

Politics as Parody: The Issue of Law in Plato's *Minos*

Abstract

Discussion of Plato's *Minos* tends to center around the specific legal question the dialogue raises, "what is law?" These readings do not do justice to the dramatic movement of the dialogue and as a result they fail to comprehend the specific relevance of the question at hand. Attention to the unnamed Socratic companion and the mythical character who occupies at least one third of the dialogue indicates "what is law?" cannot be treated with the same formal rigor that dialectic might sometimes imply. Rather, these elements point to a limit which seems to define both politics and philosophy. Politics mimics philosophy and can be taken as a pale imitation of philosophy. However thoroughly philosophic method may be able to examine law, nevertheless it cannot provide the necessary basis for law. We find that this impasse dictates Socrates' turn to the myth of Minos. The foundation of law in myth does not entail a discrediting of law; rather, it exposes the need for a serious consideration of myth as such.

The purport of the dialogue: politics is a parody of philosophy. This does not mean things constitutive of politics are base and unworthy of serious treatment. Socrates works to make his interlocutor more respectful of law despite its coming from a democratic, changeable will. Nor does it depend on a romanticized notion of philosophy as the apprehension of truth. Does not one who seeks wisdom wish to discover “what is?”

The principal secondary literature on this theme includes Strauss (1968), Bruell (1999), and Lewis (2006). Of these three, only Lewis explicitly engages it, but his engagement is in the context of issues such as positivism and natural law.¹ In other words, his primary concern is a philosophical account of law. It is more difficult to precisely elaborate Strauss’ and Bruell’s positions. Strauss’ primary concern seems to be the movement of the dialogue from “what is law?” to lawmaking as an art. How did law become a matter of knowledge? What does it mean to know law? Bruell places initial emphasis on the opposition of love of gain to law itself.² Love of gain implies lawless tyranny; laws simply seem to be a restraint. Bruell’s observations lead up to the full significance of distribution as an art. It would be a type of knowledge that yields the good for body and soul. (Whether such knowledge makes people just may be an entirely different concern.)

The *Minos* contains a teaching about what philosophy is through what it is not. Attention must be paid to the drama of the dialogue, which ironically is a twofold

¹ Lewis, V. Bradley. “‘Plato’s *Minos*:’ the Political and Philosophical Context of the Problem of Natural Right” in *The Review of Metaphysics* (60), 27-28

² Bruell, Christopher. *On the Socratic Education: an introduction to the shorter Platonic dialogues* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1987), 7

proposition. In the first place, Socrates does not have a dialogue with a perfectly rational mind. He speaks with a companion who has a specific character with specific desires and prejudices. Second, about one third of the dialogue is a treatment of the myth of Minos, an ancient lawgiver introduced problematically by Attic tragedy. The procedure of this paper will be to tend to the dramatic elements of the *Minos* via an examination of its structure and an analysis of Socrates' interlocutor, the companion. These components lay the groundwork for our treatment of the myth of Minos.

OVERVIEW OF THE DIALOGUE

The dialogue can be divided into three sections. The first section begins with Socrates asking an unnamed companion "What is law, for us?" Socrates emphasizes that this is a theoretical inquiry, not so much a practical one. The companion is led to consider whether lawmaking is a faculty, not unlike sight or speaking. Eventually he concludes that law is the "official opinion" of the city. Socrates transforms this into "political opinion." After declaring that laws cannot be wicked yet the opinions of the city can be very wicked, he arrives at the conclusion that *law is the wishing to be the discovery of what is*.

Immediately this is challenged by the companion, who repeats Socrates' formulation but drops "wishing to be." Law is simply not the discovery of what is since burial customs and the legality of human sacrifice among peoples differ. In fact, burial customs among the Athenians themselves have differed from time to time. This complaint of the companion's ties the first and last thirds of the dialogue together. The companion does not mention that human sacrifice itself was a legendary practice among the Athenians. Furthermore, inasmuch Athens prosecutes a war of any sort, it

is asking for human sacrifices of a sort.³ Later, he is confronted with the ancient king Minos, who was accused of sacrificing people.

Socrates dismisses the companion's argument about different people having different laws and instead conducts a more typical Socratic investigation. The dialogue's center, the second part, begins with a focus on how what is law comes about. In a rapid-fire exchange, he and the companion conclude that everyone everywhere *believes* the same things about what is just and unjust, what weighs more or less, what is noble and shameful. Errors about being are therefore errors about what is legal (316b). The companion refuses to accept this conclusion as it is manifestly ludicrous. Our attention is drawn to the Gk. *nomizo*, which can mean "to believe," "lawfully accept," "deem," "hold" [as in belief or custom]. The word may not explicitly mean "to think," but it is impossible to investigate what people justify as conventional and not conclude something about what they think.

The companion declares that Athens continually changes the laws and therefore he cannot accept Socrates' demonstration. This leads to the very center of the dialogue. Those who are expert at an art, who are knowers and utilize a body of knowledge, write down "laws" for their art. Thus laws are political writings. Kingly law, most likely written down, is correct for a city and law is the discovery of what is. The companion consents and Socrates goes further. He concludes the center of the dialogue by describing the king as a distributor of laws for the human soul. That distribution, as Strauss points out, is most likely *unwritten*.

The *Minos* ascends to the simple conclusion that law is the discovery of what is and rapidly unravels. The identification of law with the discovery of what is makes

3 Lewis, 30 & 34

politics the search for wisdom, if not the actual holding of all wisdom. “Unwritten” is probably the first clue that political truths may not be worth writing down for the ages. The last third concerns the myth of *Minos*, an ancient lawgiver educated by Zeus in a fashion reminiscent of Socratic encounters. The closeness and distance of philosophy and politics make sorting through the details of that myth a treacherous project. We require more background on who Socrates is addressing.

THE PROBLEM OF THE COMPANION

The companion (*hetairos*) is one of the few interlocutors in the Platonic corpus without a name. It could be that this character represents one type of man who embodies a particular quality, as the noble companion of the *Hipparchus*. Is he simply opposed to that other companion as a ‘lawless’ type? Or is the companion representative of his age, the age of Pericles? There are two ways of understanding the companion: who he may be historically and who he is as he reveals himself as the drama unfolds.

A. An attempt to situate the companion historically

Unlike those in which Socrates engages famous personalities, this dialogue is devoid of historical information about his interlocutor. This interlocutor is most likely a member of Athens around the time of Pericles, as Socrates was. The companion questions law just as Pericles himself had a questionable relation to the city’s law.⁴ The latter made his funeral oration prescribed by that law only under duress. Could the companion be called ‘Periclean’ in that he is unfamiliar with the teachings of the

⁴ Cf. *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*, edited by Robert B. Strassler, introduction by Victor Davis Hanson. (New York: Touchstone, 1996), 2.35.1.

epic poets?⁵ Pericles describes his Athens as one which is “far from needing a Homer for our eulogist.”⁶ He instead speaks of “imperishable monuments” and “shrines wherein [the Athenian soldiers’] glory is laid up to be eternally remembered.”⁷

According to Pericles, poets necessarily embellish and distort. Their writings “melt at the touch of fact.” He is not mistaken in accusing the poets of straying from fact. As Aristotle says, the poets tell things as they should have been, rather than as they were. Only Aristotle comes to the opposite conclusion with regard to the status of poetry as a discipline *contra* history: what Pericles calls fact, Aristotle calls accident. History is lower than poetry because it is merely the study of chance events.⁸

According to Pericles, Athens itself is the “school of Hellas.” Poetical education is not necessary. Whereas Socrates holds that wisdom and the intellectual goods are permanent, Pericles says of the intellectual pursuits that “we provide plenty of means for the mind to refresh itself from business;” he does not see such activity as an end in itself. So far from being choiceworthy for its own sake, philosophy is deleterious if taken too far. One must cultivate “love of wisdom without softness.” Yet if Pericles denigrates the philosophic life, the noblest action – that resulting in death – is also denigrated throughout his speeches. Pericles (insultingly) characterizes the farmers as “a class of men that are always more ready to serve in person than in purse.” Giving up one’s life is not laudable but expected. Indeed, death is “unfelt.” We note

5 cf. 318e

6 *Thucydides*, 2.41.4.

7 *Thucydides*, 2.43.2

8 *Aristotle*, *Poetics*, 1451a37-1451b10

that the companion seems blind to the fact of human sacrifice made manifest in Athens in the form of war.⁹ The companion is patient with Socrates' questioning, but demonstrates no explicit philosophic pretension himself.

It would be far too speculative to make a grand claim about which character from Thucydides' history the companion might represent, for he very well may not represent any. The companion is, however, doubtlessly situated in the age of Thucydides. Two main political factions dominated this period, the democrats and the oligarchs. The democrats, influenced by Alcibiades, notoriously made an expedition to Melos which ended in the execution of the island's men and the enslavement of its women and children. The oligarchs, known as the Thirty Tyrants, were installed after the Athenian defeat and gained reputations as merciless murderers. It is difficult to tell which of these two factions the companion might fall into. On the one hand, he conceives of law as something rather democratic (law is "passed by votes"); on the other hand, Socrates dissuades the companion from the opinion that Minos was unjust by identifying that attitude with the many. The dialogue is surely cast in a different light depending on whether or not the companion leans democratic or oligarchic, but in either case the companion is not immune to the allure of lawless brutality. Indeed, this is what seems to be implied by the companion's belief that cookery (or butchery, Gk. *mageiros*) is an art.

B. The companion from within the dialogue

The secondary literature makes several different claims about the companion's character, each with significant implications on the reading of the dialogue. Strauss

⁹ Cf. Lewis, "Plato's 'Minos:': the Political and Philosophical Context of the Problem of Natural Right," 31: "It is of the essence of the city that it demands sacrifice of the personal to the common, even unto death, even unto the death of one's own children. In this respect at least, all cities resemble one another more than they differ."

This latter point of view disabuses the citizen of the saintly airs associated with lawmakers.

To what extent is Lewis' distinction between lawmaker and citizen adequate? After all, a citizen's perspective already seems to entail some degree of reverence for the lawmaker. There does not seem to be any tension between the good citizen and the good lawmaker as such. Much like the lawmaker, the citizen may be called to defy moral sensibility by committing such deeds as he would refrain from in his private life. Hence, as Socrates points out, the greatest cleavage in political life is not between lawmaker and citizen but between "human being and citizen."¹⁷ For, unlike the roles of lawmaker and citizen, the roles of human being and citizen cut through the middle of one man's soul. The lawmaker and citizen are both committed to the city and are not in tension via such commitment. If the citizen versus lawmaker distinction holds up, it does so by centering not on a moral but on an intellectual ground. The good lawmaker *knows* about law while the good citizen does not.

Bruell (1999) characterizes the companion as having a shaken respect for law.¹⁸ Is he therefore lawless or ignoble? He does not exactly exhibit a moral negligence (unless his questioning of the law is itself immoral) save for the fact that he considers cookery to be an art.¹⁹ Cookery, in direct opposition to medicine, aims at what pleases rather than at what is good. Indeed, the cook is often the enemy of the doctor. The political equivalent of the cook is the rhetorician rather than the

¹⁷ cf. Plato, *Apology* 20b6

¹⁸ Bruell, "On the Socratic Education," 8

¹⁹ *Minos*, 317a

(1968) describes the companion as “no longer quite young,” “concerned with civic fame,” “free from prejudices,” and believing that “one can be just while being savage and unaccommodating.”¹⁰ Bruell (1999) goes so far as to say that the companion takes the view held by Thrasymachus in Book I of *Republic*. This view readily accepts that there is no force behind the law besides the power of the ruling class, who simply make laws in their interest. The laws are as coincidental as that ruling class. Bruell makes this argument on the basis that the companion has a wavering respect, if not a disrespect, for law stemming from its volatility. Lewis (2006) takes the view that the companion observes the phenomenon of law from the perspective of a citizen rather than from the perspective of a legislator. According to Lewis, Socrates’ aim is to raise the companion from the lower perspective of the citizen toward that of a lawmaker or artist.¹¹

Strauss’ (1968) logic seems to imply the following. The companion is an older man because he is relatively sober in his analysis. Looking at other young interlocutors in Plato’s corpus makes this clearer. Unlike Theages in the dialogue of the same name, and unlike Glaucon and Adeimantus in the *Republic*, the companion does not beg Socrates to teach him. Unlike Callicles in the *Gorgias*, he does not rave and rant. The companion is not distracted by Socrates’ cajoling, but sticks to his argument. He never curses or whines as a young man might. Concerned with civic fame, the companion seems to be mouthing what are roughly the Periclean talking points. He is not bookish, but he is interested in rhetoric. Like many public men, he leaves his positions on important matters open-ended. The companion is free of

10 Strauss, “*On the Minos*,” 78

11 cf. 316e – 317a

prejudices simply because he does appear to commit to any opinions, for prejudices are at bottom a certain kind of opinion.

Strauss' last comment on the companion is more cryptic. If the companion believes one can be just while being harsh and unaccommodating, why does he characterize Minos as "someone savage, harsh, and unjust?" The answer seems to rest on the fact that the companion places this opinion in the mouth of "they" who "claim" these things about Minos.¹² Furthermore, the companion subtracts "wishing to be" from Socrates' definition of law as "wishing to be the discovery of what is." He disposes of his narrow redefinition of law by way of empirical evidence. One can simply observe that the law varies and reject Socrates' thesis. The companion appears to stand opposed to the flexibility of the philosopher-king, the model of the best rule in the *Republic*. Still, the degree to which the companion is harsh and unaccommodating may be the degree to which he resembles Minos himself. As he finally becomes receptive of Minos as the best ancient king, he says that he "can no longer say" what the good lawgiver distributes to souls (321d5). Prior to speaking with Socrates the companion could have perhaps offered what he believed such distribution would entail, but he has come to recognize his lack of knowledge with respect to this most crucial matter. The telling of the myth of Minos culminates in an admission of ignorance of the good of the soul.¹³

12 *Minos*, 318d10-11

13 Cf. Strauss, Leo. *What is Political Philosophy?* (Chicago and London: The University of Chicago Press, 1959), 89: "not even Socrates himself could convert, though he could silence, such men as Meletus and Callicles, and he admitted the limits set to demonstrations in this sphere [of moral distinctions] by taking recourse to 'myths.'"

Lewis' (2006) distinction between citizen and lawmaker is worthy of consideration. In the context of democratic Athens, however, it is unclear how such a distinction is to be made. If law is "official opinions and decrees passed by votes," the citizens *are* the lawmakers. Of course, Lewis could reply along with Strauss that "neither citizens nor Greeks are, as such, experts in the kingly art."¹⁴ That is, the ideal lawmaker may differ from those who actually make the laws just as the ideal citizen may differ from those who actually live in society. Lewis' argument has merit to it insofar as the good citizen is simply law-abiding but does not require knowledge of law to abide by it. The good lawmaker creates law with an eye to its preservation. He must know what gives law its longevity and how to leave those who would change his law with "one hard nut to crack," as Lincoln put it. The lawmaker faces the problem that another may try to disrupt his own laws. The perpetuation of the laws is a task different from the establishment of the laws.¹⁵ The good lawmaker needs to educate good citizens, but his education must teach them not to follow his example. Whoever the lawmaker is, he must inculcate political opinion. Socrates suggests that it is the poets who do this best.¹⁶ Lewis argues that the epic poets acknowledge Minos *qua* lawmaker because they recognize that the difficulties of statecraft compel moral laxity, and subsequently let Minos off the hook for those difficulties. The tragedians might be compared to activists of a certain stripe who reveal injustice, warts and all.

14 Strauss, "On the Minos," 72

15 cf. Jaffa, Harry V. *Crisis of the House Divided* (Chicago and London: The University of Chicago Press, 1959), 220: "Hatred of the Egyptians led to independence, but not hatred of Egypt, but love of Israel, must perpetuate Israel."

16 *Minos*, 320e

statesman. It is possible that the man who enjoys flavorsome food will enjoy a gripping story. We note that Protagoras saw *muthos* nearly equivalent to *logos* and had a nearly unmatched capability of captivating a crowd. The problem of the companion: contradictions abound in his soul. This is a problem true not only of the companion, but of every human being. Whereas contradictions are problematic for the rational account, myth can embrace a certain degree of contradiction. If the contradictions found in law are merely reflections of those found in the souls of human beings, no rational account of law can be adequate. By investigating the soul of the companion this much may be clear.

While the literature makes the character of the companion somewhat clearer through a close reading of the dialogue, the attempted historical import we have brought to bear on the dialogue is also important. Plato's contemporaries would have been fully aware of the prevailing attitudes toward law and which parties corresponded to those attitudes. We hold, finally, that the potential political ambitions of the interlocutor frame the question "What is law for us?" and its subsequent development. "What is law for us" is a practical question with theoretical aspirations, but with Socrates asking it, one can argue it is a theoretical matter simply. The interlocutor as potential politician ultimately brings forth the parody.

THE MYTH OF MINOS

Strauss calls the transition to the third part of the dialogue "abrupt" (74). One could characterize the first part (313a-315e), "a treatment of what law is," as theoretical. The center (315e-318b), which explores "what makes a law good," also asks in what ways law could be an art. Lawmaking increasingly looks practical,

though based on “the discovery of what is.” The last third concerns what is mythical. But the engagement with myth is in pursuit of the best laws.

There is a transition of sorts starting from the dialogue’s center. Socrates and the companion assert they were “correct” in “agreeing that law is the discovery of what is” (317d). “Correct” is not exclusively “true,” the latter word linked to Greek *alethea*. “Correct” is *orthos*, which can be “upright,” “straight.” In our present day usage: we recognize a significant difference between “truth” and “orthodoxy.”

The *Minos* proceeds to build from the correctness of ‘law as the discovery of what is’ to the “king” as the lawgiver whose “laws are the best for the souls of humans” (318a). The theoretical basis for the practical spurs a movement to the divine. The king is to have the art of distribution²⁰ for making the souls of humans best. The other distributors mentioned leading up to the king are at a distance from what they distribute to, save one. From 317d-318b, we are presented with farmers distinct from the earth, musicians from their songs, shepherds and cowherds from sheep and cattle. The suggestion is that the king is a being entirely separate from humanity. That suggestion is complicated by the one “most capable of pasturing the human herd of the body” being a “trainer.” It seems humans can and do rule other humans effectively. However, the description of body itself as disunited and in need of a rule beyond an individual’s own mind points again to something beyond the human. The framework is in place for a consideration of divinity. That may require some sort of comment on myth.

20 Cf. Pangle, *The Roots of Political Philosophy*, p. 60n12, on the proximity of distribution and law.

Before telling his version of the story of Minos, Socrates' rhetoric follows a curious path. He links, almost in passing, the ancient and divine: "...they alone still remain, because they are divine" (318b10); "...whose legal customs even now remains" (318c). Nothing is adduced for this linkage. Because something has been around a long time, it is divine? Moreover, another predicate - "best" - is virtually equated with ancient at 318b ("But these, at any rate, are not perhaps three hundred years old, or a little more. But where do the best of these legal customs come from?"). Finally, the issue of tragedy is introduced as it may be tragedy that compels the companion to voice skepticism about Minos' justice. The epic poets Homer and Hesiod who are certainly ancient, divine, and best, are also "trustworthy" compared to the tragedians.

Why does Socrates insist implicitly that 'ancient = divine = best = true?' Trustworthiness emerged with the question of the tragedians' authority. But what is true or false was not even a consideration until there was a challenge to Socrates declaring Minos most just. A reasonable basis for kingship was posited prior to this last section. One needs an art of distribution for shaping the souls of men. But that reasonable basis raised some big questions. It may be the case that men govern men with regards to bodily affairs. Do laws truly govern the soul? If laws do govern the soul, then it may be the case something beyond an individual himself imposes, discovers, or establishes those laws. In other words, if we do determine that kingship is divine, we need to clarify the character of divinity. That requires an extended look into myth. Myth itself purports to be ancient and divine. It asserts itself as best and true. No other explanations are needed.

Socrates tells the companion that he will tell about Minos so he “will not also be impious, as the many are” (318e). The companion does regard himself as one of the few who know better. Perhaps he feels he can govern through a more sound knowledge of what law is; he seems disenchanted with laws' changeability. A more sound knowledge involves reasonably assigning praise and blame (319a). Socrates asserts that human beings can be sacred, especially the good ones. It looks like the art of rule (distribution for the soul's sake) has been judged divine by the mere fact of myth. Myth as a basis for the divine is to lead the interlocutor to piety. The interlocutor is being moderated in his ambitions. He had claimed cookery - butchery - an art before (316e-317a). He only critiqued Minos using what “they” claimed (318d). He may be open to the possibility of he himself ruling harshly and inflexibly, providing the stability that the *demos* does not.

If the companion has such tendencies and ambitions, will piety alone moderate him? Socrates began the dialogue with a more or less theoretical question. His declaration that “the most sacred is the good human being” begs another question. Does the philosophic life result in the well-ordered soul? It seems the philosopher, in this dialogue, thinks quite a bit about divinity and piety. He states that what is most impious is to “err in speech and deed regarding the gods and, second, regarding divine human beings” (318e). He emphasizes thought with regard to praise and blame. The philosopher's *thinking* distinguishes him from those who speak, act, and assign praise and blame.

The status of the sacred also points strangely to the philosopher. Socrates wondered whether soothsaying was an art in the first part. The diviners' claims were

mildly questioned by him (314b). Earlier in this section, Marsyas the satyr was compared to Minos. Like Minos, he made a distribution that has lasted and is divine. Unlike Minos, the satyr made music, outright challenged Apollo's authority, lost a "musical duel... and was flayed alive for his impudence." Marsyas' being grouped with Minos makes one wonder whether lawgivers are actually in tension with the gods. But Socrates is remarked to have looked like a satyr. What is most important with Socrates is what is within him: an *eros* unrelenting in its desire for wisdom. Unfortunately, that indicates the philosophic soul is monstrous and actually satyr-like itself. That monstrous soul could be well-ordered. It accepts truly divine wisdom as a guide; it desires true laws for its order. The souls that look human and govern all of us directly are those of gods and lawgivers. Even Minos, though, was accused of human sacrifice. His laws require imposition and therefore grotesqueness of another sort. Is the ultimate myth, then, that the gods resemble us in any significant way?

The actual myth of Minos as told by Socrates is simple enough. Minos met with Zeus in a cave and through some kind of intercourse learned the best laws. The details are peculiar. Socrates, per the assumed task of moderation, addresses the companion as "a human being sprung from a human being" (319b). He calls Minos a "hero," the "son of Zeus." And right away, it seems, Socrates asks what kind of law the son of God provides. Here is the Socratic comment on Minos' domain in the *Minos*:

For Homer, in saying about Crete that many human beings are in it,
"and ninety cities," declares:

And among them is the great city of Knossos, where Minos
In the ninth season reigned as king, the confidant of great Zeus. (319b)

Comparison with *Odyssey* XIX 172-179 yields a key omission: Minos ruled over many diverse peoples on Crete, each with their own languages.²¹ What do the best laws do? Do they make all of humanity simply one, erasing all cultural differences, as Socrates implies? Are all *individual* differences removed, too? Is everyone who is truly a man a Spartiate of sorts, nothing more or nothing less? But if we take the actual Homeric account seriously, the best laws preserve peace among peoples, allowing for the *cosmopolis*. The best laws either deny freedom entirely for excellence, or promote as much freedom as possible. Socrates promotes the former option, we suspect, because of the interlocutor.

Two other details are very striking in the Minos myth. Socrates says in Homer that he judges the dead, “holding a golden scepter.” Socrates later says in Hesiod that Minos has the scepter of Zeus by which he ruled over cities. Is to be a citizen the same as being dead? That certainly is the level of sacrifice the city ultimately demands. It could be the case the inconsistency is forcing us to choose between the living and the dead. Still, the identification of death with citizenship mirrors the previous problem of whether the laws unify all too well, or whether law admits a plurality of customs or even codes.

There are many serious questions hiding in the Minos myth. A clue as to how to begin unpacking them lies in the Socratic denial of Minos having playful intercourse

²¹ *The Odyssey* XIX 172-9, trans. Richmond Lattimore:

“There is a land called Crete in the middle of the wine-blue water,
a handsome country and fertile, seagirt, and there are many
peoples in it, innumerable; there are ninety cities.
Language with language mix there together. There are Achaians,
there are great-hearted Eteokretans, there are Kydonians,
and Dorians in three division, and noble Pelasgians;
and there is Knossos, the great city, the place where Minos
was king for nine-year periods, and conversed with great Zeus.”

with Zeus. Zeus is said by Socrates to be a sophist. This both makes Zeus akin to Socrates - most Athenians cannot differentiate between Socrates and a sophist - and yet puts Zeus at a great distance from him. Socrates strongly denies being able to teach virtue or nobility in Plato's *Apology*. Only sophists or gods could make men noble and good, it seems. The god/sophist eschews what may compose a symposium as a means of education and keeps drunkenness far away from his pupil and the citizens in the laws. This "education in virtue" is severe yet yields happiness "for all time." It is obviously not philosophic, despite arrangements which might be misconstrued as Socratic.

CONCLUSION

Regimes are, or should be, concerned with their legitimacy. At the very least, all regimes try to *appear* legitimate. Nowadays, rulers prove they have legitimacy by demonstrating that they have acquired the consent of the ruled and that their rule secures the common good. It is safe to say, however, that not all regimes are legitimate. This implies that there is some standard we can look to in order to judge what is and what is not a legitimate regime. Often we look to the laws a regime has created as our standard. If a regime has put in place bad laws, if it has in some manner oppressed his citizens, it is not a legitimate regime. But this is still an amorphous statement. What, after all, is a bad law? And how would a political science worthy of the name distinguish between good and bad laws? In order to make this kind of distinction, political scientists must have some kind of knowledge of law as a whole. This is the question Socrates asks in the *Minos*.

The question of what law is, however, quickly turns into the question of what knowledge is. Law is analogous to philosophic knowledge insofar as the ‘premises’ of a government lay the groundwork for the legal system²² in the same way that the assumptions made by philosophers determine a philosophic system. Plato demonstrates the tendency of human beings to regard the art of lawmaking as a philosophic enterprise or as an inquiry into “what is.” Still, the differences between law and philosophy are irreconcilable. The inclination of law to ‘let sleeping dogs lie’ differs from the inclination of philosophic inquiry, which must be willing to shove aside bad premises and begin investigation afresh. While classical political philosophy typically holds that it is preferable to leave a bad law in place rather than to change the law, it is absolutely clear that Socrates would not leave a bad argument in place rather than change it. Furthermore, if philosophy is not ashamed to admit its love of gain (cf. *Hipparchus*), one must question whether law is a restraint against such gain.²³ Does not law instill confidence in acquisition? This seems to be the working thesis of Locke, among others.

Philosophy is not beholden to practical or non-rational considerations in the same way that politics is, which explains the successive attempts made by Socrates to deal with the problem of law theoretically, then practically, and finally mythically. The account of law quickly retreats to its securest roots in religion. This turn seems to

22 Cf. Madison, *Federalist No. 51*: “But what is government itself but the greatest of all reflections on human nature?”

23 Cf. Thucydides, 1.8.2-3: “But as soon as Minos had formed his navy, communication by sea became easier; as he colonized most of the islands, and thus expelled the evildoers. The coast populations now began to apply themselves more closely to the acquisition of wealth, and their life became more settled; some even began to build themselves walls on the strength of their newly acquired riches. For the love of gain would reconcile the weaker to the dominion of the stronger...” (emphasis ours).

be prompted by the diversity of law, for if law were purely rational, all political communities ought to have identical laws. But law stands in relation to one group of human beings among many, whose differences cannot be fully accounted for rationally; should law then administer to the specific character of that group? The question raised by the rule of Minos is whether his ninety cities with “many human beings” imposed a legal template which different human beings were compelled to conform to, or whether it recognized those many human beings as such. Indeed, it raises the question of whether disagreement over matters of justice is what it means to be human.