

# JUSTICE, LAW, AND WOMEN IN PLATO'S REPUBLIC

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In his attack on Thrasymachus' view of justice Plato succeeded in putting some distance between justice and legality, between what is just and what is lawful. He successfully attacked the view that what is just depends entirely on what is legal. This enabled him to undertake an investigation of justice independently of current laws. The reformist –indeed revolutionary– investigation of fundamental moral, social and political issues in the *Republic* owes much to this freedom of justice from legality. And this very much includes his reformist and revolutionary for his time views about the role of women in society.

## 1. The Attack on Justice As Legality

Thrasymachus defined justice as what is to the interest of the stronger party. He defined the stronger party as the ruling part in any society, whether the society is a tyranny, an aristocracy, or a democracy. He then gave the following argument for the definition. In every society the ruling party makes laws to serve its own interest. In every society the ruling party defines as just what is in accordance to the laws it makes. Therefore, the just in every society is what serves the interest of the stronger party (*Republic*, 338c-340). This is an argument to his definition of justice from empirical premises.<sup>1</sup>

The argument absolutely depends on the premise that whatever is legal in a given society is what is just in that society. This does two things: it relativizes the notion of what is just to a society; and it makes the study of justice the empirical study of existing laws in societies. The next stage of the argument uses an empirical generalization about the aim of legislators in all societies –they aim at promoting their own interest. The conclusion from the combination of these two premises asserts an abstract sameness in the justice of all societies, that justice in all societies promotes the interest of the rulers; while allowing for wide differences in the

*content* of the laws of different societies. Democratic laws may be different in content from aristocratic laws, but it will be true of both sets of laws that they are enacted to serve the interest of the party in power.

Thrasymachus' view is one extreme interpretation of the identification of justice and legality. Though it is formally an identity (justice in society S = what is legal in society S), its explanatory basis is legality: it says "whatever is legal in S is just in S and nothing else is just in S". The other extreme of the identity is St. Augustine's view that "an unjust law is not law."<sup>2</sup> This is very different from Thrasymachus' view, which initially at least has no room for an unjust law. Augustine's view adds justice to legislative enactment as a criterion for something being a law. We can see how different these views are from the fact that Thrasymachus' view relativizes justice to a society –legality is already so relativized; while Augustine's view universalizes legality to justice – justice was already universal in his view, one justice for all human beings.

Thrasymachus' view has many unpalatable consequences, but here we will look only at its consequences for women. If women *in fact* have no political or economic or educational *legal* rights in a given society, that is just in that society. If they do, *that* is just. If women have legal rights in some societies and not in others, *both* are just for these societies. All these are valid inferences from Thrasymachus' identifying justice with legality. Since as a matter of legal fact in all ancient societies of Plato's time women had no political or economic or educational rights, that was just in those societies. The situation of course would be similar for, say, slavery. *De jure* slavery would be just.

Plato's view is not only that justice is independent of legality, but also that it is prior to it in the sense that laws must conform to justice. Actual laws can be just or unjust. We must first discover what justice is and then legislate according to our discovery.<sup>3</sup> Such an investigation is more difficult than Thrasymachus' investigation into justice.<sup>4</sup> The latter is a empirical inquiry: find out what is legal in each society and you are finding out what is just in that society; then see if all laws in all societies have anything in common and say that *that* (the interest of the stronger) is (universal) justice. This general result, though not completely empty, is so abstract that it is compatible with the actual legal justice of every society, no matter what its *content* is– slavery, gender discrimination, race inequalities, and so on.

Plato's first argument, against Thrasymachus' identification of justice with legality, is remarkably simple and successful. Rulers, no matter who they are, can make mistakes about what laws would be in their own interest. When they do make such a mistake in legislating, what is in accordance with the law they enact would be contrary (or at least not conducive) to their own interest, by hypothesis; and so unjust by Thrasymachus' own definition of justice. But it would also be legal, and so just, by the premise that whatever is legal is just. (R.,339-340) Thus, when rulers make such a mistake in legislating, what is in accordance with the law they enacted is both just and unjust.

To get out of this contradiction Thrasymachus has several choices. He can deny that rulers can make mistakes, which is false since humans are fallible. Or, he can redefine the notion of a ruler so that rulers as rulers make no mistakes; Plato has Thrasymachus make the latter choice, perhaps for Plato's own dialectical reasons, but it results in giving up the assumption that whatever is legal is just;<sup>5</sup> and if Thrasymachus does this he loses the argument for his definition of justice. Or, finally he can give up his definition of justice, which is what Plato wants him to do.

Plato of course gives many other arguments against Thrasymachus' definition. What is of interest to us here is that Plato's argument against the identification of justice with legality can be generalized, so long as we think of laws teleologically. That is, if we always legislate with a view to some end, then, given that humans are fallible about the connections between means and ends, we can show, by a similar argument, that the identification of justice with legality is mistaken. Suppose, for example, that we take the other aim of laws, the one Plato and Aristotle<sup>6</sup> and we moderns approve of, namely, that laws should be enacted in the interest of all the citizens, not just the rulers. We still cannot identify justice with the legality of such societies, because legislators can make mistakes about what would benefit the society as a whole, especially now days with our larger and more complex nation states. Not to speak of corrupt legislators—legislators who enact laws in their own interest even though they live under constitutions that aim at the interest of all the citizens, constitutions they have sworn to uphold. So, the rejection of the identification of justice with legality is a stable and general result of Plato's first argument against Thrasymachus.

The consequence of Plato's argument against Thrasymachus for the role of gender is clear. If all known ancient societies did not legally allow women to vote or to hold office, Thrasymachus would have to say, on the basis of his theory of justice, that these legal practices were just for these societies. But given his argument against Thrasymachus, Plato would refuse to draw this inference and would leave open and investigate the possibility that these universal legal practices were unjust. This is in fact what he does later on.

## 2. Plato's Principle of Social Justice

In his discussion of the place of women in society Plato explicitly appeals to his principle of social justice. We need first to take a brief look at it. Our approach here is to place Plato's discussion of women in Bk. V within Plato's theory of justice, and to see his argument about women as constructed with his principle of social justice and his perception of the relevant facts about men and women. This is correct in any case: the role of women in society *is* a question of justice; as well as, say, the efficient allocation of human resources.

Plato's principle of social justice is fairly simple: it is a principle requiring division of social labors on the basis of natural talents or abilities and appropriate education. It says that a society (or city state) is just when it is so organized that each

citizen is assigned that social task for which s/he is best suited by nature (inborn ability or talent) and appropriate education (R., 433-4). This fairly abstract or formal principle is then combined with some plausible empirical assumptions about what are the main social labors or functions, what talents are required for them, the appropriate education of such talents, and the division of the population according to these social labors and relevant talents. These are all rough and ready assumptions, which hold more or less of most known societies.

The notion of *social* tasks is based on the idea that individual human beings are not individually self-sufficient for their needs; they join into cities because by co-operating they can be self-sufficient or more so.<sup>7</sup> Division of labor, a co-operative practice, contributes to self-sufficiency by making social tasks, needed for the satisfaction of human needs, more efficient, easier, and more effective. The assigning of different social labor on the basis of natural or inborn abilities and appropriate education contributes further to the satisfaction of human needs, on the assumption that generally each person will do better at his/her social task if s/he is better suited for it by nature, inborn ability and appropriate education. (*Republic*, 369b-371)

The main human needs and corresponding social tasks are found to be provisioning one's city with economic goods; defending it; and ruling it. The main native abilities and talents are found to be high intelligence, high spirit (a fighting spirit, as we would now say), and a knack for the skills needed for producing and trading economic goods. High intelligence is matched to (it is the inborn ability best suited to) the social task of ruling the society, high spirit to defense, and a knack for productive skills to provisioning. Finally, given the matching, decisions are made about what is appropriate education for each inborn ability and talent: how to educate high intelligence for ruling, high spirit for defense, and the talent for production and trade.<sup>8</sup>

When we put together the formal principle and all these empirical assumptions, we get the main content of Plato's theory of social justice. A society is just when it is so organized that persons of high intelligence and appropriate education are assigned to ruling, persons of high spirit are appropriately educated and assigned to defense, and persons with a knack for production and trade are educated and assigned the tasks of provisioning the city (R., 433ff).

All this is familiar, at least as a sketch, from a fairly uncontroversial reading of Bks. II, III & IV. People sometimes object to Plato's empirical assumptions, but they are really reasonable and plausible. We know that the distribution of intelligence, for example, is uneven across populations, and so are talents and abilities for the various arts and sciences. Division of labor is a tremendous boost to productivity, not only in modern assembly lines, which use minute divisions of labor, and to which talent may not be very relevant; but also in the older and grosser divisions into the arts and sciences, trades and professions, to which talent is more relevant. Division of labor by educated talent is a further boost to productivity,

effectiveness, and quality; at least where the division is not minute and talent does make a difference. We can find reliance on all these assumptions, for example, in Adam Smith's *The Wealth of Nations*, whose first three chapters contain a masterful discussion of the division of labor and its advantages.<sup>9</sup>

We must explicitly note here that Plato principle of social justice includes division of labor but goes beyond it to require matching different social labors to relevant talents appropriately educated. It is really two principles, the first independent of the second: we can have division of labor without regard of talent, though of course not division of labor by talent without division of labor. Division of labor by itself seems to be a maximizing principle, maximizing the sum total of goods and services. Division of labor by talent seems to add a distributive component, since it requires matching labors to talents; it requires distributions of social labors on the basis of educated talent. As we shall see, it is this distributive component that does the work in the argument for the equality of women.

For our purposes here, an important difference between Plato and the moderns is not so much in the empirical assumptions. It is rather that Plato makes division of labor by talent *a requirement of justice*, whereas the moderns, though they may agree with the underlying empirical assumptions, favor freedom of choice of social tasks, trades and professions. The traditional phrase "Careers *open* to talents" means that the various positions of authority and responsibility in society are legally open to all the citizens. The phrase is from Adam Smith; Rawls calls it "formal equality of opportunity", and it is for him a principle of justice.<sup>10</sup> This principle of course does not *require* citizens to match their careers to their talents. Plato's does. This difference is probably based on different assessments about the value of social and political freedoms and the value of autonomy. The moderns think that freedom of choice with incentives for matching careers to talents is better than requiring as a matter of justice that careers be matched to talents. The difference in the case of women: the requirement that women's careers be matched to their talents, as distinct from giving women, as a legal right, the legal opportunity to pursue any career they choose. This difference has to be kept in mind when we examine Plato's view of the place of women in society.

We have given here only a bare sketch of Plato's principle of social justice, but hopefully it is enough to show how it is a crucial premise for his revolutionary proposals about women.

### 3. The Application of Plato's Principle of Social Justice to Women

In Bk. V of the *Republic* Socrates faces the question whether men and women should have similar educations and similar pursuits: "whether female human nature is capable of sharing with the male all tasks or none at all, or some but not others." (453a)

The question arises for two reasons.

First, Plato's principle of *social* justice has no part that would exclude women

from its scope.<sup>11</sup> This is equally true of his principle of individual justice, which according to him is isomorphic with social justice: an individual is just when reason rules his/her soul, spirit helps to carry out the commands of reason, and appetite obeys. There is no hint of gender, either in the tripartite analysis of the psyche (R.,434-40), or in the normative assignments of psychic labor to the three parts of the psyche, which is individual justice (R.,441-2).

Second, the view of Plato's contemporaries was that men and women should have different pursuits, and in fact did have different pursuits: men's responsibilities were the affairs of the city, women's the affairs of the home. We can see this in Plato's *Meno* (71e): Meno defines different virtues for men and women on the assumption of different pursuits; the virtue of a woman is what enables her to conduct the household well, of man good management of the city.

The conjunction of these two circumstances –the open scope of Plato's principle of social justice and current opinion and practice about the role of women– gives rise to Socrates' question about women's pursuits and education; to omit this question would have been a serious incompleteness in Plato's theory of social justice and the ideal constitution.

Socrates begins with the question whether women and men should have similar educations. He proposes the sound principle that persons should have similar educations if they have similar pursuits in life and different educations if different pursuits. This need not be understood except in the sense in which it is true: architects, say, should have similar (higher) education, physicians and architects different, because architecture and medicine are different pursuits and so require different knowledge.<sup>12</sup>

Thus the question of education depends on the question of pursuits. Should then men and women have the same or different pursuits? The pursuits in question are our social tasks, and in particular, in Bk. V, the tasks of defending and ruling the city; the tasks, it may be noted, which were then practiced by men exclusively, and even now days are carried out predominantly by men.

Plato has Socrates approach this question from the opposition, and an opposition using his very principle of social justice: According to you, Socrates and Glaucon, a society is just if it is so organized that each person is assigned to that social task for which s/he is best suited by nature. Men and women are different by nature. Therefore, in your just society men and women should do different social tasks. (453b)

Plato correctly perceives that the answer to this argument depends, first, on *what in fact are* the natural differences between men and women, and, second, on whether these are *relevant* to the determination of division of social labor by natural talents and abilities.

Plato finds that there are only two natural differences between men and women, considered as groups: first, men beget and women bear children<sup>13</sup> and second, men are *by and large* (not always) physically stronger than women.

Going on to the second stage of his answer, he points out that not all natural differences between persons are relevant to the determination of what their pursuits should be: for example, some men grow naturally bald, others do not, but it would be absurd to assign the first to defence and the second to ruling on that basis:

“...we did not posit likeness and difference in nature in every respect... but only those that were pertinent to the pursuits themselves.... We meant, for example, that a man and a woman who had a physician’s soul have the same nature... and that a man physician and a man carpenter have different natures.” (454d)

But what are the relevant differences on the basis of which persons are assigned different pursuits? They are differences in ability for the different social tasks, as shown by differences in learning how to do these tasks. The differences between a man who is gifted (naturally able) for something, say, architecture, and another who is not, are that the one learns that thing easily, the other with difficulty; the one with slight instruction can discover much for himself, the other after much instruction and drill could at most only remember what he learned. (455b)

Now the two natural differences conceded between men and women are not of this kind, except possibly that the differences in physical strength will indeed be relevant to pursuits requiring great physical strength and stamina. But this difference, unlike the first one, is not universal between the sexes: some women are physically stronger than some men.

At the same time, Socrates points out, the three main natural differences on which Plato relied all along to assign ruling, defense, and provisioning the city, namely, high intelligence, high spirit, and abilities for production and trade, are not distributed in any consistent way between men and women. Some women are more intelligent than some men, some are braver than some men, and some are better producers and traders; while other men are better than some women in one or another of these ways.

“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 woman naturally share in all pursuits and men in all...” (455de)

Therefore, given the principle of social justice, and given *these facts*, it follows that in a Platonically just society men and women will be assigned to the same social tasks and pursuits on exactly the same basis. It will be just that some men and some women be rulers, some men and some women be soldiers, and some men and some women be producers and traders.

And since those who share the same pursuits should share the same education, men and women of the same pursuits should have the same education, and men and women of different pursuits should have different educations; just as men who have different pursuits should have different educations, and women who share the same pursuits should have the same educations.

This is Plato’s argument for the equality of women in society. It is a deduction

constructed with his *principle* of social justice and his perception of *relevant facts* about men and women. The principle itself picks out what facts are relevant, certain natural abilities and talents that make a difference in the performance of the main social labors. The beauty of this deduction is that it shows cleanly what Plato's principle of social justice can do when put together with what we now know are true propositions about the world.

One of the most remarkable things about this argument is that Plato is actually "stretching the facts" in favor of women. Since women in all the societies he knew were not *in fact* pursuing careers outside the home, it could only be a matter of speculation how well they would do, especially compared to men, if they did venture into ruling, soldiering, and producing goods and services. Women had no opportunities to develop talents and abilities in these pursuits; consequently there was not much evidence how they would do compared to men, and it could only be guessed that they had talents for these pursuits. And Plato was guessing absolutely contrary to what everyone else believed.

#### 4. Was Plato a Feminist?

In recent years there has been a lively debate around this question.<sup>14</sup> I discuss briefly Gregory Vlastos' fine treatment of this question.

In "Was Plato a Feminist?";<sup>15</sup> Vlastos gives a balanced and judicious answer to this question. Vlastos defines feminism by reference a recently proposed constitutional amendment (which did not in fact pass): "Equality of rights under the law shall not be denied or abridged by the U.S. or any State on account of sex."<sup>16</sup> He then poses the question whether such equality of rights is consonant with Plato's "ideas, sentiments, and proposals for social policy." After reviewing the relevant evidence he concludes that in *Republic*, Bk. V, Plato was "unambiguously feminist"; that elsewhere the story is at best mixed; and that "in his personal attitudes to women Plato is virulently anti-feminist."

Our construction of Plato's argument for the equality of women in the ideal city supports Vlastos' general conclusions, but with a rather important qualification concerning rights.

The qualification is that Plato's theory of social justice in the *Republic* does not seem to be a *rights based* theory at all, or a theory that *generates rights*. Plato's principle of social justice is not justified or grounded on any other principle about rights of persons, as, say, Locke's theory of civil government is based on a principle attributing rights to human beings in a state of nature. When we look at Plato's *justification* of his principle, we find him talking about human *needs*, how they can be best satisfied, and about satisfying or promoting the good of the city as a whole rather than some part of it.<sup>17</sup> These appear to be teleological justifications of the principle of social justice, like those of, say, Mill, not like those of Locke or Rawls. Further, Plato's principle of social justice itself makes no reference, explicit or implicit, to any rights of persons. When we look at the *content* of the principle, we



see nothing said or implied about rights; it is all about social tasks and natural human abilities and talents. How then, in view of all this, are we to decide whether Plato was *for equal rights for women*?

As one might well expect if this is true, the questions about women's pursuits and education in Bk. V are not *in fact* posed in terms of rights, any more than questions about careers and education for men are ever posed in terms of rights. We might tease rights, or perhaps freedoms, out of Glaucon's theory (in Bk.II) or the theory of democracy Plato expounds (in Bk. VIII). Glaucon's contract theory of justice might generate rights, and Athenian democracy seemed to guarantee political rights to citizens, such as participation in the Assembly, and freedoms such as the freedom of speech. But these theories Plato criticizes. And his criticism of democracy is precisely that it allows for the freedom to do as one pleases, including the freedom of choice of career, in utter disregard to his own principle of social justice.<sup>18</sup> The freedom to choose a career, a social task in the ideal city, is a freedom his principle of justice denies. We saw a similar point earlier in the contrast between the principle of "Careers (legally) *open* to talents" and Plato's principle of justice: the former might create rights by prohibiting laws which would exclude any persons or groups of persons from pursuing some career; Plato's principle *requires* matching careers to talents.

So, it may be too much to say that "political rights" would be "the same for women as for men among Plato's Guardians." It may be more accurate to say that no one has political rights in Plato's ideal city, at least not "liberty rights," since no one has a right to *refuse* doing that for which s/he is best suited, or a right to do something other than what s/he is best suited for.<sup>19</sup>

However, if we lay aside the question of rights, and look at what Plato actually does when he faces the issue of the place of women in the ideal city, we see clearly that his theory of social justice *does not discriminate* between men and women; that is, it *does not discriminate on the basis of gender* when assignments of offices and other social tasks are made. And this *was* revolutionary for Plato's time.

How can we explain Plato's revolutionary proposals? I have a two part answer: one part relates to formal part of Plato's conception of social justice, the other to his unusual perception of the pertinent facts, men's and women's abilities.

We know from the *Meno* that Plato thought that virtue is the same for all human beings; he has Socrates explicitly deny that there is one virtue for men and another for women, as Meno had explicitly stated in *his* definition of virtue (The virtue of men is to manage the affairs of the city well, of women the affairs of the household). And since justice is one of the virtues, this has to apply to justice: there is one and the same justice for men and women. And we know that this is true in the *Republic*. In Bk. IV Plato tells us explicitly that justice is one and the same for all (435). This is very much supported by his theory of Forms, made explicit in the *Republic*, which holds that there is exactly one form justice. So, if cities and citizens can be just, *they* are so by participation in the same form; similarly, if men and women are just, *they*

are so by participation in the same form. And since women can be just or unjust, the same principle of justice must apply to them as to men.

This explanation is partial because it does not cover the factual part of the argument; it does not account for the fact that Plato stretched the evidence in favor of women. How did he know, or why did he think that women had talents for soldiering and ruling?

Here his metaphysical views about the human soul may have been an advantage. According to him, human souls can exist disembodied and can occupy several human bodies successively;<sup>20</sup> and this would naturally incline him to the view that human souls are not gendered. Gender is an attribute of human (and other animal) bodies, not of human souls. Moreover, the inborn abilities or talents, which his theory of justice matches to social labors, are attributes of souls, not of bodies.<sup>21</sup> And if souls are not gendered, there is no reason to believe that their attributes, such as intelligence, talents and abilities, are distributed on the basis of gender. So, when Plato applies his principle of social justice, which matches inborn intelligence and talents and abilities with social labors, to women, he supplies factual premises according to which high intelligence and various talents are distributed without regard to gender. With respect to such attributes the "natural lottery" is gender neutral.

Similar results may be expected in the case of individual justice. If human souls are not gendered, the tripartite analysis of the human soul is not gendered, or is gender neutral. And psychic justice, which requires the matching of psychic labors to parts of the soul on the basis of what these parts can do best, is also not gender sensitive, or is gender neutral.

Finally, side by side with the evidence that Vlastos fairly cites for his verdict that Plato, in his less theoretical moments, was also "virulently anti-feminist", we have evidence that goes along with the theoretical explanation we have provided. Plato, we are told, allowed women to enter the Academy, the first institution of higher learning to do so, thousands of years ahead the universities of Europe. And in the *Symposium* we have striking evidence that Plato thought women could have the highest human intelligence. He has a woman, Diotima, instruct Socrates in the theory of Platonic eros. What is remarkable here not so much that a woman tells Socrates about eros, but that Plato has a woman instruct Socrates in the theory of Forms, in which his own theory of eros is embedded. Indeed, one of the most remarkable statements about Platonic Forms in the whole corpus is put in the mouth of Diotima, with Socrates listening to her mystified but with open-mouthed admiration. The Form Beauty, *she* says, is the highest object of love. And unlike everything else beautiful, it is completely beautiful in all respects, the most beautiful thing there is or can be, existing alone by itself for all eternity. So Plato must have thought that at least one woman could be a philosopher and understand the theory of forms, a mark of the highest intelligence in the Republic. And if he thought one woman can be that intelligent, why not others? Even a singly contrary token is enough to break down the prejudice of a stereotype.

Plato was no feminist, if we think of feminism in terms of rights. But he was a revolutionary about gender all the same. We can put the revolution in a nutshell. If Plato were living today, and had the same theory of justice as he had then, and he had the same access to relevant facts that we do, and he were president of a university devoted to educating citizens in the arts and sciences, in government, the army and business, he would be assigning men and women to education and employment without prejudice against women. And this not because of any government mandate, but because of his meritocratic theory of justice and his metaphysical belief that human souls are not gendered. According to the tradition, this pretty much what he did as president of the Academy.

### Notes

<sup>1</sup> How sound is the argument? Thrasymachus makes no attempt to provide empirical evidence for the major empirical premise of his argument; e.g. that it was true of Egypt or Athens or Corinth that the ruling parties made laws to their own advantage. Aristotle, however, who collected some hundred and fifty four actual constitutions, testifies that *some* of them aimed not at the interest of the whole society but at the interest of the rulers. He thinks they are not the best constitutions –he calls them “deviant”– but they do exist, indeed all too likely to exist. (*Politics*, III,6). It is that in many discussions of Thrasymachus’ justice it is not recognized that he gives an argument for his definition; the argument clarifies the definition, and it shows that Thrasymachus proceeds as an empirical political scientist, studying comparative government and coming up with an empirical theory about justice.

<sup>2</sup> *De Liberto Arbitrio*, Bk. I, 5.

<sup>3</sup> John Rawls, for example, agrees: see his discussion of the four stage sequence, *A Theory Of Justice*, 1971, pp. 195-201.

<sup>4</sup> In the *Republic* Plato investigates justice without the aid of legality. He has his own methodology for finding out what justice is, different from the empirical methodology of Thrasymachus and the contractarian methodology of Glaucon: namely, a procedure guided by his functional theory of good and virtue and the assumption that justice is a virtue of cities (as well as individuals, whose justice is isomorphic to that of the city). But Plato’s view does not imply that empirical investigation is not in order at all. His own view of justice depends on a lot of empirical assumptions and generalizations; e.g. that human beings are born with different abilities and talents. A more detailed account of Plato’s theory of social justice will be found in the author’s forthcoming *Goodness in Plato and Aristotle*.

<sup>5</sup> Thrasymachus begins with the notion of a ruler as someone who has *de facto* power; his elucidation of “the stronger party” is the party in power, those who have legislative, judicial, and/or executive power. To get out of the contradiction Plato has him add knowledge to *de facto* power as joint criteria for being a ruler. In part this is justified by the analogy with the arts and sciences, say, medicine, where the relevant knowledge is the qualification for being a physician. The addition of knowledge is also made possible by Thrasymachus’ realization that making mistakes about what is to one’s own interest detract from his notion of a strong person. All this may serve to explain the move in the text. But all the same, adding knowledge to the notion of a ruler so as to exclude *all*

mistakes is too strong a notion, too unrealistic: there are no rulers like that, and so Thrasymachus' justice with *that* notion of a ruler would have no application. Thrasymachus can try to avoid this consequence by adding a temporal qualification to his conception of ruler: one is a ruler *when* he has *de facto* power *and* legislates to his own advantage without mistakes. This complicates considerably his method of discovering what justice is, but in any case it is giving up the assumption that whatever is legal is just.

<sup>6</sup> See Socrates' reply to Adeimantus in *Republic* 419-422; Socrates says that the city they have been constructing aims at the good of the city as whole, not the good of rulers alone, assuming that justice will be found in such a city. In *Politics*, Bk. III, chs. 6 & 7. Aristotle explicitly recognizes that some constitutions *do* aim at the good of the rulers. He gives arguments against them, mainly Plato's arguments, and calls them "deviant", distinguishing them from constitutions which aim at the interest of *all* the citizens, which he calls "right" constitutions. Discussions of Thrasymachus's view of justice need to bring Aristotle's illuminating discussions of deviant constitutions, and also John Rawls' discussion of egoistic theories of justice, in Rawls, *op. cit.*, pp. 122-6.

<sup>7</sup> Self-sufficiency is for the ancients one criterion of a political unit; see Aristotle's *Politics*, Bk.I, ch. 2.

<sup>8</sup> This is the barest sketch of the empirical assumptions, which Plato discusses in *Republic*, Bks. II, III & IV, more exactly between 369, where he begins his construction of the completely good city, and 434, where he ends up with his definition of social justice. For a discussion of the classes in the ideal city, see K.I. Despotopoulos, "The Form of the Right City," in Platon, vol. A, in honour of D.Z. Andriopoulos, Athens, 2002.

<sup>9</sup> Smith has some disagreements with Plato; for example, on whether differences in relevant abilities and talents are inborn or acquired. But the main points I rely on here are not affected much by these differences. The difference that I talk about later is another story: that for Plato division of labor by talent is a principle of justice, whereas for Smith division of labor is a principle of efficiency and productivity – one of the things that increases the wealth of nations.

<sup>10</sup> *A Theory of Justice*, 1971, Ch. II, pp. 72ff. Careers legally open to talents is *formal* equality of opportunity, according to Rawls; together with *fair* equality of opportunity, they make up part of the second principle of justice, the other part being the famous difference principle.

<sup>11</sup> Indeed at *Republic* 433d Plato applies the principle of social justice explicitly to all human beings.

<sup>12</sup> For Plato, more specifically, mathematics and architecture are different *technai*, with different subject matters and different goals, and the practice of each would require appropriately different higher educations, as it does for us.

<sup>13</sup> *Republic*, 454e. Plato may have had a false micro-biology, but I do not think it matters here, as there is a biological division of labor in human reproduction and women have to bear children while men do not.

<sup>14</sup> See Richard Kraut, ed., *The Cambridge Companion to Plato*, 1992, pp. 44-5, 507-8. See also N.D. Smith's judicious discussion, "Plato and Aristotle on the Nature of Women," *The Journal of the History of Philosophy*, 1983, which includes citations to several other articles.

<sup>15</sup> *Times Literary Supplement*, March 17, 1989, reprinted in R. Kraut, ed., *Plato's Republic*, 1997. In this volume see also Arlene W. Saxonhouse, "The Philosopher and the Female in the Political Thought of Plato," for many contemporary objections to Plato's views;

and C.D.C. Reeve, "The Naked Old Women in the Palaestra," for an able defence against some of these objections, as well as the limits of Plato's vision.

<sup>16</sup> He abbreviates this into: "Equality in the rights of persons shall not be denied or abridged on account of sex."

<sup>17</sup> See for example, *Republic*, Bk. II, 370, the justification of the principle of social justice when it is first proposed; and Socrates' response, in the opening paragraphs of Bk. IV, to Adeimantus' objection that Socrates is making the guardians unhappy.

<sup>18</sup> *Republic*, Bk. VIII; see also the author's "Plato's Criticism of the Democratic Man in the *Republic*," *The Journal of Ethics: An International Philosophical Review*, Summer, 2000. .

<sup>19</sup> See *Republic* 434ac for an explicit statement that interchange of social functions would be unjust. In this paper I leave aside the question whether Plato or the ancient Greeks even had a *concept of rights*. This question is fruitfully discussed in Fred Miller's recent book, *Nature, Justice and Rights in Aristotle's Politics*, Oxford, 1994. Chapter 4 contains an illuminating discussion of various kinds of rights, including "liberty rights."

<sup>20</sup> In the *Phaedo* and the *Phaedrus*, souls can exist disembodied and can migrate from body to body and even transmigrate to animal bodies. Disembodied souls are also assumed by the theory of recollection in the *Meno*. How could disembodied souls be gendered? David Keyt brought this point initially to my attention. See also N.D. Smith's illuminating discussion on this point; Smith, *op. cit.*; the different treatments of women by Plato and Aristotle correlate significantly with their different theories of soul. See also a related discussion in Richard Sorabji, "Rationality" in *Rationality in Greek Thought*, ed. M. Frede and G. Striker, Oxford, 1996.

<sup>21</sup> We see this clearly in a passage quoted earlier: "We meant, for example, that a man and a woman who had a physician's soul have the same nature... (R., 454d).