it is surely a necessary end. It seems that the best law cannot be disregarded as entirely bad, though the attainment of this lower good, the preservation of the political community, may come at the expense of the higher good, the good of the soul.

As a defense of Minos' justice, the exposition of Homer and Hesiod does not immediately convince the companion. Socrates, as a matter of fact, never speaks of Minos' justice in the exposition. Justice only appears in the explanation of how Rhadamanthus came to be called just, which Socrates indicates is because he served in the law courts; even that, one must note, is not an explicit assertion of Rhadamanthus' justice. At the end of Socrates' exposition, the companion asks him what caused Minos to have a reputation for being "someone uneducated and harsh."²²⁸ Praising the companion for the last time in the dialogue, Socrates proceeds to explain the cause of the charges levelled by the tragedians against Minos. The cause of his reputation is that Minos made war against Athens, and compelled the Athenians to pay "those tributes,"²²⁹ by which Socrates means the Athenian youths whom Minos demanded be sent to Crete to be fed to the Minotaur. This is a kind of human sacrifice, which—given the companion's repugnance at this practice²³⁰—explains the vehemence of his objection to Minos. The Athenian tragedians, as a result, took revenge on Minos in the form of their tragedies, which led to Minos becoming ill-reputed. Socrates does not at any point deny the truth of

²²⁷ Note, however, the differences between Sparta and Crete. The former was one of the most powerful poleis in Greece, while the other was not. Minos may have ruled over all of Crete, but it does not seem that Crete remained unified after his death.

²²⁸ *Minos* 320e1.

²²⁹ *Minos* 321a7.

²³⁰ See his long remark at 315b6-d5, especially 315b8-c5.

what the tragedians say about Minos, and he says twice (at 320e6 and 321a7) that Minos erred completely in his actions, which is to say that Minos in fact did treat Athens harshly. Socrates does not refute the charges but instead confirms them: it is true that Minos was unjust.

As a proof of both the third definition as the companion heard it, and of Minos' justice, the third proof does not succeed. Minos appears, in light of the standard set by the second definition, to be harsh and a giver of bad laws. And yet, despite this, the companion is persuaded by the third proof; further, Socrates even claims that Minos has discovered what is—though in a limited sense. The law of Minos seems to be partially redeemed. It is necessary to see why this is the case.

Socrates concludes the third proof as a whole with a kind of summary, in which he claims that Minos was a good distributor (νομεὺς ἀγαθός), and that “he was good at least and lawful.”²³¹ In support of this, Socrates points to “the greatest sign,”²³² which is that Minos' laws are unchanged, because they are from someone who “discovered [ἐξευρόντος] well the truth of what is concerning the administration of a city.”²³³ Minos seems to have fulfilled the third definition of law as the companion heard it, but Socrates' conclusion raises more questions than it answers. Socrates is claiming that Minos is a good distributor, that is, that he meets the standard set forth in the second proof.²³⁴ The greatest sign of this, so Socrates claims, is that his laws are unchanged, but according to the conclusion of the second proof, the laws of the good distributor would constantly

²³¹ *Minos* 321b1. Noticeably, Socrates does not say Minos was just.

²³² *Minos* 321b2.

²³³ *Minos* 321b3-4.

²³⁴ See *Minos* 317d6-7 and also 317e4-6.

change (because the laws would vary depending on the individuals to which they distribute). That which Socrates claims is the strongest proof of Minos' being a good distributor instead proves the exact opposite—that in fact his law does not take into account the differences between the individuals to which it distributes. Minos cannot possibly be a good distributor precisely *because* his laws are stable. The problem that appeared at the peak of Homer's praise of Minos, that his laws do not meet the standard set out in the second proof, appears once more here. At the same time, Socrates does indeed attribute to Minos the achievement of having discovered what is, and it is this discovery (not the law's divinity) that Socrates cites as the reason his law has remained unchanged. This suggests that law can fulfill the third definition in some sense, while at the same time not fulfilling the standard articulated in the second proof; this relates to the question of what divine law might be able to accomplish, and what non-divine law cannot.

The solution to this riddle lies in the challenge that the companion has raised against Minos' law, that it is harsh—which is the only one of the original charges from his first complaint (at 318d10) that remains in the question (at 320d8-e1), after the exposition, that repeats the charges. Minos was harsh, it seems, not only or not primarily because of his treatment of Athens, but because of his treatment of his own citizens; his law is harsh, then, because it is unchanging. What Minos may have discovered is that the laws must be unchanging for them to be obeyed, that is, that the law must be harsh for it to be law at all. To try to take into account what is fitting for each and every citizen would lead to disbelief in the law, as it is not possible to obey laws that frequently

change. Minos may have clearly seen the situation that the lawgiver faces and the limited heights to which law can aspire.

This leads back to the question of the significance of the divine aspect of Minos' law, which came to sight in the third proof as of questionable veracity. Minos' laws do not appear fundamentally different from the laws of the human knower, except with regard to their supposed author—Zeus.²³⁵ Minos' law may then be divine in the way that the aulos songs of Marsyas and Olympos were divine, that is, that his laws reveal those who are in need of the gods.²³⁶ That the Spartans were able to learn from the Cretans and achieve the same happiness as the Cretans, without having direct access to Zeus, suggests that a direct divine origin is, in fact, unnecessary.²³⁷ Though it may need to appear of divine origin, the best law seems to be in principle accessible to the knower as knower.

The laws of Crete would then remain for the same reason the aulos songs, by virtue of their speaking to some fundamental human need, remain. That need (or one important aspect of it) may be the stability for which the companion longs, in matters such as the just and the noble—as the third definition articulated. The divine serves the same role as the truth; the gods are the prephilosophic articulation of the first things. Law, as it appears in the third definition, resembles philosophy—to the extent that philosophy wants to know the beings—because it holds the same place in human life that philosophy holds for the philosopher. Philosophy appears superior to law, as it can seemingly do what law cannot; by knowing what is, philosophy would be able to assign what is truly good for the soul. The possibility of philosophy elevating politics, however, is precluded

²³⁵ It is worth noting that Socrates attributes the “discovery” to Minos, not Zeus.

²³⁶ Cf. Goldberg (2019), pg. 36.

²³⁷ Cf. *Minos* 318c9-d1., and 320a1-4., and 320b4-7.

by the fact that the problem law faces is practical, that is, it is not a matter of what is known, but what can be done. Philosophy would be able to fulfill the end of law only for the individual, not for the political community.

The divine law of Minos is therefore the best law only insofar as its divinity fulfills the need for stability. By virtue of the law's being divine, it sanctions, or hides,²³⁸ the harshness of law, of which even those like the companion, a non-knower, are dimly aware. Though the companion has some such awareness, Socrates' defense of Minos, which focuses on the divine origin of his law, is enough to persuade him; the successful persuasion of the companion shows *ad oculos* that Minos' law can partially satisfy the human longings to which law is subject, and indeed it also points to the limited dignity law can attain. To Socrates' third proof, the companion finally responds that "you seem to me, Socrates, to have said a likely account."²³⁹ Socrates then asks if the Cretans seem to the companion to use the most ancient laws. Earlier, Socrates had asked about the most ancient laws of the Greeks in particular; the companion's agreement to this claim may imply that he is convinced of their divinity, as their divine source may mean that their divinity is absolute.

This question returns the conversation to the direction it had been going before the companion interrupted it. Socrates asks the companion if Minos and Rhadamanthus are the "most excellent lawgivers [ἄριστοι νομοθέται]"²⁴⁰ of the ancients. His question

²³⁸ Cf. Bruell (1999), §10.

²³⁹ *Minos* 321b5. Pangle reads, instead of "to have said," "to have discovered." This reading is not noted by Burnet in the critical apparatus, but is apparently in six secondary manuscripts, according to Pangle. See Pangle (1987), pg. 66n5. Though the reading is tantalizing, the evidence is not, in my opinion, strong enough to warrant including it.

²⁴⁰ *Minos* 321b10.

compares the two lawgivers to “shepherds of men [ποιμένες ἀνδρῶν],”²⁴¹ invoking a Homeric descriptor used for a good general. The companion agrees enthusiastically that the two lawgivers are the best. By describing Minos and Rhadamanthus as shepherds, Socrates reminds of the example of the shepherd that occurred in the subsection to the second proof (at 318a2-3). The shepherd, to recall, was the ablest at pasturing the herd of sheep, but did so while treating the herd as a uniform mass; the shepherd’s laws, moreover, were of questionable goodness for the sheep. What Socrates seems to be pointing to is that Minos’ laws are akin to the shepherd’s law insofar as they are able to function as laws, that is, insofar as they are obeyed, but also that the cost of this is their treating human beings—and their souls—as a herd. The Homeric allusion, which tacitly compares the city to an army, also suggests an altogether different end for law: victory in war.²⁴² The best law may not improve its citizens, but it does seem to preserve the city. While the conclusion of the third proof, which declared that Minos had in fact discovered what is, seemed to elevate Minos’ law, this remark tempers that praise. The investigation of Socrates and the companion, notwithstanding these problems, has reached the sought-after agreement: the companion accepts implicitly that Minos’ law is the discovery of what is.

The ground of this agreement, or the reason why the companion is able to accept Minos’ laws, reveals itself in the last exchanges of the dialogue. Socrates asks, invoking the god of friendship (in the only oath of the dialogue), two questions of the companion; he summons, just as he did earlier in the dialogue (at 313c7-8), a third interlocutor to ask

²⁴¹ *Minos* 321c1.

²⁴² Cf. *Laws* 626a-b., and note 137 of the present work.

these questions. The questions are similar in structure. The first asks what the good lawgiver and distributor²⁴³ would distribute (διανέμω) to the body to make it better, and the second asks the same but for the soul. In the case of the body, Socrates volunteers an answer, and the companion agrees; in the case of the soul, Socrates leaves it to the companion to answer. To this latter question, the companion replies, “this I am no longer able to say.”²⁴⁴ The companion, then, is ignorant of what appeared to be the distinct and therefore most important concern of law; consequently, he cannot pass reasonable judgement on the goodness of Minos’ law. An individual who is concerned with this question, or who has given it serious thought, would be able to see more clearly the inadequacy of law. If one knew what was good for the soul, it is possible that Minos’ law—and even all law—would prove unworthy of recognition. That the companion is not such an individual indicates why he is able to be satisfied by Minos’ law. It may be that the harshness of law is tolerable only to the extent that one has not attempted to think through the law and its potential inadequacy.

At the same time, this crucial deficiency in law points to the importance of law: because law is the home of such questions—questions about the soul and what is good for it—it is indispensable insofar as it makes us aware of such questions, which one must answer if one is to know what the good life is. That such a beginning to that inquiry, however imperfect, is supplied by law—because law always wishes to be the discovery of what is, but is not—and that it is always possible for some human beings to become

²⁴³ Socrates links the two terms together grammatically, asking about “both the good lawgiver and distributor” at 321c5 and 321d2. This highlights the correct end of law that emerged in the subsection of the second proof (e.g., *Minos* 317e4-6).

²⁴⁴ *Minos* 321d6.

aware of the defects of that beginning, which leads them beyond it in pursuit of the truth, proves that the cave will always be open to the light.

But the cave, despite being open, remains the cave. The *Minos* shows that the law is not able to fulfill its, and our, wish; law will always only wish to be the discovery of what is. It can only partially, at best, fulfill the human need for truth about the most fundamental things. The three attempts to prove the third definition as the companion heard it—that law *is* the discovery of what is—show that the inadequacy of law is ultimately due to the limitations inherent in political life. The problem law faces, that it cannot simultaneously be stable and provide what is good for the soul of each individual human being, is therefore a practical problem. It is not that human beings are unable to know what is, but that this knowledge cannot become actual law without being unrecognizable as law. All the same, human beings wish for law to be universal, or the same everywhere and always. As the *Minos* shows, the best law would be, on the contrary, infinitely particular.²⁴⁵ Law must, however, present itself as the discovery of what is in order to be recognized as law. In the best case, law must settle with a stability that cannot but appear, and be, harsh. Those laws which are not harsh, like the laws of Athens, are not reviled by the companion, but for the same reason they also do not have his respect. Minos' laws, on the other hand, remain unchanged, and thus obeyed, despite their harshness.

The *Minos* ends with an unanswered question—what is good for the soul?—that both points beyond the conversation between Socrates and the companion,²⁴⁶ and puts

²⁴⁵ Cf. Strauss, from Pangle (1987), pg. 77.

²⁴⁶ And therefore indicates that the *Minos* is incomplete, as all Platonic dialogues are. Cf. Strauss, from Pangle (1987), pg. 78., and also Bruell (1999), end of §10.

that conversation in a different light. Without knowing what is good for the soul, one cannot completely judge the goodness of Minos' law, and all law, even if that law is stable. In other words, while the best laws are stable, the best laws also do not seem to be *merely* stable. Stability is therefore a necessary but not sufficient condition for the goodness of law. A complete inquiry into law would have to examine the degree to which law can distribute what is good for the soul, that is, if it is possible for law to fulfill the standard of the second proof in a limited fashion, while remaining stable. The *Minos*, to repeat, does not answer this question, but it does seem to supply a potential answer: virtue.²⁴⁷ Virtue makes its sole appearance in the dialogue (at 320b4) just before Socrates asserts that Crete and Sparta are happy for all time.

Virtue (ἀρετή) is a standard that seems to govern all human beings, regardless of what would be fitting for each individual in particular; virtue, moreover, might be that which leads to the preservation and happiness of the political community. The noble self-sacrifice of the courageous man is the clearest example of this. At the same time, the example of the courageous man's sacrifice points to a problem: what is virtuous may not be good for the individual. One could also consider the Cretan law against symposia (which appears at 320a4-6)—what is moderate demands, it seems, the denial of the pleasant. Such self-denial may be noble, but it is not clear that it is simply good. Virtue may be the greatest good the law can distribute, but it seems that it would still be of ultimately dubious goodness.²⁴⁸ If it is the case that the best law is that which distributes

²⁴⁷ One may wonder, however, if Minos' law does in fact teach virtue (or if Socrates is embellishing). This would lead to the question of if law as such can teach virtue (or if virtue is in fact teachable at all). The *Minos* does not address these questions, but it does point to them.

²⁴⁸ The goodness of virtue might depend on the existence of the gods that supposedly stand behind Minos' law.

what is conducive to virtue, then the *Minos* would seem to point to the ground upon which law ultimately can be judged as good or bad: the goodness or badness of virtue. That is, because the best law serves as the standard for law as such, the goodness or badness of the best law would determine the goodness or badness of law as such. The *Minos* thus indicates that it would be necessary to undertake an inquiry into what virtue is, and if virtue is good for the soul, in order to answer the question that set the dialogue in motion—the question of what law is for us; these questions, one must note, are in fact taken up elsewhere in the Platonic corpus, such as in the *Meno*.²⁴⁹ But in order to know what is good for the soul, one must first know what the soul is. Answering this question—what is the soul?—would be the key to knowing both the best political community (or regime), and the best way of life. The *Minos* shows in this way how politics points beyond itself to philosophy.

²⁴⁹ And also in the *Laches*, *Republic*, *Theages*, and *Charmides*.

Bibliography

- Aristophanes. 1907. *Aristophanes Comoediae, vol 2*. Translated by F.W. Hall and W.M. Geldart. Oxford: Clarendon Press.
- Bartlett, Robert C. and Susan D. Collins. 2011. *Aristotle's Nicomachean Ethics*. Chicago: University of Chicago Press.
- Bruell, Christopher. 1999. *On the Socratic Education*. Lanham: Rowman & Littlefield Publishers, Inc.
- Burnet, John. 1907. *Platonis Opera, Tomvs I*. Oxford: Oxford University Press.
- . 1907. *Platonis Opera, Tomvs II*. Oxford: Oxford University Press.
- . 1907. *Platonis Opera, Tomvs III*. Oxford: Oxford University Press.
- . 1907. *Platonis Opera, Tomvs IV*. Oxford: Oxford University Press.
- . 1907. *Platonis Opera, Tomvs V*. Oxford: Oxford University Press.
- Cobb, William C. 1988. "Plato's *Minos*." *Ancient Philosophy* 8, no. 2: pg. 187-207.
<https://doi.org/10.5840/ancientphil1988823>.
- Davis, Michael. 2016. "Plato's 'Minos': The Soul of Law." *The Review of Politics* 78 (Summer 2016), no. 3: pg. 343-363.
<https://www.jstor.org/stable/24889995>.
- Goldberg, Robert. 2019. "The Strange Conversation of Plato's *Minos*." In *Socrates in the Cave :On the Philosopher's Motive in Plato*, edited by Paul J. Diduch & Michael P. Hardin, pg. 11-38. London: Palgrave Macmillan.
- . 2015. "Philosophy and Law: On the Gravest Question in Plato's *Minos*." In *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, edited by Timothy W. Burns, pg. 344-360. Boston: Brill.

Hippocrates. 1923. *Volume I: Ancient Medicine. Airs, Waters, Places. Epidemics 1 and 3.*

The Oath. Precepts. Nutriment. Translated by W.H.S. Jones. Cambridge: Harvard University Press.

Hoerber, R.G. 1957. "Thrasylus' Platonic Canon and the Double Titles." *Phronesis* 2, no. 1: pg. 10-20.

<https://www.jstor.org/stable/4181608>.

Homer. 1920. *Homeri Opera vol 2.* Oxford: Clarendon Press.

———. 1919. *The Odyssey with an English Translation vol 2..* Translated by A.T Murray. Cambridge: Harvard University Press.

Pangle, Thomas L. 1987. *The Roots of Political Philosophy: Ten Forgotten Socratic Dialogues.* Ithaca: Cornell University Press.

Plutarch. 1917. *Lives, Volume V: Agesilaus and Pompey. Pelopidas and Marcellus.* Translated by Bernadotte Perrin. Cambridge: Harvard University Press.

———. 1914. *Lives: Theseus and Romulus, Lycurgus and Numa, Solon and Publicola.* Translated by Bernadotte Perrin. Cambridge: Harvard University Press.

Priou, Alex. 2018. "Plato's 'Minos' and the 'Euthyphro.'" *Polis* 35 (2018), no, 1: pg. 145-163.

Strauss, Leo. 1965. *Natural Right and History.* Chicago: University of Chicago Press.