

“Men on Horseback”: Leo Strauss on *The Argument and the Action of Plato’s Laws*

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Introduction

Whoever studies Plato’s *Laws* closely can only with difficulty reject the impression that the themes that are treated in it have not been wholly superseded: immigration, dominant culture, militarism, health care. Mass sporting, vegetarian nourishment, sexual identity, frowned-upon sexual practices, equal treatment of men and women, communism, penal law reform—nothing politically contested among humans was foreign to Plato. Such themes are treated above all in Plato’s *Laws*, which remarkably often stand in the shadow of the more famous *Republic*. With Leo Strauss, it is different. Plato’s *Laws* are the only dialogue to which Strauss devoted an entire book—it was his last. Within it is contained a lifelong experience of frequentation with the foundations of political philosophy.

Plato’s *Laws* had acquired a particular significance for Leo Strauss relatively early.¹ Under the date of February 2, 1933, Strauss wrote to Karl Löwith in relation to Nietzsche’s philosophy: “The question is: whether one must stick to the antithesis

*Translated from the German by S. G. Zeitlin. The German original of this study appeared as “Men on Horseback”: Leo Strauss über “The Argument and the Action of Plato’s Laws” in Manuel Knoll, Francisco L. Lisi (eds.), *Platons Nomoi* (Baden-Baden: Nomos Verlag, 2017), pp. 257–86 (<https://doi.org/10.5771/9783845259642-257>). Professor Clemens Kauffmann requested and received the present translation in 2017 for a volume which was not subsequently published. The translator is grateful to Dr. Christine Kauffmann for the permission to publish this study in English translation, to Professor Richard Avramenko, an anonymous reader for *The Political Science Reviewer*, Professor Svetozar Minkov, Professor Eva Odzuck, Professor Catherine Zuckert, and to Professor Clemens Kauffmann, to whose memory the present translation is dedicated.

courage-knowledge. As I became acquainted with Plato's *Laws*, it became clear to me that that's *not* necessary, that if one recalls certain Platonic doctrines Nietzsche's questions, thus our questions, are posed in a simpler, clearer, and more originary way. – Certain observations in relation to medieval philosophy came to me as confirmation, so that I *finally* held an *attempt* with Plato to be advisable. The abstract historical doubts are known to me – but I believe they will be represented otherwise at the end than at the beginning."² Six years later, on February 16, 1939, in writing to his friend Jacob Klein, Strauss writes, "The *Laws* are now, I believe, clear to me."³ These impressions show that Plato's *Laws* played an equally important role in the contouring of the philosophic project of Leo Strauss from very early onward. Therewith the concern was manifestly not only with questions in the so-called history of ideas but also with the assessment of the contemporary philosophic scene, with the intellectual situation of modernity and its confrontation with medieval rationalism.

That with which the "certain observations" were concerned, which Strauss mentioned in 1933, became clear at the latest in 1935, when he published *Philosophy and Law*. *Philosophy and Law* is not only the title of an early book by Leo Strauss but also the appropriate label for the decisive political dilemma—as Strauss saw it—and the principal object of classical political philosophy. In the legal grounding of philosophy and in the philosophic grounding of the law the circle is drawn, the center of which is marked by the idea of natural right and of the natural law, and at the peripheries of which Plato's *Politeia* and his *Laws* are encircled. The problem of the law is the key to the problem of political philosophy, as Leo Strauss offers it to us undogmatically. These are the fields of display of the philosopher, upon which he can play out his philosophic capacities and his political competences.

Philosophy is the One. Politics is something else. Philosophy and politics stand for different ways of life and consequently for different standpoints, from out of which fundamental problems are to be judged and handled. But how can the philosophic interest within the political space remain defended without becoming overwhelmed by power? To political action there pertains a

philosophically informed form of communication. Exoteric-esoteric communication corresponds in the domain of political action to that which Strauss called “philosophic politics.”⁴ Here the philosopher acts as lawgiver-founder who transmits to a citizenry a practicable and stable order that can simultaneously protect the requirements of the philosophic life. *Philosophy and Law* is immediately concerned with this in the sense of political action. Leo Strauss finds the compulsory book of philosophic politics in Plato’s *Laws*. In *The Argument and the Action of Plato’s Laws*, he plays out the classical strategy of philosophic politics and demonstrates on Plato’s “sub-Socratic” text how multifaceted and arduous the political work of the figure of the philosopher can be and how limited his possibilities are. Politics, in the end, always remains a battle.

The last book of Leo Strauss has generated difficulties for scholarship. Hardly anyone has found real access to the text, which is often passed over in silence and more often attacked with superficial polemics.⁵ In the reviews from the period of publication there is to be found no real engagement with Strauss’s intention—*inter alia*, nowhere a reference to significance of the bodily. Some “readers” appear to have been insulted by matters of textual presentation: no indices, no bibliography, no separate explication of the hermeneutic method, but above all no extensive discussion of the contemporary research on Plato’s *Laws*. Indeed, reading the book isn’t easy; it is above all time-intensive—a manifest imposition in the busy academic factory.

A book like *The Argument and the Action of Plato’s Laws* can neither be summarized nor represented in its essential content. In addition, it is of no avail, in light of the differentiated motifs and analysis, to work and discuss out *one* central thesis. The movement of thought in the commentary nonetheless allows one basic motif of the engagement with Plato to be rendered visible: the significance of the human body as presupposition and condition of politics and lawgiving. Strauss treats this theme in his confrontation with the *Laws* in the relation to philosophy that is rich in tensions, which in the course of the dialogue of the *Laws* nonetheless

remains in the background. On heuristic grounds, it also remains in the background in the reflections that follow here. This last holds equally for religion, which in the *Laws* as in Strauss's commentary is ever-present, the role of which in the course of lawgiving, however, may likewise be disclosed from embodiment. This mutual relation must be left for another occasion. In the present treatment the political significance of the body in Strauss's engagement with Plato is pointedly marked to allow the central significance of embodiment on the whole to emerge clearly. In this regard, as a first step the hermeneutic guidelines Strauss follows in his engagement with the *Laws* are developed (in section 2). The options of philosophic politics, which Strauss plays out on the example of Plato's *Laws*, show (in section 3) that the actual opposition, which decides the extent of politics, is that between intellect and body. First from the perspective of the bodily are the structure and content of most of the objects of legislation disclosed alongside their implicature in religious discourses. Finally from this point, the question of power is developed—in relation to the power of the law and, further, in relation to the question of who ought to exercise this power. With the question of power, the problem is pushed to the level of the relation between law and reason. What possibilities are there for philosophic politics to decide the question of power for itself?

Hermeneutic Guidelines

Leo Strauss himself, at the beginning of his essay "Plato's Republic," gives an explicit explanation of his way of reading Plato.⁶ He works with Plato's dialogues under the presupposition that the conveyances intended by the author are not brought directly to expression.⁷ Plato presents his dialogues exclusively in the speeches and deeds of others.⁸ Spread across the work are to be found numerous hints that expand on this program. In his letter to Jacob Klein of August 18, 1939, Strauss notes how important the understanding of structure is for the comprehension of a text as a whole.⁹ Philosophic contents allow themselves to be disclosed by the careful reader via the analytic reconstruction of the trajectory of the argument and of the events of the dialogue. A single expression hardly ever has the

sense of a dogmatic assertion. It stands always in the mutual relation of the trajectory of the dialogue and of the thought, in the course of which the transitory validity of every assertion can again be dissolved. In general, there can be little univocality, where the immediate concern is to grasp the complexity of a problem: expressions are not simple assertions; much more is often contained within the questions than within the answers.¹⁰ Leo Strauss's Plato interpretations in commentary form therefore do not permit the expectation that Strauss wanted to achieve only that from which Plato proceeded, the expectation that it cannot be achieved, or even the expectation that Strauss is concerned only with making explicit a Platonic doctrine or even his own doctrine. Strauss remains as refreshingly undogmatic as Plato was. The book on Plato's *Nomoi* is, *inter alia*, called *The Argument and the Action of Plato's Laws* for that very reason.

The book serves the reader of Plato as an aide in reconstructing the trajectory of the argument: it shows what happens in the dialogue when the dialogic partners at a particular point in time say something or don't say anything; it sets up relations with other dialogues. I once called this the "hermeneutics of the third dimension": Strauss's commentaries "expand the two-dimensionality of the transmitted texts via the dimension of the plot, which is simultaneously fulfilled in the written word, and via the horizon of ancient philosophic thought."¹¹ It would be an errant view if the Strauss interpreter now wished to make explicit out of Strauss's texts that which Strauss himself refrained from saying about Plato.¹²

In the lectures "The Problem of Socrates," Strauss shared an important observation in relation to the architectural plan of the *Politeia*—namely, that its abstraction from the body is perhaps its most important characteristic.¹³ Strauss accorded to the phenomenon of abstraction exemplary hermeneutic significance. To understand a dialogue means to recognize the principle that directs every specific abstraction that is characteristic for a particular dialogue.¹⁴ Strauss manifestly treats the abstraction from the body in the chapter "On Plato's Republic" in *The City and Man*. At this point, the

reference to a central point suffices.¹⁵ Plato's drawing of the parallel between individual and polis—according to Strauss—makes an abstraction from the body and from eros indispensable.¹⁶ The consequences of these observations are grave. It is precisely Strauss's last word that the drawing of parallels between the individual and the polis, which is a presupposition of the doctrine of the soul in the *Politeia*, is manifestly questionable and even unsupported. In the last paragraph of the chapter one reads that to the extent that the *Politeia* abstracts from the body and from eros, it concludes by also abstracting from the soul—and, finally, Strauss sums up: “the *Republic* abstracts from nature.”¹⁷ What can “nature” here mean? While the *Politeia*, according to Strauss, abstracts from the body, this does not hold for the *Laws*. This is an important hint for the interpretation as well as for Strauss's reading of Plato, which lies at the basis of his commentary. In the *Laws*, philosophy—the philosopher and the philosophic life—remains in the background. The *Laws* are, in Strauss's words, “sub-Socratic.”¹⁸ Thereby the problem of embodiment steps into the foreground as one of the defining marks of the twofold law. Both texts accordingly represent different yet, in relation to the material problem, complementary standpoints. The *Politeia*, Strauss thus wrote to Jacob Klein in 1939, is “dedicated to a radical critique and rejection of the political life”; the *Laws*, we may expand further, show precisely the laming effects of the bodily, especially of the bodily oriented humans, on political life.¹⁹

To this is to be added that for Strauss, Fārābī's reading of Plato is indeed of epochal significance.²⁰ In 1957 Strauss published an article under the title “How Fārābī Read Plato's *Laws*.” Fārābī had, according to Strauss, rightly esteemed Plato's plots: how Plato communicated his thoughts pertains to the secrets of his writings.²¹ He combined a principle of closedness with moments of openness that were as unexpected as they were unbelievable. Strauss narrates Fārābī's famous story of the pious ascetic who, without lying with words, escapes persecution only via his deceptive comportment.²² Plato had something in common with the pious ascetic. Both were sometimes compelled to speak truths that could be dangerous to

themselves or others. Because both were men of judgment, they acted in such cases in the same way—namely, by attiring themselves in the appropriate costumes so that one wouldn't believe what they said. In actuality it is the public that is in such cases deceived. In this manner, Plato wrote about laws.²³ Fārābī made such a procedure his own and developed a representation of “two-foldedness” to help those who really wanted to know the positions of the *Laws* and to be sufficient for those who did not want to undertake the requisite exertions of study and thought. We don't need to enter into the details of Strauss's interpretation of Fārābī in order to profit from an important hint. Strauss characterized both Plato and Fārābī by the fact that they aimed at a twofold meaning, and he compared them in this regard to “men on horseback”: an apparent whole composed of a knowledgeable and slow ruler and a fast and less knowledgeable subject, which, taken together, are well-suited for unexpected attacks as well as for flight.²⁴ And we profit from a further hint. Strauss manifestly proceeds from the fact that the philosophic mode of communication in Plato's *Laws* consists of two elements: one out of speech and deed, the other out of argument and action. Are steed and rider a sensuous image for the coincidence of wisdom and power? Let us for once assume that Strauss laid a similar procedure at the basis of his book on Plato's *Laws*, and then in the reviews precisely both types of readers, with whom Plato and Fārābī had already reckoned, would manifest themselves.

Leo Strauss gives the reader further marked hints for the ordering of his text. Around 1930 Strauss discerned in a treatise of Avicenna (i.e., Ibn Sina), “On the Parts of the Sciences,” his observation that the political treatment of prophecy and of the religious law is ready-to-hand in Plato's *Laws*.²⁵ For Strauss's philosophic life project this was an extraordinarily consequential discovery, as from this the medical rationalism above all of Judaism and of Islam and finally the philosophic treatment of revelation disclosed themselves to him. In the light of revelation, Plato's philosopher-king metamorphoses into the figure of the prophet, who exceeds him in capacities and could actually found an ideal

state. To this extent, prophethology shows itself to be political in the highest degree and to be a locus of political philosophy. Strauss placed Avicenna's observation as a motto above the two-page prefatory text affixed to his commentary. Avicenna's notion had already roused Strauss's interest in 1935, as he cited the same passage in *Philosophy and Law*. In the wording of 1935, the passage runs as "that which mutually relates to *prophecy* and the *religious law*, that is "contained" in the . . . *Laws*."²⁶ The continuation of the Avicenna citation in *Philosophy and Law* makes clear that which the motto of *The Argument and the Action of Plato's Laws* is meant to signify: "This part of practical philosophy (namely politics) has as its object the presence of prophecy and its dependency upon the human species in relation to its presence, its perpetuation, and its reproduction in the religious law. Politics treats both what is common to all religious laws as well as the particular characteristics of the individual religious laws, according to people and age; it treats the distinction between divine prophecy and all worthless pretensions."²⁷ On the basis of the Avicenna citation, Strauss sets up a relation (a) between divine legislation and politics as well as (b) between politics and particular forms of religious laws. It became clear to Strauss in 1935 what an enormous significance Plato's *Laws* had for the edification of medieval rationalism in Judaism and Islam: in the light of revelation the teaching of the prophets becomes the "natural" locus of politics. The Arabic philosophers, but also Maimonides as well, philosophically asked "after the possibility of the real law; they answered the question within the horizon of Platonic politics: they understood revelation in the light of Platonic politics. From the standpoint of an un-Platonic presupposition—from the presupposition of revelation—they received Platonic politics. . . . Plato, in sketching the true state, had presaged revelation."²⁸

According to Strauss, Plato's *Laws* thus treat politics as legislation in its relation to religion. This mutual relation is important for reading Strauss's commentary on Plato's *Laws*. More important, however, is another mutual relation that is marked in the Avicenna citation from *Philosophy and Law*. There it is not only a matter of

prophecy but also wholly essentially a matter of its “dependency upon the human species in relation to its presence, its perpetuation, and its reproduction in the religious law.” In other words, a politics conceived in this way is concerned with the physical existence of humanity—that is, it is concerned with the human body. This appears to be a fairly foundational definition with a view to Maimonides and the Islamic philosophers, as *Philosophy and Law* elucidates. There it is a matter of “the sharp distinction between the divine law that has the authentic perfection of humans as its goal and whose promulgator is a prophet, and the merely human law which has the perfection of the body as its goal and whose promulgator is a statesman. . . . In a related connection he says: the use of politics consists in one knowing how the social relationship between human individuals must be furnished in order that they may mutually aid one another for the welfare of bodies and the perpetuation of human kind. This expression necessitates the question[ing] of that whereby prophecy distinguishes itself from all that is merely political.”²⁹ The answer to this question that Strauss distills out of Avicenna runs in the direction that prophecy is more comprehensive and superior to all that is “merely political” because it has “the authentic perfection of the human as its goal”—thus also that it aims itself at those who, with the help of science, direct themselves to the intelligible world and to the perfection of understanding. By contrast, the object of “mere political leadership” would be “the welfare of the body, the salvation of the sensuous world.”³⁰ The prophet of revelation is simultaneously a ruler; to this extent he is “more” than Plato’s philosopher and enjoys precedence of rank over him.³¹ In addition, by force of the “*fact* of revelation” and of the authority of the divine law, in the prophet there are assembled those capacities that the philosopher in Plato’s dialogues lacks: he is “*teacher and leader in one*.”³² In the Jewish and Islamic rationalism, “the prophet as philosopher-statesman-seer(-doer-of miracles) in one is the founder of the perfect society.”³³ Strauss continues: “*The prophet is the founder of the ideal state*. The classical sketch of the ideal state is the Platonic state. . . . The prophet is the founder of the Platonic state: the prophet fulfills what Plato proposed.”³⁴

What is the significance of this mutual relation for Strauss's reading of Plato's *Laws*? Plato may have sketched an ideal state, he may have offered proposals, he may have presaged revelation: that was in any case not the reality to which the *Laws* were directed. The reality was the immediate legislation, in the first instance, for Crete and Sparta; the reality was the legislation that had, as mere politics, to confront and contain human embodiment. The reality was a thoroughgoing absence of philosophy from the vantage point of the desiderata of the deed. The philosophical analysis of this constellation in its dependence on religious questions was the theme of the *Laws*. To guide the reading of the *Laws* thus informed is the task and object of *The Argument and the Action of Plato's Laws*. Therewith it is constantly to be recalled that the Jewish and Islamic prophetology represents a "critique of Plato," to the extent that his philosopher is politically impotent.³⁵ The almost shameful modesty of philosophy and the power of religion—rationality and embodiment, rider and steed—are the poles around the axes of which the political problem aligns itself.

Philosophic Bodies Politic in *The Argument and the Action of Plato's Laws*

3.1 Ironic Political Theology

Strauss opens his commentary on Plato's *Laws* with a preface composed of five paragraphs, which in place of their own superscript stand under the motto of Avicenna. In the preface, Strauss treats multiple fundamental coordinates. Immediately Strauss holds fast to two points: (i) the *Laws* are Plato's most political work—indeed, only political work—and (ii) the *Laws* are Plato's most pious work.³⁶ Both assessments belong together to the extent that Strauss noted in the text "The Law of Reason in the *Kuzari*," which first appeared in 1943, that Plato's *Laws* contain a political theology.³⁷ The opening observations on the liaison between politics and piety stand within a frame that (iii) points to the contradictory situation into which (every) society falls with respect to legislation, which (iv) is thematized by the (apparent) absence of Socrates in the dialogue on the *Laws*, which (v) engages the

problem of writing and places its terminal punctuation (vi) finally in the assertion that Plato devises Socratic and other stories with ease.³⁸ The observations mark the standpoint from which the problem of legislation in Plato's *Laws* will be treated. They also touch on the means of presentation, which are at the disposal of the chosen standpoint. This question was also thematized relatively early by Strauss: in the text of 1937, "On Abravanel's Philosophical Tendency and Political Teaching," Strauss called Plato's *Laws* the latter's most ironic work.³⁹ How ironic must a commentary that wants to do justice to the *Laws* be? In 1939 in "The Spirit of Sparta or the Taste of Xenophon" Strauss lauds Plato's *Laws* on account of their unsurpassed art of writing, which shows itself in almost bashful restraint.⁴⁰ To understand what this means, the following reflections are necessary.

In the first instance, in an eminently political work, the concern in the foreground is not philosophy, the philosophic life, or the role of the philosopher in society.⁴¹ This restraint goes so far that Socrates in Plato's *Laws* is not present—should he not be present in disguise in the figure of the Athenian Stranger, as Aristotle claimed.⁴² The philosophic spirit, according to Strauss, must shade itself in the presence of politics; the horizon of the philosopher must thus be limited, and that means that the philosopher must accept the political perspectives and put on the language of political humans.⁴³ Strauss writes that as Plato formulated the *Laws*, he consequently placed a law above himself—namely, to be silent about philosophy.⁴⁴ The dialogic partners of the Athenian, of the Cretan Kleinias, and of the Spartan Megillos—a political man⁴⁵—personify the manifest absence of philosophy, while Glaukon and Adeimantos in the *Politeia* symbolized the manifest presence of philosophy.⁴⁶ The philosopher, to the extent that he is a philosopher, holds himself back in a political situation. He does not hold himself back to the extent that he acts as a legislator. There is thus a tension between philosophy and law, between the presence and the absence of philosophy, between wisdom and ignorance, between the philosopher and society, as it is described in the "Strauss-hypothesis."

While from the vantage of the tension between philosophy and the law the philosophic life and its significance on the whole for the polis steps into the background as a theme, another problem emerges in the foreground: the body. The philosophic treatment of the body as object of legislation and condition of politics is one of the most important motifs in Strauss's commentary on Plato's *Laws*. Strauss was already attentive to the significance of the body in 1935 with a view to Avicenna's reading of Plato: not accidentally, the Avicenna motto at the beginning of *The Argument and the Action of Plato's Laws* points to the connection. But there are further clues. In a lecture from the year 1958 titled the "Problem of Socrates," Strauss states, in a paragraph that handles Plato's *Laws*, that the doctrine of the soul is the core and ruling principle of Platonic philosophy. Yet he simultaneously recalls that philosophy, in any case, has to do with the whole, that accordingly it must necessarily concern itself with the body—and that Plato characteristically leaves these other things to a foreigner.⁴⁷ The *Politeia* cannot answer all questions and cannot solve all problems. But it would like, and in this Strauss ever and again concurs with Cicero, to make clear the limits of the political.⁴⁸ Strauss shows how the possibilities of politics limited by embodiment come to bear on the definition of the law.

3.2 Definitions of the Law

The limitations of the political show themselves in the concept of the law. A definition of the law cannot be entered into directly via throwing up the question "What is the law?" Thus, Strauss notes, the Athenian treats and answers this question silently.⁴⁹ Strauss shows how the dialogue touches on this central question on different levels. In Book I of the *Laws* the Athenian introduces the image of the human as a marionette, as a plaything of the gods. He attempts in this way to lead the Dorians to an understanding of the relationship between rationality and law. The human is onefold and simultaneously twofold, indeed, even manifold.⁵⁰ He is directed by opposed irrational counselors (desire and pain) and by opinions concerning future ill or good. Set over this would be the rational

calculation of the better or the worse. And this is called “law” when it becomes the common conviction of a city.⁵¹ Strauss calls this a “central assertion” in relation to Book II of the *Laws*.⁵² The central assertion in any case necessitates asking in what way the acceptance of a rational consideration as law alters it and whether all laws are rational. Thereby the relation between reason and law in general becomes a problem. In the puppet-myth it is said that in order to be virtuous, we must always follow a golden and sacred procession via rational consideration, which one calls the common law of the city.⁵³ Strauss asks whether reason and law would then be identical, but then decisively he immediately steps back from this question.⁵⁴ For foundation he draws out of Plato’s text that reason, which is indeed noble, but soft, gentle, and not violent, and therefore without the support of strong and steely desire, reason cannot rule.⁵⁵ Are reason and law something like rider and steed? In Book II of the *Laws* in a thematic activity of a somewhat different kind, the dialogic partners come to the conclusion that education means leading children to the Logos, which the law declares to be correct and which the most esteemed and oldest members of the community would regard as truly correct on the basis of their experience.⁵⁶ If one takes both assertions together, the consequential relation between reason and law becomes inverted. Therefore, Strauss can say that the second assertion would be the opposite pole of that which was said in the “central assertion.” The question in the room, “What is the law?,” is not yet handled satisfactorily.

In Book IV of the *Laws* the dialogue moves closer to the question. The first activity of the legislator would be the definition of the regime for the city to be founded. The Athenian makes the conditional proposal that the true Lord of those who possess intellect, God, ought to be Lord of the city. He comes to the preliminary conclusion that in private as in public life we must obey the immortal in us, wherein we give the collocation or partition of reason the name of law.⁵⁷ Strauss notes that the Athenian does not speak here of the relation between reason and law, which had previously shown itself to be problematic, but rather seeks the

highest possible ground of the law: the dominion of law is the dominion of God.⁵⁸ In the dialogue with Kleinias and Megillos, the Athenian is correspondingly concerned with lawgiver gods.⁵⁹ But something's not quite right in the dialogue with the gods. The founder-lawgiver is not a founder of a religion.⁶⁰

Going into the problem of the gods is the task of philosophy. The Athenian puts this task to himself in the only philosophic book of the *Laws*, Book X.⁶¹ Is the identification of the dominion of law and the dominion of god the highpoint of that which Strauss labeled "political theology"? In a different manner the fact is recalled that laws are made by men.⁶² The decisive question is therefore which men ought to rule in the state to be founded, and Strauss combines this with the critical clue that laws in the precise sense cannot rule at all.⁶³ After the second activity of the lawgiver—the admonition of future citizens—the legislator turns silently to the third and last activity, which proceeds to actual lawgiving activity and consists in silently answering the question "What is law?"⁶⁴ It consists, taken precisely, in a correction of the prior definition of the law. The law has two sides. In addition to dispensation effected by the intellect, the law requires compulsion.⁶⁵ Why? The goal of the law is to lead humans toward a virtuous life. That the lawgiver really ought to have a superior insight is not clearly perceptible to all. Further, only a few are of themselves ready for virtue; still higher beings have placed sweat above virtue.⁶⁶ Those who are subjected to the law are, in what regards virtue, relatively lax.⁶⁷ The floor of the law would accordingly be a robust command, and the dispensation via the intellect would be the ceiling. Between both these extremes persuasion mediates.⁶⁸ Strauss thus gives to be understood that the floor of the law touches everything that has to do with physical survival, and the ceiling of the law touches authentic virtue to the extent that citizens are capable of it.⁶⁹ Between that which is necessary for survival and virtue, not only persuasion mediates in reality. Repeatedly it is noted that there are three good things capable of bridling the bad passions: angst, law, and the true Logos.⁷⁰ To be effective with the lax, the regime ought to be not only wise but

also strong—a combination such as coincides in men on horseback. Brachial superiority is superiority in bodily strength.⁷¹

Perhaps still more important than the question of what the law is, is the question *whose* law it is: Who is the legislator? God, the old, the wise, the strong? The actual legislators are those whom the law somehow strives after. For this one needs, again, knowledge of the nature of souls—and thus they will first authentically become lawgivers, it says.⁷² Whoever according to reason possesses the *true* law, in him reason seeks to become law.⁷³ In the paragraph, which comes after the twofold definition of the law, Strauss in any case makes clear that the discourse of the lawgiver perceives its function in two different ways: the same man must serve himself with a mode of discourse, which is twofold in itself, and indeed both gentle (like reason) as well as tyrannical and raw (like the horse?).⁷⁴

3.3 *The Fundamental Political Tension*

This tension is, according to Strauss, characteristic for the fundamental political dilemma.⁷⁵ He treats this in a paragraph that concerns itself with Book III of the *Laws*. For the understanding of that which interests Strauss in Plato and the aim of his interpretation of the dialogue, this fundamental problem is central. One ought therefore to contour it precisely. Strauss develops it first in connection with three passages that concern themselves with the greatest wisdom in contradistinction to the greatest ignorance. The question is how one can link the presence of the one with the absence of the other. The Athenian lists seven antagonistically related originary pairs of possible legitimations of rule. Strauss comments on these, wherein the opposition between wisdom and strength steps into the foreground. The following paragraph possibly responds to a remark of the Athenian in Plato's text, which Strauss nonliterally takes up: "Then we have precisely developed a source of partition, for which you must provide relief."⁷⁶ The paragraph in Strauss does not comment on Plato's subsequent text. It instead gives to be understood that the "numbering out" of the seven title-claims "redescribes" the fundamental political problem. The problem consists in the "first instance" in the tension between

the common good and the private good.⁷⁷ Shortly thereafter, Strauss concretizes that the political problem consists in the reconciliation of the “highest” title-claims to rule with the other claims that stand in conflict with it, and that means in the first instance with the title-claim based on superior strength.⁷⁸ The political problem accordingly lies in the tension between wisdom and strength, between intellect and body, between philosophical and political life, a tension that draws others after it, such as those between the individual and the majority, between monarchy and democracy—one could also say: between “man and the city.”⁷⁹ The de facto tension between wisdom and strength is the political reality that stands against a coincidence of wisdom and power in the figure of the philosopher-king. In any case, in a prophet such a coincidence could come to pass—thus the reference to Avicenna in the prefatory motto.

That which is common to all the aforementioned relations of tension is that they can all be regarded from the viewpoint of high and low—out of which different standpoints of observation are yielded correspondingly distinct perspectives on the foundational problem. Under what conditions could politics resolve this tension? Or is this an absolute problem, one on the resolution of which politics must constantly fail?

3.4 The Body as Occasion, Object, and Limit of Legislation

The human body is a central part of the political problem. The related characteristic restriction of political life pertains to the basic themes of the philosophic commentary of Leo Strauss. The body is the object of legislation in numerous legal domains: in property law encompassing both property in one’s own body as well as property in slaves;⁸⁰ upbringing and education of the body⁸¹ nourishment;⁸² education to courage (in contrast to moderation) as bodily and martially oriented virtue;⁸³ training in gymnastics (in contrast to music) as body-oriented education in relation to the requirements of the city and of war;⁸⁴ marriage legislation, sexual orientations and uncommon sexual practices;⁸⁵ procreation, upbringing and education of children;⁸⁶ in the military drill;⁸⁷ and

generally in birth and death, including health care⁸⁸ and the law of inheritance.⁸⁹ Another theme is the penal law, first in relation to crimes against the body, like injuries and mutilations; then, however, also in the sense of bodily punishments. Of not-to-be-underestimated significance is the religious law, in which the investigation into the heavenly bodies is to be expanded and beings, in addition to the gods, that should be bodiless and “deathless” are to be taken into consideration and thus present their own problematic.⁹⁰ Of further relevance are in addition all bodily life-impulses: perceptions, sentiments, joys, sufferings, anxieties, passions, and basic needs like eating, drinking, and reproduction (e.g., erotic desire).⁹¹ Further, it is a matter of external bodily goods like the division of land and lodgings,⁹² but also of material welfare⁹³ and the possibility of transferring this to one’s own descendants. The more general political questions touch on the possibility of communism, the equality of man and woman, and the parent-child relationship, as well as the relationship between individual and polis.

On the phenomenon of embodiment, Strauss works out an important dimension of the political problem.⁹⁴ To the moments of tension of politics there pertains the difference between publicity and privacy. The private sphere is, on the one hand, conventionally constituted, thus via institutions such as the external, material property or women and children belonging to families.⁹⁵ Beyond that are the things that are private by nature, and these are the body and its parts.⁹⁶ Privacy is closely bound up with property and in particular with the notion of property in one’s own body.⁹⁷ Therewith it is not a matter of the body as a material object but rather a matter of the politically relevant physical life-impulses, thus the perceptions, sentiments, the individual’s joys and pains.⁹⁸

This clear demarcation contains its political explosiveness via the circumstance that Strauss had emphasized that, in other mutual relations—one recalls that Plato’s *Laws* are molded by an absence of philosophy—not the body but rather the philosophic life is essentially private. In the 1939 article “The Spirit of Sparta or the Taste of Xenophon,” Strauss writes of the *Memorabilia* that it is not Xenophon’s intention in this work to show what Socrates thought

and what his private views were. Whoever wants to discover Xenophon's and Socrates' private views must, in the reading of the *Memorabilia*, do some private thinking of his or her own.⁹⁹ In this text, Strauss sets up the philosophic life in conceptually sharp opposition to the political life—and indeed precisely because the philosophic life is necessarily private, while political life makes universal claims and the city allows for no place for private life when it is private in more than the merely economic sense.¹⁰⁰ Strauss also names a reason: at least in the last analysis political and philosophic life would be incommensurable, because the one presupposes belief in the gods of the city and the other their denial.¹⁰¹ In “The Law of Reason in the *Kuzari*,” Strauss renews the warning that the life of the philosopher is an absolutely private life, and indeed he does so precisely in the paragraph that occupies itself with Plato's *Laws* and says that it contains a political theology.¹⁰² In the introduction to *Persecution and the Art of Writing* of 1952, Strauss recalls that in the Greek polis at least there was an activity that was essentially private and transpolitical, indeed, hermetic: philosophy.¹⁰³ Finally, in 1964 in the text “On Plato's *Republic*” he clarified the complex status of philosophy between publicity and privacy.¹⁰⁴

If Strauss in his commentary on the *Laws* emphasizes the body as private, then this occurs in full consciousness that this is only one side of the coin. Given that philosophy, which in Plato's *Laws* and consequently also in Strauss's representation steps into the background, is marked as transpolitical and to this extent marks a limitation of the political life, it becomes clear that the body represents a limitation at the other end of life, a “sub-Socratic” limitation. Does Strauss accordingly interpret Plato's *Laws* as further radical critique of the political life?

The fact that the body is treated as something private makes it into a political problem. The Athenian goes only very briefly into the best regime in Book V of the *Laws*.¹⁰⁵ Communism is its decisive characteristic; thus among friends possessions must, in truth, be held in common. Of the highest interest is that the Athenian understands that not only women, children, and monetary wealth

are common possession but also that which is one's own by nature—the body and its parts: eyes, ears, hands—must also become common. Even more than the organs in the sense of bodily objects, the communization would aim at the body-based and body-oriented activities of communal life: seeing, hearing, and acting, thus perceiving, sensing, enjoying, and suffering pain. Praise and blame ought, on account of their political significance for the unity of the polis, to become communal. Strauss refers ever and again to the tension between privacy and publicity. Private life that remains unregulated by the law represents a danger not to be overlooked by the public.¹⁰⁶ Thus it does not astonish that the whole of Book VIII of Plato's *Laws* is dedicated to the body, and more precisely to the celebrations, to sexual life, to war, and to eating.¹⁰⁷ In his text "On Plato's *Republic*" Strauss had drawn attention to the fact that in relation to Plato's *Politeia*, complete communism would presuppose a complete abstraction from the body.¹⁰⁸ The body represents an absolute limit to communism.¹⁰⁹ Therewith, the best regime is practically laid to rest. Plato's *Laws* abstract in the absence of philosophy not from the body; on the contrary, the best regime is described exclusively via communal property in the body. On account of the high significance of unity for the polis, the best regime is the "holy line," which ought not to be dissolved, for it remains a yardstick and a model.¹¹⁰ However, it represents no realistic option for reality. Strauss marks in his commentary a liaison between the fact that in the whole Book V, on the one hand, its trajectory of thought is thoroughlygoingly developed under the renunciation of dialogic elements and, on the other hand, the Athenian passes over in silence the rule of philosophers discussed elsewhere.¹¹¹ The essential distinctions must remain shaded in an environment that is distant from philosophy.

While the body in its privacy marks an absolute limit for politics, the philosophic life could, according to the standpoint, belong to both the private and the public sphere. As the soul is indeed that which is most one's own but not private, so, too, the intellect cannot be private. Thoughts, according to Strauss, are by nature

common—as common as the truth—and not private. Naturally, in principle, each person could conceive a true thought, but then this individually conscious thought is fundamentally no other than when someone else thought the same truth—to this extent thoughts, too, can be private, but, in any case, only in an accidental way.¹¹² In the privacy of the philosophic life is to be found that reserve of reason and knowledge that political life requires. The private man must have access to a true Logos, by which humans—in the sense of the marionette-myth—are moved.¹¹³

3.5 *Bodies Politic*

With numerous examples, Strauss allows the problematic of bodies politic to step forth. Some of the examples have been named. First, his choice of concepts speaks meaningfully. In his commentary on the *Laws*, Strauss remarkably often deploys the expression “citizen body.” This circumstance is complementarily related to his observation that Plato’s *Politeia* on the whole is constructed on the parallelism between individual and city, that Socrates rashly replaces this via the parallel between soul and city and allows the body—for example, the world of needs of erotics and reproduction—to be silently passed over.¹¹⁴ This is plausible in light of the constant abstraction of the *Politeia* from the body, but it tends to make the parallel between city and soul misleading.¹¹⁵ Strauss’s labeling of the citizenry as a citizen body accordingly points significantly to the inverted perspective that lies at the basis of the *Laws* and consequently of his commentary. Where the perspective of philosophy steps into the foreground, the boundaries of politics display themselves in human embodiment. The citizenry becomes a citizen body, the collective body. Thereby it indeed develops its own power potential. The physical strength of the majority, the numerosness of the bodies present, has, in consequence, its superiority over the tiny majority of humans who could have wisdom at their disposal.¹¹⁶ The horse is stronger than the man on its back. Consequently, the citizen body requires an illuminating treatment. This motif recurs constantly in Strauss’s commentary: on the occasion of discussing the Night Council in Book XII of the *Laws*,

Strauss picks up on the remark of the Athenian that the city is the rump of the body and the young guardians will survey the city from the height of the head. Strauss adds to this that the body does not belong to the true state.¹¹⁷ The collective body must be purified in order to be able to be ruled.¹¹⁸ It must be organized into classes and the fitting division of the city and land rightly structured.¹¹⁹ The citizen-individuals appear as the bodily material of politics—it would be the main task of the law to infuse the city with some rationality.¹²⁰ That remains an art in itself.

The dependence of humans on their bodily needs defines the issues of legislation and marks their limits. This shows itself in the question of marriage legislation, which must be treated first “according to nature.”¹²¹ The human yearning for immortality—instead of “lying nameless in the grave after death”—is taken as motivation for marriage legislation, which states that the man should marry between the thirtieth and thirty-fifth year of his life.¹²² At the basis of the legislation lies a purely physical understanding of immortality: perpetuation via children. Strauss draws attention to the probability that the historic Plato would have sought immortality in something else and the fact that he transgressed the marriage law as here proposed. Therewith the threatened punishment would have been indifferent to him.¹²³ For Strauss this appears to indicate that Plato himself, from the perspective of the philosophic life, would have liked to have held laws to be unnecessary, that laws would be not only in a certain regard frivolous but also, finally, ineffective, Strauss shows in the further clarifications on marriage legislation, with which the political problem of communalization comes to bear upon the bodily. The Athenian names a rule, which ought to hold with every marriage: “Everyone must enter into a marriage which is useful to the city, not one which is most of all to one’s liking.”¹²⁴ Therefore one ought, for example, to hinder that children of rich people marry children from other rich families and to ensure that they orient themselves instead toward particular principles of mixture. “That this, however, is also the case with the communal rearing of children,” the Athenian elaborates, “almost no one desires to

perceive it. Therefore one must give up on attaining such a thing via a law, rather one must attempt to persuade one to this via enchanting words.”¹²⁵ The law fails on the self-directedness of the bodily defined passions and is incapable of drawing humans within the bounds of society. Bodily nature remains private and renounces the public; it marks the limits of the power of the law.

Death throws up other questions: it is a matter, *inter alia*, of whether death could, from the perspective of the necessity of war, be a greater good than life,¹²⁶ but then it is also a matter of the penal treatment of an unjust, violent death,¹²⁷ or even the positive function of anxiety in the face of death.¹²⁸ Finally, the bodily age of humans points toward death. Political existence in all its multifaceted richness prescribes the conditions of political reality and simultaneously demarcates its limits: the political is the sphere of the human.¹²⁹ Political life begins with birth and ends with death.¹³⁰ Rules must equally be set up for burials. This conditioned-ness follows the site of the investigation of the political. Strauss underlines that the Athenian labels death as the goal (Telos) of the entire political structure (Politeia).¹³¹ Dying requires legal regulation, *inter alia*, in relation to testamentary provisions at the end of life because humans in this situation become irrational and spiteful.¹³² With regard to this, the Athenian lawgiver does not allow himself to be impressed: he gives laws with a view to that which is best for the public and to which he would justly subordinate the will of the individuals.¹³³ The grounding for this is a consideration in property law. The prologue to the actual law rejects the yearning of the dying for absolute property: the property, like the dying themselves, belongs to the clan and even more to the city—although all living beings are actually property of the gods.¹³⁴ This regulation contradicts the explanation that the individual has property in himself and that this privacy is the limit of the communal. In this case the desire of the individual is subordinated to the welfare of the whole. This difficulty, Strauss writes, reminds us of a difficulty that we encountered in the discussion of property.¹³⁵ The difficulty has to do with the basic problem that the many wish for themselves such laws as they could voluntarily accept. This is as rational,

Strauss writes, as the requirement that gymnastic trainers or doctors should occupy themselves with bodies in such a way as to bring them joy.¹³⁶ This issue leads to the problem of ignorance—next to spite a further source of errors.¹³⁷ The worst form of ignorance is given, then, when it is bound up with errant self-assessment: one thinks one knows what one doesn't actually know, and in addition one still consorts with power.¹³⁸

Good legislation alone is not decisive in politics. Political capacity, the question of power, remains decisive. Against “nature,” however, the law would be powerless¹³⁹—above all when “nature” in the first instance is physical force. Strauss adds the already named further examples.¹⁴⁰ Thus the introduction of common meals for women might fail on their embittered resistance, which could fall out far too forcefully, so that a lawgiver couldn't overcome it.¹⁴¹ The legal prohibition of inappropriate sexual practices also appears senseless, because incapable of being enacted.¹⁴² There is thus a limitation on legislation, and there are numerous cases in which the regulation via legislation shows itself to be impossible.¹⁴³ The legislative or political art on the whole could, as a result, appear powerless.¹⁴⁴ Laws, taken by themselves cannot rule. Therefore it matters which humans rule.¹⁴⁵

Strauss in his engagement with Plato does not just provide the description of the problems, which embodiment poses for politics. He also works out the political consequences. With this in particular he shows that the domains of politics dominated by the body are basically fields of conflict, upon which politics is threatened with falling into the mode of battle.¹⁴⁶ An example of this is the symposia, which are treated extensively in the *Laws* and to the introduction of which the Athenian compels the Doric legislators. Symposia are held to be an example of how the city is doing and are, therefore, an important instrument of political education.¹⁴⁷ Symposia are so touchy because there, drunken persons of poor bodily constitution are with one another. Symposia need—in this they resemble armies—rulers. Indeed, although not a matter of battle with enemies, symposia are as full of inner unrest as battling armies. A symposium requires a swift spirit, one who rules over the

drunkards and furthers friendship among them.¹⁴⁸ If one wants to hinder the tensions that reign among the members of a union, one must moderate them. Again and again, Strauss points to similar examples: bodily interests—health, beauty, physical strength, and bright welfare as additional external good—belong among the human goods in contrast with the divine goods.¹⁴⁹ An orientation of politics to bodily goods would lead to a city that Glaukon in the *Politeia* calls the “the city of pigs” and would be calamitous, as the bodily desires are the ground for war.¹⁵⁰ War signifies for the city that which sickness signifies for the body; thus in politics there is need of gymnastics and of medicine.¹⁵¹ The Athenian hinders a serious battle that pertains to the legislation of Crete and Sparta.¹⁵² He carefully doses out his critique, step by step, constantly thinking of friendship. Moments of tension ought not to stand over and against one another, but rather they ought to be brought together in a mixture. From the perspective of the philosophers, this ought to be a mixture of philosophy and law, in which wisdom, which is extremely rare, would be no mere addition but rather a defining element and a bearing force, which allows for the great politically consequential approximation to wisdom.¹⁵³

3.6 The Reconciliatory Work of Philosophic Politics

To develop such a mixture shows itself as the thoroughgoing theme of the *Laws*, as the task of the true lawgiver and as the problematic essence of the relation between philosophy and law. How far the political effect of the tension between intellect and body extends is shown by its allowance for the combination of electoral modes, for example, via hand-raising or via lot. Such a combination, Strauss writes, would in fact be a further pointed representation of the fundamental political dilemma.¹⁵⁴ The philosopher “fights” with his means for a legal order, in which the laws will not be made by the strong.¹⁵⁵ Philosophic politics aims at a work of reconciliation,¹⁵⁶ specifically between the highest claim to leadership and other claims to leadership that stand in conflict with it.¹⁵⁷ The highest claim to rule is only one, *inter alia*, and must be reconciled with those that stand in conflict with it—the rule of the mind must be

altered through the rule of the strong.¹⁵⁸ Here the characteristic weaknesses of lawgiving show themselves anew; they cannot be directed toward cleverness and reason but should, rather, be directed only to justice and moderation.¹⁵⁹ Herewith, it is a matter of accommodation, of a humane and advisable concession to the (ruling) irrationality.¹⁶⁰ This is the task of the ruling reason, of the “leader intellect.”¹⁶¹ Therein, however, also lies the “cruz” of the polis: And then Strauss introduces a formula that returns in identical form in different passages of the book: “In legislation the higher is in service of the lower, and this is strictly speaking against nature.”¹⁶²

Strauss draws further conclusions from this. The political relation between intellect and body is reflected in the relation between monarchy and democracy, but so is the rule of law.¹⁶³ If the tension could be resolved and the page of history might turn to the good, then it would come to a kingship, ideally to a society of boisterous kings in which each ruled himself by means of his own reason. Thus Strauss can say that the most just kingdom of all would be one in which there is no Demos.¹⁶⁴

Another—purely theoretical—possibility would be the union of the highest wisdom with the highest power in a single human, a true lawgiver, who would dispose of tyrannical power.¹⁶⁵ The law cannot rule itself. The greatest power and reason in union educate the laws; thus it should always be: “for the intellect justly rules everything.”¹⁶⁶ But Plato, according to Strauss, submitted himself to no illusions. If virtue were really wisdom, a just penal law could be reduced to education, which would be as noble as any other just thing. Precisely in the penal law, Plato marks the conditions that must be fulfilled if there ought to be a truly “friendly,” mild penal law—these conditions, however, are not fulfilled.¹⁶⁷ What then? One could expel the Demos and begin wholly anew with uncorrupted children.¹⁶⁸ This seems barely possible and hardly sensible. Finally, there is only the help of prayer that God or accident provide for the city not only a good territory and a sufficient population but also a true lawgiver, one who would direct his art to that which no art could achieve.¹⁶⁹ Such a lawgiver could wish for

himself a young, gifted tyrant who would enact new legislation. He could quickly and lightly bring about a transformation, but some hindrances would probably remain. The requisite strength in this would be, not the strength of weapons, but such an extraordinary discursive strength as Nestor was famous for. The Athenian, Strauss sums up, comes close to the proposal that the greatest power and the highest wisdom must come together in the same human and that then the perfect lawgiver would no longer be in need of a tyrant.¹⁷⁰ In a parallel passage, one reads, indeed, that if true knowledge, science, and the highest power came together, then it would be a difficult task to subject such a person to the laws instead of allowing him to rule everything.¹⁷¹ But one could not expect such good fortune and would therefore have to direct oneself to other solutions.¹⁷² This point is of decisive significance for Strauss's bodies politic. It claims that the given problematic of embodiment cannot, for its part, be encountered with bodily means or even bodily power. Plato's path is the path of reconciliation.

For this reason, the bodily steps so markedly into the foreground in the *Laws* and in Strauss's commentary because philosophy steps into the background. The philosophic life, which would be the authentically just life, is not an appropriate theme for a conversation with Kleinias and Megillos.¹⁷³ But in relation to legislation, reason, the true Logos, remains the concealed pole of the trajectory of thought whose other, visible point of relation is the body. For Strauss, to the extent that he is commentating on Plato, the regulation of political life via legislation has its justification in the factual coming together of physical strength and moral weakness in the population, in the citizen body. Legislation is itself the expression of the problematic of this relation. The law is therefore requisite where corruption via bodily, mortal nature itself draws gifted humans from the public path into the private.¹⁷⁴ Political reality accordingly brings the thoroughgoingly questionable character of the identification of law and mind before one's eyes.¹⁷⁵ Reason and law stand in a complex relationship to each other,¹⁷⁶ which can rise to conflict, something the philosophic politics of the Athenian seeks to exclude.¹⁷⁷ Strauss makes one aware of

analogic relations: thus, as the law relates to the true Logos, so the image of virtue relates to virtue itself, or age to wisdom, or the most noble muse to philosophy—constantly it is a matter of a relation or filiation with a persistent difference.¹⁷⁸ Age is an image of wisdom—as the law is an image of right reason—but it is *not* wisdom. To identify “Nomos” and “Nous,” in any case, remains questionable.¹⁷⁹ By contrast, in the commentary to Book IX, Strauss emphasizes that heretofore the Athenian had never before brought the natural inferiority of the Nomos with respect to Nous so clearly to expression.¹⁸⁰ All the more must the “non-Demos” be bound together; thus those must be united who are better educated and consequently more virtuous citizens.¹⁸¹ Ignorance itself, by contrast, cannot rule.¹⁸² With regard to this, Strauss speaks of “the reasoning power.”¹⁸³

Conclusion

Leo Strauss left behind a text of rare intensity on Plato’s *Laws*, in which is assembled a whole life of reflection, teaching, and writing on political philosophy and its persisting problems. We have followed only a single thread of his thick commentary on Plato’s dialogue. From it emerges how clearly classical philosophy held the wide-reaching political relevance of the human body before its eyes, without succumbing to it. Strauss makes clear how decisively Plato’s *Nomoi* was based on the force of language and of reason and thought out in categories of reconciliation instead of battle. The simple language of commentating reflection opens up a play of light in which the fundamental political problems emerge from the shadows of their historical boundedness and enter into the life cycle of the perpetual present. The body is a key that allows access to the play. *The Argument and the Action of Plato’s Laws* is, thirty-five years later, the posthumously offered basis for Strauss’s *Philosophy and Law* from 1935.

Notes

1. Plato’s *Laws* are already treated in 1935 in Strauss’s *Philosophy and Law*, in *Leo Strauss, Gesammelte Schriften*, vol. 2, ed. Heinrich Meier (Stuttgart: J. B. Metzler, 1997), pp. 64f., 112ff., 198f. (hereafter *GS II*)), and play a great role in Strauss’s complete understanding of political

- philosophy from that time onward: see, e.g., the 1936 article “Quelques remarques sur la science politique de Maïmonide et de Fārābī” (GS II, pp. 125–165) and the 1937 work “On Abravanel’s Philosophical Tendency and Political Teaching” (GS II, pp. 195–231). See also the 1939 article “The Spirit of Sparta or the Taste of Xenophon,” *Social Research* 6, no. 4 (1939): 502–536 (hereafter Strauss 1939), or 1943’s “The Law of Reason in the *Kuzari*,” in *Persecution and the Art of Writing* (Glencoe, IL: The Free Press, 1952), pp. 95–141 (hereafter PAW). “How Fārābī Read Plato’s *Laws*” was first published in 1957 and reprinted in *What Is Political Philosophy? and Other Studies* (Glencoe, IL: The Free Press, 1959), pp. 134–154 (hereafter WIPP). In addition there are numerous supplementary passages on the theme in other writings. Cf. Clemens Kauffmann, “Die Hermeneutik der ‘dritten Dimension’ in der Platondeutung von Leo Strauss,” in *Dialogos Platonis*, Part 2, *Platoninterpretation und ihre Hermeneutik vom 19. Bis zum 21. Jahrhundert* (Bibliotheca Helvetica Romana XXXII), ed. Michael Erler and Ada Neschke-Hentschke (Basel: Schwabe, 2012), pp. 285–299, at pp. 286–291; and Michael P. Zuckert and Catherine H. Zuckert, *Leo Strauss and the Problem of Political Philosophy* (Chicago: University of Chicago Press, 2014), pp. 117–118, 364n5–n7 (hereafter Zuckert 2014).
2. Leo Strauss, *Gesammelte Schriften*, vol. 3, *Hobbes’ politische Wissenschaft und zugehörige Schriften—Briefe*, 2nd ed., ed. Heinrich Meier and Weibke Meier (Stuttgart-Weimar: Metzler Verlag, 2008), pp. 620–621 (hereafter GS III).
 3. Strauss, GS III, p. 567.
 4. Cf. Strauss, WIPP, pp. 144, 221–222, taken together for the “Strauss hypothesis” on the interaction with the relation of tension between philosophy and society.
 5. Most of the short reviews that appeared at the time of publication exhausted themselves in verbiage signifying nothing, without concretely treating even a single philosophic problem (e.g., Allan D. Nelson, Review of Leo Strauss, “*The Argument and the Action of Plato’s ‘Laws,’*” *Canadian Journal of Political Science* 9, no. 3 (September 1976): 515–516), or they made assertions that ran wholly against the intention of *The Argument and the Action of Plato’s Laws* (e.g., Harry Neumann, Review of Leo Strauss, “*The Argument and the Action of Plato’s ‘Laws,’*” *Journal of the History of Philosophy* 17, no. 1 (1979): 81–82, which partially buttressed itself with “references” that had nothing to do with the assertions of the review). More often the reviewers were manifestly motivated by enmity and on the thinnest basis in content fell into flat

polemics; see, e.g., Thomas M. Robinson, Review of Leo Strauss, “*The Argument and the Action of Plato’s ‘Laws’*” by Leo Strauss,” *The Classical World* 70, no. 6 (1977): 405; Trevor J. Saunders, Review of Leo Strauss, “*The Argument and the Action of Plato’s ‘Laws’*” by Leo Strauss,” *Political Theory* 4, no. 2 (1976): 239–242; Malcolm Schofield, Review of Leo Strauss, “*The Argument and the Action of Plato’s ‘Laws’*” by Leo Strauss,” *The Classical Review* 28, no. 1 (1978): 170. G. R. F. Ferrari published a thirty-page article under the title “Strauss’s Plato” in *Arion: A Journal of Humanities and the Classics* (Third Series) 5, no. 2 (Fall 1997): 36–65, which does not mention *The Argument and the Action of Plato’s Laws* at all. This is already astounding because if Strauss ever and again intones that the *Politeia* and *Laws* distinguish themselves through different standpoints from out of which the fundamental problem is illuminated, then “Strauss’s Plato” is, without mention of *The Argument and the Action of Plato’s ‘Laws,’* only half of “his” Plato. Steven B. Smith in *Reading Leo Strauss: Politics, Philosophy, Judaism* (Chicago: University of Chicago Press, 2006), p. 92, mentions *The Argument and the Action of Plato’s Laws* in his characterization of Strauss’s “Platonic Liberalism,” otherwise, in any case, proceeding without a single word about the book. Mark J. Lutz, “The Argument and the Action of Plato’s Laws,” in Timothy W. Burns, ed., *Brill’s Companion to Leo Strauss’s Writings on Classical Political Thought* (Leiden-Boston: Brill, 2015), pp. 424–440, follows in his presentation no recognizable analytic concept. He appears to hold Strauss’s text, in large measure, to be a paraphrase of the Platonic dialogue and dedicates almost a quarter of his presentation to the motto of the text and to the paragraph he labels “Preface.” Indeed, half of the explications treat “The Philosophic Part of the Dialogue” on the assumption that the treatment of Book X of the *Laws* in Strauss, *The Argument and the Action of Plato’s Laws* (Chicago: University of Chicago Press, 1975), pp. 140–156 (hereafter *AAPL*), is the only philosophic and, on that account, relevant part. The thin remainder brings together the impressions of different readers under the heading of “The Athenian as Legislator.”

6. Cf. Strauss, *The City and Man* (Chicago: University of Chicago Press, [1964] 1978), pp. 53, 62 (hereafter *CM*); Kauffmann, “Die Hermeneutik”; Zuckert 2014, pp. 118–119.
7. Smith, *Reading Leo Strauss*, pp. 90ff., recognizes the central importance which Strauss accords to the problem of the dialogue. It is nonetheless an exaggeration to allow Strauss’s intention to be wholly absorbed in dialogicity (“for Strauss the medium is the message”).

8. The formulation “The Argument and the Action” reflects, *inter alia*, the relation of speech and deed. Cf. Zuckert 2014, p. 118.
9. Strauss *GS* III, pp. 579ff.
10. Strauss, *AAPL*, pp. 36ff.: “[A]ll questions are answers, contain answers, to prior questions.” Cf. *WIPP*, p. 151. For the interpretation, which questions Strauss poses in his text can therefore also be important.
11. Kauffmann, “Die Hermeneutik,” p. 296.
12. The reader finds a typical hint in Strauss, *AAPL*, p. 81: “Apart from Kleinias’ reply at the very end, the Athenian is the sole speaker in Book Five. This book is the least dialogic of all books of the *Laws*. The connection between this fact and the argument of the Book was indicated when it became apparent. That observation must be applied *mutatis mutandis* to the whole Book.” On the problem of Strauss’s hermeneutics, cf. Daniel Tanguay, “How Strauss Read Farabi’s Summary of Plato’s ‘Laws,’” in Rafael Major, ed., *Leo Strauss’s Defense of the Philosophic Life: Reading “What Is Political Philosophy?”* (Chicago: University of Chicago Press, 2013), pp. 98–115, at p. 101.
13. Leo Strauss, *The Rebirth of Classical Political Rationalism*, ed. Thomas L. Pangle (Chicago: University of Chicago Press, 1989), pp. 164ff. (hereafter, *RCPR*); for examples, cf. Strauss, *CM*, pp. 111, 113–117.
14. Strauss, *RCPR*, pp. 154ff.: “Each dialogue treats its subject matter by means of a specific abstraction, and hence a specific distortion. . . . To understand a dialogue means, therefore, to recognize the principle guiding the specific abstraction which characterizes the dialogue in question. This principle is revealed primarily by the setting of the dialogue: its time, place, characters, and action.”
15. Cf. Strauss, *CM*, p. 69: “This proof, as is hardly necessary to say, is based on the disregard of, or the abstraction from, a number of most relevant things; it is ‘abstract’ in the extreme. If one wishes to understand the *Republic*, one must try to find out what these disregarded things are and why they are disregarded. The *Republic* itself, properly read, supplies the answers to these questions.”
16. Strauss, *CM*, pp. 109, 111, 117, 135, 138.
17. Strauss, *CM*, p. 138.
18. Strauss, *AAPL*, pp. 17, 27, 61, 182.
19. Strauss, *GS* III, p. 568 (February 16, 1939, letter to Jacob Klein).
20. Cf. Zuckert 2014, pp. 117 ff., 136. (This is related to Strauss’s article “How Fārābī Read Plato’s *Laws*”: “And that essay provides the key to Strauss’s own account.”)
21. Strauss, *WIPP*, pp. 136ff.

22. Strauss, *WIPP*, pp. 135ff.
23. Strauss, *WIPP*, p. 137: "It is in this manner that Plato has written about laws."
24. Strauss, *WIPP*, p. 138: "Accordingly, Fārābī's *Summary* is intended to have a two-fold meaning. One can articulate the "two-foldness" of works of this kind by comparing them to men on horseback: to seeming wholes which consist of a discerning and slow rider and a fast and less discerning subject, and which are well fitted for unexpected attacks as well as for flight."
25. Strauss, *GS II*, p. 112, cf. p. 126; cf. Heinrich Meier, "Vorwort des Herausgebers," in Leo Strauss, *Gesammelte Schriften*, vol 2 (Stuttgart-Weimar: Metzler Verlag, 1997), pp. ix–xxxiv, at p. xviii ff.
26. Strauss, *GS II*, p. 112: "[W]as hiervon mit der *Prophezie* und den *religiösen Gesetz* zusammenhängt, das ist enthalten in den . . . *Gesetze[n]*." Cf. *ibid.*, pp. 114, 126.
27. Strauss, *GS II*, p. 112.
28. Strauss, *GS II*, pp. 118–119. This does not mean that there is an equivalence in content; it does mean, however, that the Arabic philosophers were conscious of the differences and commonalities between the Islamic laws and Plato's laws; cf. Strauss, *WIPP*, pp. 143ff. In his Plato commentaries, however, he refers very infrequently to Fārābī and Avicenna; cf. Zuckert 2014, pp. 123, 136.
29. Strauss, *GS II*, pp. 113–114.
30. Strauss, *GS II*, p. 114.
31. Cf. Strauss, *GS II*, pp. 119, 122.
32. Strauss, *GS II*, pp. 109, 119, 122. The true legislator must unite both functions in himself. Cf. Strauss, *AAPL*, pp. 61, 63, 180. Commanders appear, *inter alia*, in the symposia, in the master-slave relation and in the military. But there are limits to what one can command, e.g., "in relation to sexuality."
33. Strauss, *GS II*, p. 114.
34. Strauss, *GS II*, pp. 114–115, cf. p. 123.
35. Strauss, *GS II*, p. 119.
36. Strauss, *AAPL*, pp. 1, 2; cf. *WIPP*, p. 29.
37. Strauss, *PAW*, p. 116.
38. Strauss, *AAPL*, p. 2.
39. Strauss, *GS II*, p. 198. In this connection, the intense pursuit of the motif of play in Strauss merits attention, e.g., in Strauss, *AAPL*, pp. 57, 92f., 105ff.
40. Strauss 1939, p. 530 ("teaching the truth according to the rule of bashfulness"), cf. p. 516 ("sense of shame or bashfulness").

41. Cf. Strauss, *AAPL*, p. 128 (the first appearance of the word “philosopher” and its derivatives in Book IX of the *Laws*); cf. Zuckert 2014, pp. 135, 139.
42. Cf. Strauss, *AAPL*, p. 2; *WIPP*, p. 33. Cf. Strauss, *AAPL*, p. 55 (“in this context it becomes clear that the Athenian by himself is the legislator”), p. 56 (“the author emphasizes in his way that the answer is not given by the Athenian but by the only half-present and altogether nameless legislator.”), and p. 141 (where the Athenian is referred to as a philosopher and Strauss recalls that the distinction between the Athenian and his dialogic partners may not be forgotten). The identification of the Athenian with Socrates allows for a more precise treatment of the differences in the dialogic stance between the Athenian in the *Laws* and Socrates in the “*Politeia*.” Cf. Strauss, *AAPL*, p. 59 (“the question guiding the *Laws* is the same and not the same as the question guiding the *Republic*”). Strauss frequently contrasts the Athenian’s expressions with those of Socrates and can, via what the Athenian says about related themes in comparison to what Socrates says or does not say, render visible that from which the discussion is at any time abstracting. Through this play with the polarities, the problematic that Plato’s dialogues treat becomes clearer on the whole.
43. Cf. Strauss, *AAPL*, p. 59 (“the philosophic life is not a suitable subject for a conversation with Kleinias and Megillos”), p. 75; *WIPP*, p. 32.
44. Strauss, *AAPL*, p. 75 (and he only seldom and clandestinely exceeds it).
45. Strauss, *AAPL*, p. 106.
46. Strauss, *AAPL*, p. 14.
47. Strauss, *RCPR*, p. 180. In this paragraph Strauss points to the cosmology of the stranger Timaeus—the analogy to the Athenian stranger is striking in a paragraph that handles the *Laws*. Cf. Strauss, *AAPL*, p. 58.
48. Cf. Strauss, *AAPL*, p. 1; *CM*, p. 138; *RCPR*, p. 162; *GS* III, pp. 567ff. (the *Politeia* is “dedicated to a radical critique and rejection of the political life”).
49. Cf. Strauss, *AAPL*, pp. 17, 35, 60.
50. Strauss, *AAPL*, p. 17.
51. Strauss, *AAPL*, p. 17; cf. Plato, *Laws* 644c–d.
52. Strauss, *AAPL*, p. 27.
53. Strauss, *AAPL*, p. 18; cf. Plato, *Laws* 644e–645a.
54. Strauss, *AAPL*, p. 18: “Are then reason and the law identical? Far from it.”
55. Strauss, *AAPL*, p. 18.
56. Strauss, *AAPL*, pp. 26f.; cf. Plato, *Laws* 659c–d.
57. Strauss, *AAPL*, p. 58 (“giving the name of law to the disposition or dispensation effected by the intellect”); cf. Plato, *Laws* 714a.

58. Strauss, *AAPL*, p. 58: “[R]ule of law is rule of the god.” This would be an answer to the question raised by Barbara Zehnpfennig, “Die Abwesenheit des Philosophen und die Gegenwärtigkeit des Rechts—Platons ‘Nomoi,’” *Politisches Denken Jahrbuch* 18 (2008): 265–284, at p. 265.
59. Strauss, *AAPL*, p. 29.
60. Strauss, *AAPL*, p. 74.
61. Strauss, *AAPL*, p. 129. Cf. Clemens Kauffmann, “Platons ‘falsche’ Theologie: Zum Verhältnis von Ontologie und Theologie in den ‘Nomoi,’” *Politisches Denken Jahrbuch* 18 (2008): 245–263, at pp. 250ff.
62. Strauss, *AAPL*, pp. 57, 58, 60, 61.
63. Strauss, *AAPL*, p. 59.
64. Strauss, *AAPL*, p. 60.
65. Strauss, *AAPL*, p. 60.
66. Strauss, *AAPL*, p. 60.
67. Strauss, *AAPL*, pp. 61, 126.
68. Strauss, *AAPL*, p. 61: “The law as nothing but coercive command is the flooring; yet the law as the dispensation effected by the intellect must remain the ceiling. Persuasion mediates between these two extremes.” Also p. 79, pp. 180–181.
69. Strauss, *AAPL*, p. 180.
70. Strauss, *AAPL*, pp. 99, 121, 123.
71. Strauss, *AAPL*, p. 47.
72. Strauss, *AAPL*, p. 129.
73. Strauss, *AAPL*, p. 119; cf. Plato, *Nomoi* 835e, 836e. This is true, natural justice because it expresses itself in the self-legislation of the wise, which requires no external laws enacted by compulsion. This is for most humans with their corrupt natures not, in any case, achievable.
74. Strauss, *AAPL*, pp. 62ff; cf. the concrete example in Strauss, *CM*, p. 64.
75. Strauss, *AAPL*, p. 46 (“the fundamental political predicament”); cf. p. 9 (crux); p. 85.
76. Plato, *Nomoi* 690d, cf. 628b.
77. Strauss, *AAPL*, p. 46.
78. Strauss, *AAPL*, p. 47.
79. Strauss, *AAPL*, p. 178; cf. *RCPR*, p. 166: “I have spoken of the twofold root of morality, the needs of society, which are ultimately the needs of the body, and the needs of the mind.”
80. Strauss, *AAPL*, p. 134, cf. p. 95.
81. Strauss, *AAPL*, p. 137.
82. Strauss, *AAPL*, pp. 98ff. (Cannibalism or Vegetarianism); p. 123.

83. Strauss, *AAPL*, p. 36.
84. Strauss, *AAPL*, p. 37.
85. Strauss, *AAPL*, p. 121.
86. Strauss, *AAPL*, pp. 63, 100.
87. Strauss, *AAPL*, pp. 95, 100, 109, 121.
88. Strauss, *AAPL*, pp. 6, 37, 43, 70, 137.
89. Strauss, *AAPL*, p. 162.
90. Cf. Strauss, *AAPL*, p. 150.
91. Strauss, *AAPL*, pp. 99, 119ff., 121.
92. Strauss, *AAPL*, p. 73.
93. Strauss, *AAPL*, p. 79.
94. Strauss, *AAPL*, pp. 9, 46 ff., 74, 85 ff., 97.
95. Cf. Strauss, *AAPL*, p. 74 (“the private by convention” versus “the things by nature private”); p. 96 (on the problem of private houses).
96. Strauss, *AAPL*, p. 74. Strauss refers to Plato’s *Republic* 416d and 464d; cf. Plato, *Nomoi*, 739c. The first passage is concerned precisely with the reaction to the remark in *Nomoi*, 690d, concerning the diminution of “partition” through individuals having nothing of their own other than their bodies.
97. In this mutual relation much depends sharply on the terminology. In another passage one reads that of all the possessions, the soul is in the highest degree a human’s own (“man’s own”) (Strauss, *AAPL*, p. 66; Plato, *Laws*, 726a). But that does not mean that the soul is private: one’s own is set against the other, the stranger; the private, on the contrary, is set against the public or the common (Strauss, *AAPL*, p. 75). The own, which the soul represents, ought further not to be confused with the self (“the soul is not the self, i.e. a man himself”: Strauss, *AAPL*, p. 75; cf. Plato, *Phaedrus* 257a). The self is the whole made up of soul and body.
98. Strauss, *AAPL*, p. 74.
99. Strauss 1939, p. 518ff.: “[O]ne must do some private thinking.”
100. Strauss 1939, p. 531: “[P]hilosophic life, which of necessity is private, of necessity became opposed to political life.”
101. Strauss 1939, p. 532.
102. Strauss, *PAW*, p. 117.
103. Strauss, *PAW*, p. 21: “There was however one activity which was essentially private and trans-political: philosophy.” Cf. Strauss, *AAPL*, p. 18: “[T]he private man must take hold of the true account (*logos*) within him regarding those things that drag us.”
104. Strauss, *CM*, pp. 113–115.
105. Plato, *Nomoi* 739b–c; Strauss, *AAPL*, pp. 74ff.; cf. p. 107.

106. Cf. Strauss, *AAPL*, pp. 97, 100, 137 (the private tears the city apart). Here a Platonic presupposition of modern feminism discloses itself.
107. Strauss, *AAPL*, p. 123.
108. Strauss, *CM*, pp. 114ff. Cf. p. 111 (regarded from the political standpoint, interpersonal erotic life must equally be rendered communal, but such an abolition of privacy would be an attack against Eros).
109. Strauss, *RCPR*, p. 164.
110. Cf. Klaus Schöpsdau, "Kommentar zum 5. Buch," in *Platon: Nomoi (Gesetze): Buch IV–VII: Übersetzung und Kommentar von Klaus Schöpsdau* (Göttingen: Vandenhoeck & Ruprecht, 2003), pp. 308–314.
111. Cf. Strauss, *AAPL*, pp. 75, 81.
112. Cf. Strauss, *AAPL*, p. 75; *CM*, p. 115.
113. Cf. Strauss, *AAPL*, pp. 18, 35, 38.
114. Strauss, *RCPR*, pp. 164ff.; cf. Plato, *Republic*, 434d–435c.
115. Strauss, *CM*, pp. 109, 111.
116. Cf. Plato, *Republic*, 327c.
117. Cf. Strauss, *AAPL*, pp. 82, 177, 181; Plato, *Nomoi*, 961d, 964e.
118. Strauss, *AAPL*, pp. 72ff.
119. Strauss, *AAPL*, p. 73.
120. Strauss, *AAPL*, p. 18.
121. Strauss, *AAPL*, p. 63; cf. pp. 93ff., 136ff.
122. Strauss, *AAPL*, p. 63; Plato, *Nomoi*, 721c.
123. Strauss, *AAPL*, pp. 63ff.
124. Plato, *Nomoi*, 773b.
125. Strauss, *AAPL*, p. 94; Plato *Nomoi*, 773d, cf. 780c.
126. Strauss, *AAPL*, pp. 116–117.
127. Cf. Strauss, *AAPL*, pp. 117, 136.
128. Strauss, *AAPL*, p. 117.
129. Cf. Strauss, *AAPL*, p. 137 ("political art as human art"). To conceive the political as a domain of human things is consequently no discovery of Aristotle's.
130. Strauss, *AAPL*, pp. 38, 176.
131. Strauss, *AAPL*, pp. 9, 38 ff., 176; cf. Plato, *Nomoi*, 632c.
132. Strauss, *AAPL*, pp. 161–162.
133. On the will of individuals, cf. Strauss, *AAPL*, p. 132.
134. Strauss, *AAPL*, pp. 152, 162.
135. Strauss, *AAPL*, pp. 58, 163.
136. Strauss, *AAPL*, p. 43.
137. Strauss, *AAPL*, pp. 45, 132.

138. Strauss, *AAPL*, p. 132.
139. Strauss, *AAPL*, p. 94.
140. Cf. Strauss, *AAPL*, p. 5 (on the critique of the law).
141. Strauss, *AAPL*, pp. 98, 122.
142. Strauss, *AAPL*, p. 112.
143. Strauss, *AAPL*, pp. 60, 114.
144. Strauss, *AAPL*, p. 105.
145. Strauss, *AAPL*, p. 59.
146. Xenophon's text "The Constitution of the Lacedaemonians" offers an example of a regime and a legislation oriented toward the body and interested in war.
147. Strauss, *AAPL*, p. 15.
148. Strauss, *AAPL*, p. 15.
149. Strauss, *AAPL*, pp. 7–8; cf. p. 69.
150. Strauss, *AAPL*, p. 37.
151. Strauss, *AAPL*, pp. 6, 37, 43, 70.
152. Strauss, *AAPL*, pp. 5–6.
153. Strauss, *AAPL*, p. 47.
154. Strauss, *AAPL*, p. 85.
155. Strauss, *AAPL*, p. 47.
156. Cf. Strauss, *AAPL*, pp. 5, 30, 47; Plato, *Nomoi*, 628b. This work of reconciliation is characteristic of the correction Plato took to the "way of Socrates": cf. Strauss, *WIPP*, p. 153; Tanguay, "How Strauss Read Farabi's Summary of Plato's 'Laws,'" pp. 98–115, at pp. 104–105.
157. Strauss, *AAPL*, p. 47.
158. Strauss, *AAPL*, p. 47.
159. Strauss, *AAPL*, p. 47.
160. Strauss, *AAPL*, p. 86.
161. Strauss, *AAPL*, p. 130.
162. Strauss, *AAPL*, pp. 9, 47; cf. Svetozar Minkov, *Leo Strauss on Science: Thoughts on the Relation between Natural Science and Political Philosophy* (Albany, NY: SUNY Press, 2016), pp. 37–38.
163. Strauss, *AAPL*, p. 47; cf. pp. 85ff.; Plato, *Nomoi*, 693d.
164. Strauss, *AAPL*, p. 47; cf. p. 87 (the non-Demos consists of better-raised and thereby more virtuous citizens; cf. Plato, *Nomoi*, 759b6).
165. Strauss, *AAPL*, p. 74, with reference to Plato, *Nomoi*, 711c–712a.
166. Strauss, *AAPL*, p. 137; Plato, *Nomoi*, 711c–712a.
167. Strauss, *AAPL*, p. 133.
168. Strauss, *AAPL*, p. 56; cf. pp. 72, 75 ff., on different alternatives.
169. Strauss, *AAPL*, p. 56.

170. Strauss, *AAPL*, p. 57; Plato, *Nomoi*, 711c–712a. Are such harnessed teams comparable to rider and steed? Is the exemplar for an unarmed prophet to be found here? Cf. Strauss, *Thoughts on Machiavelli* (Glencoe, IL: The Free Press, 1958), pp. 83 ff.
171. Strauss, *AAPL*, p. 137; cf. Plato, *Nomoi*, 875b–d.
172. Strauss, *AAPL*, p. 137.
173. Strauss, *AAPL*, p. 59.
174. Strauss, *AAPL*, p. 137.
175. Cf. Strauss, *AAPL*, pp. 18, 87.
176. Strauss, *AAPL*, pp. 19, 33.
177. Strauss, *AAPL*, p. 27.
178. Cf. Strauss, *AAPL*, pp. 20, 24, 34, 35, 132, against 59 (according to the dialogic connection, the difference can fall out of view). See Strauss, *AAPL*, p. 47, with a further reference to three or four definitions of education, in which the difference between law and reason is marked. On these definitions, Strauss comments in *AAPL*, pp. 22, 26.
179. Cf. Strauss, *AAPL*, pp. 18, 87.
180. Strauss, *AAPL*, p. 137.
181. Strauss, *AAPL*, p. 87.
182. Strauss, *AAPL*, p. 132.
183. Strauss, *AAPL*, p. 132.