

The Legal Status and Political Role of Women in Plato's Laws

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In his *Nomoi* Plato develops far more concretely than in *The Republic* his vision of an ideal social and legal order. In the state he envisions, women occupy a political and legal role radically different from that ascribed to them in classical Greek cities. In commenting up the status of women in *Nomoi* scholars have generally either denied that there is any noteworthy change at all, or grudgingly admitted that there were substantial changes, but minimized their import, underscoring that they were not motivated by any concern for women but rather followed from Plato's collectivist or totalitarian premises⁽¹⁾. What will be argued here, however, is that by Greek standards these reforms were revolutionary. The argument will describe the nature of the political role Plato assigns to women by analyzing all of the laws which regulate their political status. Only by looking at the complete pattern of legislation regarding women can one hope to arrive at a definitive assessment.

In order to appreciate the radical departure from contemporary practice which Plato's legislation represents it may be helpful to consider briefly the role which women occupied in the institutional structures through which Greek cities were

(1) For the first view see G. MORROW, *Plato's Cretan City* (Princeton 1960) 157, for the second, R. STALLEY, *An Introduction to Plato's Laws* (New York 1983) 106. These views will be discussed in more detail below, p. 31-32.

governed in the classical period. Athens and Sparta are the only two cities for which substantial evidence exists, so the discussion will be confined to them. In classical Athens women did not enjoy the rights of citizenship and in the sources are often lumped together with children and foreigners. Specifically, they were barred from attending or addressing the Assembly, from holding public office, from service in the military, and from service in the Athenian courts. In addition, it seems that they could not own land, bring legal actions, arrange their own marriages (although the situation of widows would have often been different), etc. In short, the extant evidence (almost all that of men) presents a picture of women constrained by severe legal and civic disabilities, and cut off completely from participation in the political life and institutions of their society⁽²⁾.

In Sparta the picture is somewhat different as to the general status and role of women, but not fundamentally so in regard to their political role. Spartan women could and did own land, sometimes considerable estates. They led a much more public life than the women in Athens, for in childhood they received musical education and intensive physical training on the Spartan model. It is probably the fact that Spartan girls trained in public, often scantily clad or naked, that formed the basis for the widespread attribution to them in antiquity of loose morals. Although the promiscuity of Spartan women became a byword there is little concrete evidence to support this reputation, and some which directly contradicts it⁽³⁾. It is rather a measure of the role in women in other places that sensibilities were so shocked by the education which Spartan women received. However, despite all of this, Spartan women were excluded both from the military and from political life. It is for this reason that Plato in *The Laws* can characterize Sparta as having chosen the middle way (805 ff.): in contrast to Athens they bring women into the public

(2) For a general discussion see V. EHRENBERG, *The Greek State* (New York 1964) 41 ff., W. SCHULLER, *Frauen in der griechischen Geschichte* (Konstanz 1985) 45-64, and E. KEULS, *The Reign of Phallus* (New York 1985).

(3) On Spartan women see SCHULLER, *op. cit.* 78-83.

sphere but they stop short of allowing them participation in war and politics.

The picture sketched thus far suggests the total exclusion of women from political life. There are, however, two exceptions to this pattern, which, although they do not fundamentally alter it, are nonetheless significant. The first of these concerns the religious sphere. Women through their participation in festivals and their holding the office of priestess played an important role in the religious life of Athens. In fact, a careful consideration of this religious role and particularly of festivals like the Thesmophoria should cast considerable doubt upon the picture of Athenian women as confined to their houses in « oriental seclusion » as some historians have rather quaintly called it. What is more pertinent here is that in Athens priests and priestesses were public officials with the administrative responsibilities and capacities appropriate to their office. Further, female officials were appointed (*archousai*) to organize and administer festivals like the Thesmophoria which lasted for three days, during which time the women were in their own encampment from which men were debarred. Religious life thus provides a stark contrast to the general exclusion of women from civic life and public offices⁽⁴⁾. As public officials they doubtless had the burden of administrative accountability which was generally the case for officials at Athens as well as the financial responsibilities and administrative authority without which they could not have fulfilled their duties. The explanation usually given for this role of women in political life is that it was part of the religious heritage that there were priests as well as priestesses, and thus seemed entirely natural. While this may be true, the religious role of women deserves more attention than it has received in the assessment of the general social status and role of women in Athens.

The second caveat to this outline of the actual political role of women is rather uncertain since its source is drama. Two

(4) See P. VIDAL-NAQUET, *Le Chasseur Noir* (Paris 1981) 267-88.

plays of Aristophanes portray women as taking direct political action: in the *Lysistrata* they barricade themselves in the Akropolis and deny their husbands sexual access to them until Athens and Sparta make peace, and in the *Ecclesiazusae* they infiltrate the Assembly disguised as men, seize power, and introduce a revolutionary new political order. For present purposes the *Lysistrata* is perhaps the more interesting since it is very much embedded in the concrete historical context of the Peloponnesian War. Thucydides relates that there was something like a peace party at Athens (using the word party very loosely), but unfortunately there is no way of knowing whether after the disastrous end of the Athenian attempt to conquer Sicily there was any organized attempt by the Athenian women to make their voices heard. This possibility should not be dismissed out of hand, for historians have not sufficiently considered the implications of the fact that for almost thirty years a very substantial proportion of the male population was absent from the city for quite prolonged periods and that particularly after the Sicilian expedition (the date of the *Lysistrata*) the number of husbandless households managed by war widows, must have been considerable. Unfortunately there is not much more that can be said with any assurance about the matter, for there is no hard evidence to corroborate speculation about the political background, if any, to the *Lysistrata*. It would be surprising, however, if these plays were entirely unrelated to women's desires to have a voice in the fate of their city and their families (5).

Having completed the rather thankless task of surveying the political role of women one may turn from describing how things were to examining how some Athenians thought they should be. In addition to Aristophanes one could fruitfully discuss many plays of Euripides here as well (6), but I think it more fruitful

(5) See D. DAUBE, *Civil Disobedience in Antiquity* (Edinburgh 1972) 17-22 for a discussion of some of the political implications of these plays.

(6) One need only think of *Trojan Women*, *Bacchae*, *Medea*, *Hippolytus*, or *Alceste*. See generally P. VELACOTT, *Ironic Drama* (Cambridge 1975) 82-126.

to turn to political theory, and particularly to Plato, for here one finds the most thorough and the most revolutionary attempt in antiquity to rethink the question of what role women should have in the life and governance of the state. Examining Plato's treatment of this issue will in turn, I hope, lead to reconsideration of some general aspects of Plato's political theory as a whole.

In Book V of the *Republic* Plato argues that, « Then there is no pursuit of the administrators of a state that belongs to a woman because she is a woman or to a man because he is a man. But the natural capacities are distributed alike among both creatures, and women naturally share in all pursuits and men in all... » (455e). It follows from this, he continues, that men and women should receive the same education and their occupations in the state should be determined by their individual abilities, whether for medicine, war, or political rule. In order to bring such principles into effect it is necessary to abolish the family in its traditional form. Only under these circumstances can one ensure that the best will become the philosopher-rulers. The *Republic*, however, hardly represents a practical proposal which Plato would have thought likely to be adopted. And, indeed, in regard to his proposals concerning women, the family, and philosopher-rulers the text makes it clear that he expects reactions of shock, scorn, and disbelief. Keeping the background of the *Republic* in mind, it is perhaps appropriate to turn to a far less well known dialogue, *Nomoi*, where Plato abandons what he termed the greatest paradox of the *Republic*, that of the philosopher-ruler, in favor of a constitutional democracy which it seems that, in contrast to the *Republic*, he probably viewed as a practical model for actual political and legal reform.

As noted above, there are two main interpretations of the question of the political role of women in *Nomoi*. The first is exemplified in Morrow's *Plato's Cretan City*, generally regarded as the standard work on that dialogue⁽⁷⁾. Morrow treats the issue summarily, noting that in the field of education and mili-

(7) *Supra*, n. 1.

tary training Plato accords great freedom to women, but adding that there is « no hint » that women may participate in the Assembly or hold any offices other than those related to marriage. The second type of approach is perhaps best represented by Stalley's *An Introduction to Plato's Laws*, the most recent book on the subject⁽⁸⁾. Stalley treats the question in no less summary fashion (both Morrow and Stalley implicitly agree that it is an issue of little moment) but somewhat grudgingly concedes that though the passages are ambiguous it may be that women could vote and hold office. He hastens to add, however, that even if this were the case one should not interpret it as something like « liberalism » on Plato's part. Plato is here too a collectivist and totalitarian, for Stalley argues that he is not in the least concerned with individuals but only with maximizing the resources available to the State. He concludes, somewhat astonishingly, that Plato is in any event only making rather minor reforms in the position of women⁽⁹⁾. This issue of the connection of Plato's treatment of women to the evaluation of him as a totalitarian theorist will be discussed below, but first it is necessary to sort out just what the role of women was. This cannot be done as Stalley attempts, by a few general statements based upon references to some of the relevant passages, but rather by a careful consideration of all the evidence relating to the political role of women. Such a task is inevitably somewhat tedious, but only in this way are definitive results possible.

The state described in the *Laws* is governed by 37 « guardians of the laws », who exercise both an executive and legislative

(8) *Supra*, n. 1.

(9) The other notable exemplar of the second view is the paper by J. ANNAS, « Plato's *Republic* and Feminism », *Philosophy* (1976) 307-21. The following passage will give the flavor of the argument, « Of course Plato is not bound to be interested in the psychology of women, but his complete lack of interest underlines the fact that his argument does not recommend changing the present state of affairs on the ground that women suffer from being denied opportunities that are open to men... His argument is authoritarian rather than liberal... » (312). See also D. WENDER, « Plato: Misogynist, Pedophile, and Feminist », *Arethusa* (1973) 75-90 for a different view.

function, and by a council of 360. Both of these bodies are elected, as are the generals and many other major officials. Do women participate in these elections? The answer is not immediately apparent from a perusal of the relevant passages. The thirty seven guardians of the laws are to be elected in a three stage election. The description of the first two stages is most pertinent here: « The election of these officials should be held as follows. All shall have a voice in the election of these magistrates who bear arms in the cavalry or infantry and have served in the field as long as their age permitted ». In this manner three hundred candidates are nominated. In a second stage they are narrowed down to 100 by the following procedure: « The names found to head the poll to the number of 300 shall then be exhibited by the authorities to the whole city, and the city will vote again, each for whom he pleases, the officials once again publishing the 100 names which stand first. On the third occasion anyone who pleases is to vote for any name he pleases of the hundred... » (753 b-d).

The first problem which these passages present is whether or not the group who does the initial nominating of 300 is the same as those who vote in the second two stages. That is, does Plato mean « the whole city » or « the citizenry » to be synonymous with « those who bear arms in the infantry or cavalry » ? The next question would be whether women are included in either of these two groups. The description of the other elections which Plato describes in the ensuing lines does little to resolve this point. Generals are to be elected by all those who bear or bore arms (755b), but on the other hand the council of 360 is to be elected by « everyone » (756c). Likewise, « whoever wishes » may attend the Assembly or other public convocations (764a). Of course, one possible interpretation here would be to argue that when Plato says « those who bear arms » he means the male soldiery alone, and when he says « the whole city » or « everyone » he includes the women. Although this interpretation is possible it cannot be proved by the textual evidence. This is perhaps why so many commentators have simply concluded that the matter is ambiguous, probably deliberately ambiguous, and

left it at that. Greater certainty is possible, however, but in order to demonstrate this a few more passages must be discussed. It is only by examining the whole context of the political and civic status of women these questions may be resolved.

First of all, primary education is required for children of both sexes (764c) and the officials in charge of this education are to be women (794a; note here the importance which Plato attaches to early education in this dialogue and the *Republic*). Musical education in Plato's system is of central importance, and the choruses are also to be composed of both sexes (764e). Certainty is not possible here, but it also appears that the elections of the chorus leaders is open to both sexes, for the pertinent regulation provides that all who are devotees must attend the convocation at which the leader is elected (765a). At the age of six the children are separated in their education, but girls are to be given the same physical training as the boys and are also to be allowed to pursue archery and training with shield and spear if they wish (794). The general director of education is to be elected by all the other officials (766; except the *boule*), and this would seem to include women as electors since there are numerous women officials: they include priestesses (759b), the supervisors of primary education (794), the supervisors of marriage and divorce (784), supervisors of physical training (795d), and the officials who preside over the communal dining halls (781ac). Thus women not only hold office but would seem to participate in the collective political actions of the *archai* (785b shows that these women officials are *archai*). These passages lend plausibility to the claim that voting and attendance at the Assembly include women, but there is other, more weighty, evidence.

First one must move back from the array of legislative detail to the policies behind the laws. At the conclusion of his account of officials and how they are to be elected Plato explains that in order to make the « guardians of the laws » true legislators they must be instructed in the principles of legislation. They must be told that the ultimate aim of legislation is to make all of the inhabitants of the city, male or female, young or old, « truly

excellent in the virtues of the soul proper to human character » (770b). Now one might respond here that most Greeks would agree, but they would merely mean that women should excel in activities like weaving and virtues like submission and modesty. Plato, however, has much more in mind. In describing the civic institutions which shape character he ordains that the same public institutions must be open to both men and women (805ff). Thus women are also to have communal meals (781a, 807 ; recall the educational significance of communal meals and symposia in the first three books). Likewise, both sexes are to receive full military training (813e-814c, 804de), the third stage of civic education. Plato emphasizes that women are to be trained in all of the military skills which men learn, including horsemanship, and he mentions the Sarmatian female warriors who serve as an example (804e).

Such a proposal is, by Greek standards (or by that of many modern states), revolutionary and Plato realizes that some explanation is required. He thus goes on to say that if such practices are feasible,

« Then I say the present practice in our own part of the world is the merest folly ; it is folly that men and women do not unite to follow the same pursuits with all their energies. In fact, almost every one of our cities of the present system, is, and finds itself to be, only half of what it might be... » (805ab).

He says that he expects opposition, but « Such tactics will not deter us from insisting on the principle that there must be the completest association of the female sex with the male in education *as in everything else* » (805cd). He admits that an ideal implementation of such principles would require the abolition of the family (807c), as in the *Republic*, but here, in the practical legislative realm of *Nomoi*, he says that the educational proposals he is outlining will have to be sufficient.

Now these passages might seem to settle the matter about the question of women voting and holding office, but skeptical scholars, who seem to need to resist the ideal of egalitarianism

in Plato, argue that it does not. The point they make is that if voting and holding important offices (they dismiss the women officials I listed above as little better than public mothers) is limited to those who bear arms then this military training as part of their education does not qualify the women since it is only practised in their adolescence. There is, it seems to me, explicit textual evidence which demands a contrary conclusion, namely that Plato envisaged that women would be prepared to bear arms in war.

First of all, in the passage quoted above where Plato envisages the opposition his proposal is bound to receive he says that if one is not going to adopt the principle he advocates that women are to « take their part with men in all the business of life » (805d), one must propose some different scheme for them. He dismisses the Athenian solution of making women guardians of the household out of hand and then asks if perhaps Sparta provides a better example. He says that Sparta has chosen the middle way, since women are educated and receive physical training, but then are not allowed to take part in the actual business of war. Thus, he criticizes, they are not able to wield the bow or spear and shield (it is significant that he mentions spear and shield specifically) to defend their city. Once again he names the Sarmatian women warriors as an example and says that all legislation which does not move to this logical conclusion is but halfhearted. That Plato is perfectly serious about this is demonstrated by subsequent passages where he again insists that women must be prepared to take the field in arms and defend their city (813-814). Further, military/athletic competitions are compulsory for both sexes, and such competitions include not only the usual military sports but also actual armed combats of up to ten combatants on a side (833-4).

This seems clear enough, but any remaining doubt must yield to the following passage:

« For a girl the limiting age for marriage... shall be from sixteen to twenty, and for a male from thirty to thirty-five. That for official appointments shall be forty for a woman,

thirty for a man. For military service the term, in the case of a man, shall be from the age of twenty to that of sixty, for a woman, whatever military service that ought to be imposed, after she has borne her children, whatever is possible and fitting for them, up to the age of fifty » (785b).

This passage with its provision concerning the age of office for women has often been dismissed as only applying to the marriage officials discussed in preceding sections. There is no textual ground for limiting the passage in this way, particularly because the text makes clear that it is not merely referring back to these particular officials, but rather laying down the general age limitations for the principal civic duties of both men and women. Judging this passage in the larger context of the political role of women and the philosophical justification for such a role it seems legitimate to conclude that in Plato's state women were expected, indeed required, to participate in all aspects of political and civic life. They were to serve in the army, hold office, vote, and attend the Assembly. Such an arrangement and the kind of society which would inevitably result were it implemented, would clearly be revolutionary not only in comparison to contemporary Greek standards (one need only compare Aristotle) but also with most of western thought and political institutions until quite recently. As mentioned above, those scholars who, like Stalley, are prepared to admit that Plato made some « minor reforms », nonetheless argue that he did so purely out of collectivist considerations — to utilize more fully the resources available to the State⁽¹⁰⁾. While Plato does say that any state which does not allow its women full participation in civic life is only half of what it might be, such a statement hardly need be dismissed as totalitarian collectivism. Plato makes clear in the passage I quoted above that the central purpose of such legislation must be to make each individual man and woman as good as possible in regard to the human qualities of mind and soul. For Plato this can clearly best be done by providing the proper kind of institutional setting, and that is

(10) See page 32 above.

his purpose in *Nomoi*. The full political role accorded women follows logically from these premises.

One might expect that such institutional arrangements as Plato proposes in the *Laws* would have been accorded their proper place in western democratic political theory. That they have not is doubtless in part due to the fact that the *Laws* is overshadowed by the *Republic*, different as these two exercises in political thought may be. But there are other reasons as well. It is not without irony that in the 1920's, when British scholars began mounting the attack on Plato that would culminate in Popper's *The Open Society and Its Enemies*, women could not yet vote in Britain⁽¹¹⁾. That step did not come, in the cradle of western democracy, until 1928. Ideological blinders have doubtless had much to do with the refusal to take seriously what Plato was doing with the political role of women in *Nomoi*, but they are not only ideological blinders about Plato. Quite frankly, many scholars have no doubt shrugged off the question of Plato's legislation in regard to women and the family (in the *Republic* as well) because it simply didn't seem particularly important what Plato thought about women and politics one way or the other. The fact is, however, that the principle of full participation in political and civic life for women signals a radical departure from the central political principle of the *Republic*, and thus provides a basis for the rejection of Plato's so called totalitarianism, an opinion still prevalent, though in a somewhat more moderate form than that articulated by Popper.

I cannot here make the full case for such a rejection, rather only briefly indicate what direction it might take. The *Republic* is, of course, based upon government by the philosopher-ruler; formal rules are dispensed with. In the *Laws* Plato explicitly repudiates this principle as a proper constitutional basis for a state:

(11) K. POPPER, *The Open Society and Its Enemies*, v. 1 (Princeton 1972).

Mankind must either give themselves a law and regulate their lives by it, or live no better than the wildest of beasts, and that for the following reason. There is no man whose natural endowments will ensure that he shall both discern what is good for mankind as a community and invariably be able and willing to put the good into practice when he has perceived it. It is hard, in the first place to perceive that a true social science must be concerned with the community, not with the individual — common interest tending to cement society as private to disrupt it — and that it is to the advantage of the community and individual at once that public well-being be considered before private. Again, even one who had attained clear perception of this principle as a point of scientific theory, if consequently placed in a position of irresponsible autocratic sovereignty, would never prove loyal to his conviction, or spend his life in the promotion of the public good of the state as the paramount object to which his own advantage must be secondary. His frail human nature will always tempt such a man to self-aggrandizement and self-seeking, will be bent beyond all reason on the avoidance of pain and the pursuit of pleasure, and put both these ends before the claims of the right and the good; in this self-blindness it will end by sinking him and his community with him in depths of ruin (875a-c).

Therefore, he concludes, the state must be based upon the rule of law. In turning his back upon the *Republic* as a blueprint for political reform (assuming he ever intended it as such) Plato moved in the direction of constitutional democracy based upon universal suffrage. In order for such a state to endure it must ensure that all its members develop their capacities and civic virtues as fully as possible and that those who are most capable are elected to office. In order to accomplish this, women must participate fully and equally in the community, poverty must be eliminated and a ceiling placed upon wealth all of which, together with universal education, will ensure formal equality of

opportunity. Power is distributed among various democratically elected bodies.

One could here begin to question what relation such a political vision has to totalitarian theory, but the real point I wish to make is that the application of labels like «totalitarian», «feminist», «misogynist», or «liberal» is likely to inhibit rather than advance our understanding of Plato. The argument above has hopefully shown how such ideologically determined preconceptions can lead to questionable results, and as such it may perhaps serve as a preface to the study of these more general questions.