

## PREAMBULAR PERSUASION AS PROLEPTIC ENGAGEMENT: THE LEGISLATIVE STRATEGY OF PLATO'S *LAWS*\*

### ABSTRACT

*In the Laws, Plato argues that legislation must not only compel, but also persuade. This is accomplished by prefacing laws with preludes. While this procedure is central to the legislative project of the dialogue, there is little interpretative agreement about the strategy of the preludes. This article defends an interpretation according to which the strategy is to engage with citizens in a way that anticipates their progress toward a more mature evaluative outlook, and helps them grow into it. The article shall refer to this strategy as proleptic engagement. While the virtuous ways of life required by law are intimately connected to happiness, the preludes do not persuade by spelling out this connection. Rather, they persuade by telling citizens what they need to hear so that they can come to appreciate this connection for themselves, in the context of their own lives. While the preludes are many and varied, this article argues that all preambular material can be understood as proleptic engagement.*

**Keywords:** Plato; *Laws*; persuasion; preludes; proleptic engagement; aspiration; virtue

### 1. INTRODUCTION

In the *Laws*, Plato suggests that besides prescribing and prohibiting various actions and stating the penalty for disobedience, the laws must also persuade the citizens.<sup>1</sup> For this, Plato introduces what he calls ‘prelude’ or ‘preamble’ (προοίμιον)—a persuasive device that is to precede each law, and the law-code as a whole. While the preludes are central to the legislative project of the *Laws*, there is little interpretative agreement about their overarching strategy. I argue that the strategy is to engage with citizens proleptically. To say that something is proleptic is to say that it is anticipatory or forward-looking. It is to represent something in advance of its present state, often as a way to stimulate progress. For instance, Little has used the term ‘proleptic engagement’ to describe interactions with a child that treat them as if they were already in a further development stage, as a way to usher them into it.<sup>2</sup> Appropriating the phrase to moral psychology, Callard has used the term ‘proleptic reasons’ to refer to the sorts of reasons that help people progress in

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<sup>1</sup> Translations are mine, and I use the text of J. Burnet, *Platonis opera, tomus V* (Oxford, 1907). I have consulted R.G. Bury, *Plato: Laws* (Cambridge and London, 1926), T. Pangle, *The Laws of Plato* (New York, 1980), and T. Griffith and M. Schofield, *Plato. The Laws* (Cambridge, 2016). Book and line numbers not otherwise identified refer to the *Laws*.

<sup>2</sup> M. Little, ‘Abortion and the margins of personhood’, *Rutgers Law Journal* 39 (2008), 331–48.

appreciating certain values that are currently unknown to them, or known quite imperfectly.<sup>3</sup>

I argue that the strategy of the preludes is to engage with citizens in a proleptic manner that directs them toward a more mature evaluative outlook. Preambular persuasion is a method of inspiring, suggesting and nudging. It is a kind of reason-giving, but the reasons that the preludes provide are meant to be replaced with *better* reasons whose acquisition requires experience. This is because the purpose of the preludes is not to provide ultimate reasons about the value of virtuous behaviour, but to offer stepping-stones towards these. The preludes push citizens to think more seriously about the ways of life structured by law, but experience provides access to evaluative data that could not be accessed in any other way. While the preludes incorporate a range of persuasive content, I argue that all preambular material can be understood as proleptic engagement.

The paper is structured as follows. In section 2, I survey and critique several prominent interpretations of the preludes. A range of textual evidence is here discussed, as it serves to both support and undermine existing views. I propose my alternative view in section 3. In 3.1, I argue that there is a gap between the reasons for virtuous behaviour given by the preludes, and those that virtuous people grasp by living according to the laws. I show that the former sorts of reasons should be viewed as provisional, and that they are meant to give way to the latter, which are acquired over time and with experience. In 3.2, I compare my view to that of Annas, which I share some common ground with but diverge from in important ways. In 3.3, I discuss the connection between my interpretative thesis and Callard's analysis of proleptic rationality. In 3.4, I discuss the proleptic aspect of early education in Magnesia, and explain how the expectation that young people will achieve diverse levels of ethical maturity supports a proleptic reading of the preludes. In section 4, I show how the idea of proleptic engagement provides a new way of making sense of the tension between the *Laws*' preference for a legislative method that employs preludes, and the claim that the political regime that is simply best is a tyranny of wisdom.

## 2. PERSUASION AND THE PRELUDES: EXISTING VIEWS AND TEXTUAL EVIDENCE

While scholars agree that the preludes incorporate a range of material, there is little agreement about their overall strategy. In this section, I survey and critique several prominent interpretations on this issue, and consider a range of textual evidence along the way.

Bobonich has argued that the preludes persuade rationally, through argument, and that their aim is to provide citizens with good epistemic reasons that justify their beliefs and actions.<sup>4</sup> To support this view, Bobonich appeals to the discussion in Book 4 where the concept of prelude is introduced. There, to show the preferability of a legislative method that incorporates preludes, the Athenian compares legislating with and without preludes to two methods of doctoring. According to the first, the doctor 'neither gives nor receives any account (λόγον) of the particular disease' (720c2–3), but renders a decision based on experience (ἐμπειρία) and hurries off to the next patient. According to the second, the

<sup>3</sup> A. Callard, 'Proleptic reasons', *Oxford Studies in Metaethics* 11 (2016), 129–54; A. Callard, *Aspiration: The Agency of Becoming* (Oxford, 2018), 68–107.

<sup>4</sup> C. Bobonich, 'Persuasion, compulsion, and freedom in Plato's *Laws*', *CQ* 41 (1991), 365–88; C. Bobonich, *Plato's Utopia Recast* (Oxford, 2002), 97–119.

doctor 'investigates the origin (ἀρχῆς) of the disease', having studied its nature (720d2–3). He talks with the patient and his friends, 'learning and imparting instruction (διδάσκει)' (720d4–6), and does not offer a verdict until he has secured the patient's cooperation through persuasion (720d6–e2). This latter method is the right model for legislation, while the former is called the 'worse and more savage alternative' (720e4).

Bobonich also appeals to a later passage that recalls this comparison, where the Athenian describes the preferred method of doctoring as involving the doctor in a situation of educating the patient (857d7–e1), 'using accounts (λόγοι) that come close to philosophizing (φιλοσοφεῖν)' (857d2). The preferred method of doctoring thus involves the combination of a command with persuasion, and Bobonich construes this persuasion as rational. Hence, a legislative method modelled after this should offer citizens rational considerations that explain why certain behaviours are correct and in their best interest. This should bring citizens to embrace the law 'favourably (εὐμενῶς)' and with 'greater understanding (εὐμαθέστερον)' (723a4–5).

A final point of emphasis for Bobonich is the impiety prelude, which takes the form of a conversation between a young atheist and the interlocutors of the dialogue. The interlocutors start by listening to the atheist and his comrades, who issue a request: before telling [us] what to do, first try to 'persuade us, teach us (διδάσκειν) by means of convincing evidence (τεκμήρια λέγοντες ἱκανά)' (885d2–3). Book 10 attempts to meet this challenge with some fairly sophisticated arguments. The interlocutors take it to task to provide 'adequate proofs by means of accounts (ἀποδείξαμεν μετρίως τοῖς λόγοις)' (887a5), and the Athenian proposes to use gentle accounts (πράξι λόγοις) (888a1) to admonish, and at the same time teach (διδάσκειν) (888a2). Certain aspects of this prelude fit well with Bobonich's construal of what the preferred method of legislation involves. For atheists are to be given arguments that lead them to replace their atheism with a theistic perspective, and this is to take place in a conversational exchange with someone who knows better and is willing to teach.

A major shortcoming of Bobonich's analysis is its scope.<sup>5</sup> While there is merit to the evidence he does consider, too much preambular material that does not cohere with his analysis is set aside. For instance, the prelude to the law concerning the murder of a family member (872d7–873a2) tells a myth according to which those who murder a family member will inevitably meet the same end themselves. Additionally, the prelude to the law concerning violence against one's parents (880e6–881b3) simply states that prospective transgressors require an extreme deterrent, and actual transgressors a severe punishment. These statements are meant to persuade, but their persuasive force does not derive from their argumentative force, since there is no argument.

Moreover, it is not clear that the doctor's goal is to make a direct intellectual impact on his patients by offering them rational considerations, as Bobonich supposes. In the first place, what the doctor gives his patients is a λόγος. This can mean argument, but it can also mean account, reason, speech, story, and many other things.<sup>6</sup> By giving patients a λόγος, the doctor is saying something significant—something that is likely to help improve their understanding down the road. But we need not construe this in the strong sense of involving rational considerations or arguments. Neither does the claim that doctors teach or educate imply this. Education is as much a matter of emotional

<sup>5</sup> After quoting the passages on the doctor analogy and selections from the impiety prelude, Bobonich (n. 4 [1991]), 373 says that these are the 'primary texts relevant to Plato's claim that the law should try to persuade the citizens'. But these passages do not give the whole picture.

<sup>6</sup> The LSJ entry on λόγος has over sixty translations under ten main headings.

reorientation as it is intellectual understanding (643c–644a, 653a–c). Educators *qua* educators are not necessarily conveyers of rational content, but agents of improvement quite generally.

Perhaps the portrayal of the doctor in conversation with patients gives the impression that a rational, dialectical exchange is to be sought.<sup>7</sup> But it is plain that the majority of visits to the doctor will not be like this. Most patients need to be informed and encouraged, not reasoned with. Even if the doctor knows the nature and origins of various ailments, it will often be counterproductive to give patients a reasoned explanation of this, since there are more impactful ways to get them to work toward improvement. For the most part, the doctor tells patients what they need to hear to start making meaningful changes once they leave the office. This does not necessitate argument, and it leaves room for the doctor to employ a variety of persuasive techniques that might impact people in unique ways. The impiety prelude does include explicit argumentation, but this is the exception rather than the rule. While we should not give up the idea that the preludes play a key role in the intellectual improvement of citizens, we should not expect the preludes themselves to do all or even most of the work towards this end.<sup>8</sup>

Morrow offers a more moderate proposal.<sup>9</sup> According to him, while the preludes involve a mixture of reasoned considerations and emotionally impactful material, this mixture tends away from the rational. For what Morrow calls ‘the tragedy of Plato’ is that in the *Laws*, the balance between reason and morality involves ‘the victory of morality and the suppression of reason’.<sup>10</sup> Getting the citizens to act and feel in the ways required by law is a greater goal than getting them to achieve a mature understanding of things, and this is reflected in the way the preludes operate. Morrow’s stance has been defended by Stalley, in response to Bobonich’s optimism.<sup>11</sup> According to him, the preludes contain no rational justification in the sense that approximates philosophical grounding. They rely largely on ‘unargued assertions and appeals to conventional morality’, and have the general character of ‘conventional sermons’.<sup>12</sup> Stalley cites the marriage prelude as evidence (721b6–d6):

A man shall marry when he is thirty years old and under thirty-five, bearing in mind that this is the way by which the human race, by nature’s ordinance, shares in immortality, a thing for which nature has implanted in everyone a keen desire. The desire to win glory, instead of lying in a nameless grave, aims at a like object. Thus mankind is by nature coeval with the whole of time, in that it accompanies it continually both now and in the future; and the means by which it is immortal is this: by leaving behind its children’s children and continuing ever one and the same, it thus by reproduction shares in immortality. That a man should deprive himself thereof voluntarily is never an act of holiness; and he who denies himself wife and children is guilty of such intentional deprivation. He who obeys the law may be dismissed without penalty, but he that

<sup>7</sup> This marks a disanalogy. The legislator does not converse with citizens—the laws and preludes are written down and read (890e6–891a7).

<sup>8</sup> The section of the impiety prelude at 892d2–893a7 is also an issue for Bobonich. Here the Athenian proposes to leave the interlocutors behind in conversation and question himself. It is clear that Clinias and Megillus do not follow. This suggests that reasoned argument of the kind Bobonich takes to be standard—where citizens are taken in as active participants—is not always to be sought, even for the crucial issue of impious beliefs.

<sup>9</sup> G. Morrow, ‘Plato’s conception of persuasion’, *PhR* 62 (1953), 234–50, and G. Morrow, *Plato’s Cretan City: A Historical Interpretation of the Laws* (Princeton, 1960), 553–60.

<sup>10</sup> Morrow (n. 9 [1953]), 244.

<sup>11</sup> R.F. Stalley, ‘Persuasion in Plato’s *Laws*’, *HPhTh* 15 (1994), 157–77, expanding on R.F. Stalley, *An Introduction to Plato’s Laws* (Indianapolis, 1983), 42–4.

<sup>12</sup> Stalley (n. 11 [1994]), 173.

disobeys and does not marry when thirty-five years old shall pay a yearly fine of such and such an amount, lest he imagine that single life brings him gain and ease, and he shall have no share in the honours which are paid from time to time by the younger men in the State to their seniors.

If one can call this an argument, according to Stalley, it is 'embarrassingly bad'.<sup>13</sup> It connects the desire for immortality to a law about the age of marriage, but it makes no attempt to justify that everyone has this desire, or that they should act on it, or that all this requires marriage after thirty but before thirty-five. It is a mix of assertion, exhortation and emotionally arousing material, and this represents the procedure of the preludes more generally. Here the goal is not so much to enhance understanding, but to secure compliance.

While this view is desirable at an intuitive level, it does not adequately explain how legislation contributes to *virtue*, rather than making citizens mindlessly conform to the dictates of law.<sup>14</sup> The ultimate aim of the laws is promoting virtue (630c3–4, 688a5–b4, 705d1–e1, 963a1–10), and virtue is incompatible with mindlessly doing what one is told. Good habits need to be reinforced with φρόνησις (653a7) or νοῦς (631d5, 632c6, 644a4)—leader of divine goods that gives direction to the rest (631c5–d6).<sup>15</sup> Moreover, Plato frequently says that virtue involves grasping various λόγοι (653b1–6, 659c9–e1, 696c8–9, 835e2–5), and there are passages that suggest the preludes convey these to citizens (720c2–3, 857d2).<sup>16</sup> Even if the relevant λόγοι are not to be construed as arguments or as conveying rational content, as I have argued, Plato is clear that these are in the service of fostering greater understanding (723a4–7), even if this does not occur just by grasping them. The claim that the preludes produce a well-habilitated citizenry but do not aid or improve the understanding relevant to virtue fails to do justice to these claims. While it is unlikely that the preludes directly promote the understanding in question, we should still try to see how the content they convey is in the service of this end.

A final proposal I consider is that of Laks.<sup>17</sup> On his view, the passages on the doctor analogy and the impiety prelude are a kind of 'legislative utopia'. They present an idealized account of legislation that seeks to eliminate the directive component of the law, and replace it with rational discussion. But such a procedure is a practical fantasy, for human nature is not so malleable by such means. Legislative utopia overestimates the ability of the average citizen to be impacted through reason. As such, the directive component of the law must always remain, and the preambular component will involve much less than reasoned considerations, often just praise and blame. If Laks is right, Bobonich's view is more utopian than realistic, and it is not carried out in the *Laws*. Morrow and Stalley are closer to the truth, and their views capture what is going on with the actual preludes.

<sup>13</sup> Stalley (n. 11 [1994]), 171.

<sup>14</sup> Stalley (n. 11 [1983]), 184 speaks of the *Laws*' 'conformist conception of virtue'.

<sup>15</sup> Even if δόξα is sufficient for virtue (653a5–c4, 688a5–b4), this is still incompatible with mindless adherence to the laws.

<sup>16</sup> An explanatory construal of the λόγος involved in virtue is defended by J. Moss, 'Right reason in Plato and Aristotle: on the meaning of *logos*', *Phronesis* 59 (2014), 181–230. See also 951a7–b4, where it is said that the laws must be grasped with understanding (γνώμη), not only habit (ἔθεσις).

<sup>17</sup> A. Laks, 'L'utopie législative de Platon', *RPhilos* 4 (1991), 417–28; A. Laks, 'The *Laws*', in C. Rowe and M. Schofield (edd.), *The Cambridge History of Greek and Roman Political Thought* (Cambridge, 2000), 258–92; A. Laks, *Plato's Second Republic: An Essay on his Laws* (Princeton, 2022), especially 107–23.

On certain issues, Plato explicitly notes the distance between what would be ideal, and what is to be expected or allowed in Magnesia. For instance, he claims that while the best city would hold everything in common (739b–d), Magnesia will not, ‘since that is asking too much of the birth, upbringing and education we can take for granted’ (739e8–740a2). He also says that while an ideal form of rule would give absolute power to a truly wise individual who is not disposed to corruption (874e–875d), since no such person exists, Magnesia ‘must opt for what is second-best: regulation and law’ (875d3–4). One can construe Laks’s contrast between legislative utopia and what we get in actual preludes as an exemplification of this general theme, where the preludes are a retreat from the ideal, due to considerations of practicality or realism.

The problem here is that Plato never juxtaposes the doctor analogy and the impiety prelude with the rest of the preludes in this way. But if Laks were right, we should expect Plato to do this, given how enthusiastic he is to spell out the distance between what would be best and what will actually occur in Magnesia in the other cases just mentioned. While there do seem to be some differences between the passages Laks views as utopian and realistic, given the lack of textual evidence to suggest that Plato wishes to construe virtually all of the preludes as a deviation from the ideal, we should try to see what Laks construes as utopian and realistic as being part of one and the same project.

### 3. PREAMBULAR PERSUASION AS PROLEPTIC ENGAGEMENT

In this section, I provide a new interpretation of the strategy of the preludes, which centrally involves the idea that they serve a proleptic function. I sketch the main line of this interpretation in 3.1. In 3.2, I compare my interpretation to that of Annas. I connect my interpretative thesis with Callard’s analysis of proleptic rationality in 3.3. The section concludes in 3.4 with a discussion of the proleptic aspect of early education in Magnesia, and how the expectation that young people will achieve diverse levels of ethical maturity supports a proleptic reading of the preludes.

#### *3.1. Provisional and proleptic aspects of preambular content*

Central to my view is that the reasons conveyed in the preludes concerning the value of virtuous behaviour are provisional. They are starting points, and they are meant to give way to better reasons whose acquisition requires experience. Moreover, I argue that the preludes serve a proleptic function, in so far as they help citizens grasp these better reasons through their own actions. Thus, although the preludes do not provide ultimate, eudaimonistic reasons, they play a crucial role in helping citizens learn to appreciate these sorts of reasons for themselves.

To start, it is important to recognize that there is a gap between the reasons for virtuous behaviour given by the preludes, and those that we would expect maturely virtuous people to acquire through experience. Consider the marriage prelude. As we have seen, it draws heavily on the idea that citizens can satisfy their desire for immortality if they engage in procreative activity, in the context of marriage, at the age specified in the law. It informs citizens about a range of things, but the leading consideration it provides for acting as the law requires is that in doing so one can satisfy a particular desire. Pangle

says that the prelude 'evokes the sublimely selfish, natural longing for immortality and invites [the citizen] to satisfy that longing ... [it] encourages him to use his family as the instrument for his own fulfillment'.<sup>18</sup>

The truth in this harsh assessment is that the marriage prelude does depend a great deal on a self-regarding reason in its attempt to justify the law's command and motivate right action. But we should expect that a more mature virtuous person, looking back on their choice to obey the marriage law, would appeal to better reasons to explain their choice. There are the other-regarding considerations about the family and the persistence of the species, which may be viewed alongside the idea that one should devote their soul to their family (717c). Above all, however, is the idea that living virtuously is intimately connected with living happily (631b3–632d7, 718a3–b5, 734d4–e2, 828d5–829b2, 858d6–9). A truly virtuous person would need no further reason to explain their virtuous actions once they see that these are central to happiness.

The relationship between the reasons given in the prelude and the ultimate, eudaimonistic reasons that can be acquired through experience, I suggest, is that in proleptic fashion, the former guide citizens toward the latter. The prelude does this not just by securing correct behaviour (the law alone can do that), but by offering citizens considerations that are immediately relevant and that spark their interest, making them more ready to learn. One cannot really appreciate that the behaviours required by the marriage law are part of their happiness when they are young and have not given marriage much thought. This is something they must discover. What the prelude does is nudge, orient and encourage. This is what the talk of immortality and earning a share of it through marriage and procreation is doing. But once one has been married for some time, had children and continues to engage in all the activities that are appropriate for a parent and spouse to engage in, the desire for immortality is unlikely to play much of a motivational or justificatory role. For they have come to see that acting as the law requires promotes their happiness, and they continue to do the actions of a parent and spouse for these reasons. The considerations provided by the prelude are thus provisional and proleptic—they offer citizens what they need to hear to get them going toward a more mature evaluative outlook.

Consider also the prelude to the hunting laws (823d7–824a9), which forbids the pursuit of various animals and the use of certain techniques and equipment. It ultimately permits the pursuit of four-legged land animals, and allows for horses and dogs to assist one in the pursuit. In favour of these regulations, the prelude offers a general praise of the correct practices. Near its end, however, the prelude appeals to the evaluative condition of those who hunt as the law prescribes, claiming that 'these are the ones who hunt with their own hands, and who care about the courage which comes from the gods' (824a8–9). The prelude thus appeals to a frame of reference that is inaccessible to those who do not have experience in hunting. There is something it is *like* to hunt in such a way that prioritizes courage. But the beginner cannot yet know this. They must take it on trust that with time and experience, this might eventually be the sort of thing that will justify their continued choice to hunt within the boundaries set by law.

Here again there is a gap between the reasons that might initially get one to engage in some activity lawfully, and the reasons that someone with experience would appeal to in explaining their continued choice to engage in that activity. Unlike the marriage prelude, however, here the idea is not so much that one acquires an entirely new reason, but a transformed appreciation of the initial one. If one were to ask a beginner and a more

<sup>18</sup> Pangle (n. 1), 448.



experienced person why they hunt according to the law, both might appeal to the importance of courageous action. But the beginner is just repeating what they have been told. By contrast, when this same explanation comes from someone with experience, it reflects a more mature understanding of what it *means* to care about hunting in a way that cultivates courage. The beginner can grow into this, and the prelude encourages them to do so by giving them a model to work toward.

Consider three preludes together: (1) that concerning the murder of a family member (872d7–873a2), (2) that concerning voluntary homicide (870a1–871a1) and (3) that concerning the robbery of temples (854b1–c5). In the first, as we have seen, the reason for why one ought to refrain from such behaviour is self-regarding: if one kills their father, say, they will later die at the hands of their children. The second makes a similar appeal, claiming more generally that anyone who murders another person voluntarily will later meet that same end. The third encourages prospective offenders to take seriously the idea that they are suffering from a disease that is causing them to consider lawlessness. It suggests that one takes extensive remedial efforts, and if these are to no avail, the recommended course of action is suicide.

In each of these cases, it is clear that there are better reasons to act lawfully than those that are conveyed in the preludes. It is also clear that those who are ethically mature can acquire these reasons through experience, and that they would appeal to these reasons to explain their actions. But what these examples help us see particularly well is how a proper appreciation of the best sorts of reasons may be the result of a series of provisional reasons continually giving way to better ones. For example, a prospective murderer who initially refrains from killing by reflecting on the undesirability of being killed may later refrain by realizing that they are morally sick, and forming a desire to improve. They may then continue to refrain by learning about their disease—appreciating the psychic causes of voluntary homicide, for instance, that are included in the relevant prelude. The *best* sort of reason that I have been referring to—that living virtuously is central to living happily—is still far from being integrated into their psychic system. Perhaps the span of a life is too short for them to progress that far, given their starting point. The point is that the provisionality that I have suggested is central to the overall strategy of the preludes can also apply at various stages of development. Exactly how this goes will depend on where one begins, cognitively, affectively and motivationally.<sup>19</sup>

Even the impiety prelude can be understood along these lines, in so far as it anticipates that auditors will attain a better appreciation of the arguments it provides through their own investigative efforts. Near the end of the opening address to the atheist, the Athenian says:

If you should be persuaded by me, you'll wait until you have a doctrine about these matters that has become as clear as it can be, and meanwhile you will investigate (ἀνασκοπῶν) whether things are thus or otherwise, and will inquire from others, especially the lawgiver. In the meantime, do not dare to do anything impious concerning the gods (888c8–d3).

<sup>19</sup> As one improves, although the reasons they have grown out of may no longer be crucial to motivate right action and stimulate progress, they remain in one's psychic system. And it is important that they do, for one might not always have access to the better reasons. For example, if someone has just come to appreciate that it is good to not be a thief, but they experience a strong impulse to steal, the presence of a cruder reason they have fully grasped will ensure that they do not act wrongly. In cases like this, the cruder reason secures right action as the more mature reason becomes more entrenched. That human nature is weak in this way is one of the lessons of the Puppets Passage (644c6–645c6).



Obviously, the arguments given in the impiety prelude are not meant to be discarded. The idea here is rather that the truth of these will become clearer over time, provided that one makes investigative efforts to better understand things themselves, which the prelude encourages the atheist to do.<sup>20</sup>

At this point one might wonder whether it is appropriate for the preludes to lie, assuming that lying can serve a proleptic function.<sup>21</sup> The Athenian considers the usefulness of lying (663d6–664a8), but he does not endorse it, and he never proposes to use lies when articulating laws. While it is true that there are some eyebrow-raising ideas in the laws-code—for instance, that robbery will lead to infertility (913c1–3), and that those who commit involuntary homicide will be haunted by the ghost of their victim (865d5–e6)—the Athenian never suggests that these are lies, nor does he indicate that legislation should generate false but useful beliefs. In the absence of a proof text, the most plausible thing to say here is that as a rule, the preludes should not convey what is false if they can function proleptically otherwise. But if it turns out that some variety of untruth is absolutely necessary, this should be given to citizens in view of their not believing it once and for all. In other words, any untruth should be designed to encourage progress towards the truth. So, while lying may be conceptually consistent with proleptic engagement, it is not to be recommended, and it does not seem to be a feature of Plato's view.

Though I have discussed a selection of preambular material, I believe that a more extensive discussion would reveal that my analysis captures the general strategy of all the preludes. I now offer a general consideration in favour of my view. If my arguments about the provisional and proleptic aspects of the preludes are rejected, then there is a sense in which the reasons conveyed in the preludes just are the reasons that Plato hopes excellent citizens will internalize and go on to live in accordance with. But in many cases this would be absurd. For it would be ridiculous to suppose that citizens are *always* to think that the reason for getting married and having children is to secure a share of immortality, or that the reason to refrain from killing one's parents is so that one's future children will not kill them. Engaging in procreative activity in the context of marriage is part of what makes a life go well, even if (counterfactually) no share of immortality is conferred to those who do so. And refusing to entertain murderous thoughts just is a good way to be, regardless of whatever kind of death one might avoid by not being a murderer. These are not ideas that are explicit in the preludes. They are things that one learns from living. In short, to reject the view that I have proposed is to fail to notice that maturely virtuous persons should really outgrow the reasons provided in the preludes, and that helping citizens do so is part of how the preludes work. It is also to view Magnesians as rather complacent, uncurious and dull. I do not think that this is Plato's view of what excellent legislation does, or of what it means to be an excellent citizen.

<sup>20</sup> As E.B. England, *The Laws of Plato* (Manchester, 1921), 2.452 notes in his comment on 888c9, 'the time of waiting for enlightenment (during which no impiety is to be committed) is to be spent in investigation.' Cf. R. Mayhew, *Plato: Laws 10* (Oxford, 2008), 74–6.

<sup>21</sup> In a more charitable renewal of the view given by K. Popper, *The Open Society and its Enemies* (Princeton, 1945), N. Baima, 'Persuasion, compulsion, and motivating reason in Plato's *Laws*', *HPhQ* 33 (2016), 117–34 argues that it is normal for the preludes to lie.

### 3.2. *Comparison with Annas*

I now compare my view to that of Annas, which I share some common ground with but diverge from in important ways.<sup>22</sup> According to Annas, the preludes shape the evaluative outlook of citizens by revealing the ideals that lawful action embodies. When citizens become aware of these ideals, they appreciate that following the law is the way to become better and more virtuous. As Annas often puts it, the preludes get the citizens to ‘aspire to an ideal’ of living. I agree that the preludes shape the evaluative outlook of citizens and inspire aspiration. Where Annas and I differ concerns the gap between the reasons for virtuous behaviour given in the preludes and those that come through experience. While I have argued that there is some distance here (often quite a lot), for Annas this gap is either razor-thin or non-existent, since she takes the content of the preludes to be much more evaluatively robust than I do. As a result, she does not seem to think that there is a point when these reasons need to be transformed or replaced by those acquired through experience.

For instance, Annas suggests that while someone who is given the marriage law without the prelude might comply disagreeably and from a sense of obligation, someone who is given the prelude will comply voluntarily, seeing the prescribed action as ‘part of what he understands as living well’, while also viewing those who do not comply as ‘lacking an appreciation for what makes a citizen’s life a good one’.<sup>23</sup> But the connection between acting as the marriage law requires and living well is not something the prelude spells out, nor is it something one can simply infer from what the prelude does say. This is something that one can discover by acting as the law requires, but this will require time and experience. The evaluative outlook of the prospective spouse as Annas has described them is much further along, developmentally speaking, than someone who has just internalized the content of the prelude. It seems that the right thing to say here is that the prelude encourages citizens to aspire to an ideal that is dynamic—it only makes sense in the context of one’s life as it unfolds.

A similar thing can be said about the hunting prelude. On Annas’s view, a person who is given this prelude will come to see hunting as

a means of pursuing and killing animals in a way which involves the hunter’s own strength and skill, and so cultivates ‘divine courage’—that is, courage which is part of a life lived overall in a virtuous way . . . Hunting so understood is part of the virtue which a citizen must practice to achieve.<sup>24</sup>

But here again, we should not expect that just by being given the prelude, citizens will be able to appreciate the considerations it appeals to, or understand what it is like to engage in the activity in a way that prioritizes courage. As I have argued, part of the strategy here is to appeal to a frame of reference that is inaccessible to those who lack experience, and encourage them to act in ways that will give them access to this frame of reference. The dynamic aspect of the ideal set out in the prelude should be stressed here as well. The mature hunter does not have an entirely different reason for engaging in the activity compared to the beginner, but his understanding of the reasons given by law is radically different than the beginner’s, since it is reinforced through experience, and it is not something whose value he needs to take on trust.

<sup>22</sup> J. Annas, ‘Virtue and law in Plato’, in C. Bobonich (ed.), *Plato’s Laws: A Critical Guide* (Cambridge, 2010), 71–91; J. Annas, *Virtue and Law in Plato and Beyond* (Oxford, 2017).

<sup>23</sup> Annas (n. 22 [2010]), 85–6.

<sup>24</sup> Annas (n. 22 [2017]), 98.

If moral development can be likened to a journey, Annas's view suggests that grasping the content of the preludes is part of the final push to advanced stages. By contrast, I have argued that this is better thought of as first steps. The preludes get people going, but they are stepping-stones on the front end, while repeated experience in the virtuous acts required by law is what ultimately leads to moral maturity.

### 3.3. *A contemporary analogy*

I now draw some connections between my interpretative thesis and Callard's analysis of proleptic rationality. According to Callard, 'large-scale transformative pursuits'—moving to a foreign country, adopting a child, becoming a painter, philosopher or getting married (Callard's examples)—present us with a puzzle:

They require us to act on reasons that reflect a grasp of the value we are working so hard and so long to come into contact with, but we can know that value only once we have come into contact with it.<sup>25</sup>

In other words, those who are just beginning at some large-scale transformative pursuit cannot appreciate the value associated with the end of their pursuit. And yet to rationalize actions that are for the sake of appreciating this value, they must have reasons that are in some way connected with this value. Proleptic reasons, Callard argues, are just the sorts of reasons that can fill this role. These reasons are provisional 'in a way that reflects the provisionality of the agent's own knowledge and development: her inchoate, anticipatory, and indirect grasp of some good she is trying to know better'.<sup>26</sup> People who employ these reasons work with what they have to progress toward their goal, while remaining aware that their idea of what it will be like to succeed is not exactly on target.

For example, we often appeal to the rationally held beliefs of others when we lack knowledge or expertise in a given domain. In doing so, we make use of what Callard calls testimonial reasons. But while some people have no desire to understand things from the perspective of the authority whose testimony they invoke, proleptic reasoners do. And for them it is important that the testimonial element of their reason eventually drops out. As Callard suggests, this element is degenerative: 'the present legitimacy and authority of the mentor's voice is conditioned on—indeed, anticipates—its gradual evanescence'.<sup>27</sup>

Callard also discusses approximating reasons, which are at work when one is clarifying or sharpening their appreciation of some value through a series of progressive steps. Callard gives the example of a student in a musical appreciation class approximating values that take them from something they know and like to something unfamiliar, but that is worth trying to appreciate. Callard imagines that one might come to appreciate Bach, for instance, by progressing from Taylor Swift to the Beatles, and then to Rogers and Hammerstein, Gilbert and Sullivan, Puccini, Mozart and then finally to Bach.<sup>28</sup> Throughout this process, the approximating values closer to the start become less relevant for the proleptic reasoner, since what they were after all along is coming into view.

This is a useful lens through which to view the preludes in the *Laws*. Like Callard's analysis of proleptic rationality, I have stressed the aspirational aspect of the preludes,

<sup>25</sup> Callard (n. 3 [2016]), 134.

<sup>26</sup> Callard (n. 3 [2016]), 132.

<sup>27</sup> Callard (n. 3 [2016]), 138.

<sup>28</sup> Callard (n. 3 [2016]), 141–2.

and especially their status as provisional or as stand-ins for those reasons that come through experience. Moreover, some of the preludes I have discussed fit well with Callard's diagnosis of proleptically testimonial and approximating reasons. For example, the hunting prelude requires that citizens take it on testimony that there is a value they can access by hunting in a certain way, and many of the preludes are likely to involve proleptic approximation, given the distance between the reasons they provide and those accessible through experience. As Taylor Swift is to Bach for the student striving to appreciate late baroque composition, reasons of self-interest, desire-satisfaction or deterrence are to ultimate reasons for virtuous behaviour in Magnesia. The preludes engage with citizens in a way that sparks their interest, stimulates their aspiration and anticipates their improvement. And the whole project of the *Laws* treats what is perhaps the largest of large-scale transformative pursuits—the project of learning to be good.<sup>29</sup>

### 3.4. *Proleptic engagement in early education*

I have argued that the strategy of the preludes is to engage with citizens proleptically, in an effort to guide them to a more mature evaluative outlook. This implies that proleptic engagement in the preludes is educative. I shall now like to suggest that proleptic engagement is also a feature of the education given to the young in Magnesia. At 653a5–c4, the Athenian claims that education is the 'virtue that first develops in children' (653b1–2), when pleasure, pain, love and hatred 'arise rightly' (653b3) in the souls of those who are not yet able to reason. When the child does become capable of reasoning, they can affirm that their passions have been rightly habituated. This harmonious relationship between reason and passion is virtue, while the part that is concerned with the training of passion is education (653b6–4).<sup>30</sup>

This is strong textual evidence to suggest that the Athenian subscribes to something like proleptic engagement in education. For all the training given to the young that comes under the heading 'education' is designed to help them to grow into a more mature developmental stage, where they can affirm that their passions have been rightly habituated. And the idea here is not simply that the training of passion should precede the training of reason, but that the former is a way of making the latter more likely to succeed.

For example, a child cannot appreciate the value of fairness and cooperation, and yet when they are young, it is not appropriate to teach about these through reason. Rather, the focus is to get the child to enjoy acting fairly and cooperatively, and to be pained by the very thought of selfishness. The aim is to promote the right patterns of action and feeling before the growth of reason, so that when reason comes, the child is already predisposed to virtue. The idea, then, is that the developing adolescent will be more likely to rationally endorse the right things if the child within them is already in the habit of doing and enjoying moral behaviour. In this moment between childhood and maturity, the adolescent is not fully virtuous. They need to understand the true value of fairness and cooperation, and the laws and preludes will aid them in this process, as will their own personal experience. But they have made a start, thanks to their being rightly educated.

<sup>29</sup> Callard's arguments should be compared with the account of virtue in J. Annas, *Intelligent Virtue* (Oxford, 2011), 16–51, where stress is laid on the 'need to learn' and the 'drive to aspire'.

<sup>30</sup> See also 643a–644a, where education is described as the affective training of the young toward their future pursuits, the most important of which are the activities of virtue.

In so far as early education directs the young so that they are better equipped to grow into moral maturity, it is operating in a proleptic manner.

Furthermore, the expectation that young people will achieve diverse levels of ethical maturity lends itself to a proleptic reading of the preludes. For if the preludes are to make an impact on the citizenry at large, they must be able to inform and motivate a range of characters who come to thinking about the preludes after having achieved different levels of youthful virtue. I have suggested that we view the preludes as stepping-stones. Given that the young will arrive at these stepping-stones with unique strengths and weaknesses of character, in order for the preludes to help these people depart to various stepping-stones downstream (that is, advanced stages of moral maturity) they must be crafted in such a way to inspire the progress of persons with unique motivational tendencies. As I have argued, this is precisely what the proleptic aspect of the preludes aspires to achieve.<sup>31</sup>

#### 4. FROM TYRANNICAL DIRECTIVES TO GENTLE PERSUASION

In this concluding section, I argue that the idea of proleptic engagement provides a new way of making sense of the tension between the preference for a legislative method that employs preludes, and the idea that the best political regime is a tyranny of wisdom. The tension can be framed as follows. As we have seen, the preferred legislative method in the *Laws* proceeds gently with the citizens, and centrally involves persuasion in addition to compulsion—this is what the preludes add to the directive aspect of the laws. The dispreferred method is criticized for its embrace of the opposite approach, where violent, tyrannical directives are employed in the absence of a persuasive element (720c–d, 722e–723a). And yet the best political regime is one where a wise lawgiver is allied with a well-behaved tyrant—a kind of tyranny of wisdom (709e–712a, 713a3–4, cf. 627e–628a with 735d3–e5). This sort of regime is exemplified in the myth of the Age of Cronus, where the ordinances of wisdom are given to humans by guardian spirits—a more godlike, superior species—and humans obey unquestioningly in a manner that reminds of herd animals (713a–714b). Here there is no requirement for the superior to persuade the inferior, and it is precisely in virtue of their superlative obedience that humans are most benefitted. If we carry this idea over to the doctor analogy, it seems that so long as the legislator is wise and can expect subjects to obey their commands, it is perfectly appropriate to use compulsion unmixed with persuasion. But this how the Athenian describes the dispreferred method. Hence the tension.

So why is the preferred method preferred, given that an application of the best regime to the doctor analogy points to the preferability of the dispreferred method? It cannot be that compulsion or the lack of freedom are intrinsically undesirable, since the discussion of the best regime is clear that if bare directives issue from a wise source and subjects can be expected to obey, this would be ideal, even if this eliminates freedom and persuasion.<sup>32</sup> Nor can it be that the directive aspect of Magnesian law is not an ordinance

<sup>31</sup> The proleptic character of the preludes and the importance of experience also implies that the culmination of moral development will differ amongst people. That Plato recognizes diverse forms of virtue is discussed in R. Kraut, 'Ordinary virtue from the *Phaedo* to the *Laws*', in C. Bobonich (ed.), *Plato's Laws: A Critical Guide* (Cambridge, 2010), 51–70.

<sup>32</sup> It is sometimes thought that compulsion or the lack of freedom are intrinsically undesirable, and that the preludes are an attempt to rise above the violence of legal commands that brook no quarter. See Bobonich (n. 4 [1991]), 381–8; R.W. Hall, *Plato* (London, 1981), 89; and Pangle (n. 1), 447.

of wisdom—clearly it is (for example, 713e–714a). The answer, I suggest, is that compulsion and the lack of freedom are *conditionally* undesirable. The condition that makes these undesirable in Magnesia is a fact about humans—namely, that they cannot be expected to obey the ordinances of wisdom if these are given as a command, unmixed with persuasion. In other words, if humans were capable of perfect obedience to wise commands, something like the dispreferred method would be appropriate. But since they are not, the preferred method is required. In Magnesia, unlike in the Age of Cronus, the unwise cannot simply be told what to do. Here, if wisdom is to be authoritative, it needs to be diluted. This fact about humans needs to be taken seriously. Otherwise, people will not listen to wise counsel at all.

The idea of proleptic engagement that I have argued is central to the preludes is just the sort of thing that can provide an appropriately diluted form of wisdom. For prolepsis highlights the sense in which persuasion between parties of unequal knowledge must initially make use of reasons that are imprecise and digestible, which is necessary given the limitations of the persuaded party. If the law proper is an ordinance of wisdom articulating the political good, as the Athenian suggests, morally mature persons who know the good and have experienced it in their own lives will not need to be persuaded. Here the preludes become redundant, just as one no longer needs the aid of a particular stepping-stone when they have made it to the other side. But the preludes are imperative for bringing people to a developmental stage when they will no longer need them.

The reason why the preferred legislative method is preferred, then, is because it respects the fact that human nature is such as to resist perfect obedience to bare commands, even those that issue from the wise. One may here be led to see the preludes as making concessions to human nature. But if the *Laws* has the right view of human nature, one can see the preludes as aspirations given a certain floor—the floor of reality. This is fallback from the authoritarian rule of wisdom, but if that sort of regime is incompatible with human nature, the regime that the preludes are part of can be seen as best humanly possible.<sup>33</sup>

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<sup>33</sup> I here set aside the connection with the *Republic*. For an argument in favour of the idea that the *Republic*'s institutions are feasible because they are consistent with human nature, see M. Burnyeat, 'Utopia and fantasy: the practicability of Plato's ideally just city', in J. Hopkins and A. Savile (edd.), *Psychoanalysis, Mind, and Art: Perspectives on Richard Wollheim* (Oxford, 1992), 175–87. For criticisms and discussion, see Annas (n. 22 [2017]), 9–31.