

Law and the Metaethics of Discord

Abstract: Plato's *Euthyphro*, I argue, lays out a metaethics that responds to persistent and unresolved value disagreement. The dialogue's analysis of disagreement leads to the distinction between three kinds of value, exemplified by the good, the god-loved, and the pious. With this proposal, I reject centuries of scholarship, which ascribe a realist metaethics to the Plato of the *Euthyphro*. But only the good and the just require a "realist" analysis: we relate to them as features of the world to which we have attitudes, not as features of the world that are conferred by our attitudes. The god-loved is overtly attitudinal, thus calling for an anti-realist account. A compelling account of the pious has both realist and anti-realist dimensions. All three kinds of value, I argue, are to be found in the domain of law. Here, too, the good and the just require a realist, the legal an anti-realist, and the lawful a realist and anti-realist analysis. As important as piety was for millennia, it is a non-issue in today's metaethics. But its analogue in the domain of the law, the lawful, plays a crucial role in our lives today. While we recognize legality as potentially flawed, respect for the law is an indispensable attitude if we are to strive towards improved lives and improved societies.

Plato's *Euthyphro*, I argue, lays out a metaethics that responds to persistent and unresolved value disagreement, and that is a genuine contender for us today. With this proposal, I reject centuries of scholarship, not to speak of countless anthologies and syllabi in ethics and the philosophy of law.

Discussions of the *Euthyphro* tend to focus almost exclusively on a brief section in which Plato discusses what is now known as the Euthyphro Problem.¹ Socrates asks whether the gods love the pious because it is pious, or whether the pious is pious because it is loved by the gods. In the idiom of contemporary metaethics, the puzzle may seem to be this: is value attitude-independent or is value conferred by attitudes?² Alternatively, in the idiom of traditional Divine Command Theory, do the gods—or, does God, since Divine

¹ Discussion of the Euthyphro Problem takes up two out of fifteen pages of the dialogue. My analysis is indebted to Judson (2010) and Evans (2012). Cf. Geach (1966), Hall (1968), Anderson (1969), Paxson (1972), Thom (1978), Wolfsdorf (2005), Emlyn-Jones (1991), Dimas (2006), Irwin (2006). Cf. Vogt (2017) on the dialogue's analysis of disagreement and Vogt (2020) on how Plato's arguments relate to today's debates on realism and anti-realism.

² Cf. Street (2010) and Wright (2010).

Command Theory tends to be monotheistic—recognize value, or is value conferred by divine approval?³

Both formulations proceed as if Socrates asked a question about value *tout court*. They ascribe to Plato “realism” about value, roughly, the view that value is a feature of the world that is not conferred by attitudes.⁴ They thereby ignore that the Euthyphro Problem talks about the pious and the god-loved, not the good. Both the pious and the god-loved evidently involve attitudes. That is, the presumed realism of the *Euthyphro* can only be saved if there are several kinds of value, exemplified by the good, the god-loved, and the pious. According to the metaethical theory I reconstruct, the good and the just require a “realist” analysis: we relate to them as features of the world to which we have attitudes, not as features that are conferred by our attitudes. The god-loved is attitudinal; it requires an anti-realist analysis. A compelling account of the pious, I argue, has both realist and anti-realist dimensions.

Piety is not a popular topic in today’s metaethics. Moreover, the thought that there are values with realist *and* anti-realist dimensions runs counter to the premises of contemporary metaethics, which views realism and anti-realism as mutually exclusive options. But all three kinds of value, I argue, are to be found in a domain immediately accessible to philosophers today, namely the domain of law: the good and just, legal (or legally valid), and lawful.

	Realist	Anti-Realist	Realist/Anti-Realist
Theology	good, just	god-loved	pious
Law	good, just	legal	lawful

³ Cf. Berker (2018). Taylor says the Euthyphro Problem is about “whether divine commands create moral values or presuppose independently existing values” (2008: 62). This gloss is misleading. Plato is not concerned with “morality,” and there are also no divine commands in the *Euthyphro*.

⁴ Cf. below in Section 3 on “conferral.”

Plato is right, I argue, to work toward a metaethics that appreciates these three kinds of value. The “reality” that modern metaethical realism invokes is *a priori*, causally and perceptually inaccessible, and utterly opaque to many of us. At times philosophers gesture at the mysterious domain of value by comparing it to a “Platonic heaven.” Alas, they appeal to a cartoon version of Platonism. The realism that Plato develops is of an entirely different kind. Though the nature of goodness is intelligible, rather than sense-perceptible, goodness is inherently the object of love, that moves us motivationally and as agents. Realist metaethics, accordingly, is part of the metaphysics of the sphere of action.⁵ As such, it must capture how norms and values, and disagreement about them, shape our lives. Thus metaethics cannot be only about the good, as modern debates have it. It must also be about the legal, if only because legislators may declare things to be legal that to others appear unjust and bad. And it must be about the lawful. Plato’s contemporaries discuss this value as necessary for social life.⁶ Where the just and the legal clash, the willingness to adhere to laws that approve of just actions pushes toward better legislation.

With this proposal, I embrace the long-standing view that Plato’s *Euthyphro* is the ur-text of metaethics and legal philosophy—albeit for fundamentally different reasons than is commonly thought. Like us, Plato faces the question of how values and norms can guide action given persistent disagreement about them. After a sketch of three examples (Section 1), I reconstruct Plato’s analysis of disagreement (Sections 2-5). I argue that the *Euthyphro* contains a refutation of relativism (Section 6) and an anti-realist account of the god-loved and legal (Section 7). I sketch Plato’s realism about ethical properties such as

⁵ Cf. Vogt (2017, ch. 1 and 7).

⁶ An anonymous treatise, ascribed to Anonymous Iamblich and roughly contemporaneous with Socrates, discusses how respect for the law (*eunomia*) and the lawful (*nomimos*) relate to the just. Cf. Horky (2020).

the good and the just (Section 8), argue that the pious supplies a blueprint for the lawful (Section 9), and end with a brief conclusion (Section 10).

1. Three Examples

The *Euthyphro* starts with three cases of disagreement, each of which has a legal dimension. Euthyphro and Socrates run into each other at the entrance of the courthouse. They ask each other “what brings you here?”:

SOCRATES: Socrates is at the courthouse because of the charges brought against him, including that he invents new divinities, that he does natural philosophy (which also violates traditional religion), and that he corrupts the young by his educational methods. Is Socrates guilty as charged?

FATHER: Euthyphro’s father locked up a laborer who, in drunken anger, killed a household slave of the family. While the laborer was imprisoned, Euthyphro’s father sent for a legal expert to advise regarding the punishment. But he did not take care of the prisoner, who died of hunger, cold, and the way he was tied up. Did he commit murder?

EUTHYPHRO: Euthyphro is at the courthouse in order to bring charges against his father, who in his view committed murder. Everyone else thinks that one should not bring charges against one’s own father. Should Euthyphro bring charges against his father?

We can still disagree about Socrates’s case today. Who is to say whether Socrates is a false prophet, making up non-sensical divinities when he reports that he has some “daimon” who communicates with him? Who is to say whether the young would be

better off not hanging out with Socrates? To confidently judge such matters, we would need to know what divinity is and what is good for human beings, a tall order by any measure.

The actions of Euthyphro's father, too, are hard to assess. Here the difficulty lies in the abundant features of the case. Did Euthyphro's father commit murder or some lesser crime? Does it speak in his favor that he was seeking expert advice, and against him that he simply forgot about his prisoner? Does it matter that he wanted to consult an exegete of ancestral law, rather than the court?

Euthyphro's action is the *only* attested case in ancient Greek law of a son bringing charges against his father.⁷ Euthyphro thinks one ought to treat everyone alike when we judge that they have committed murder, and he thinks that it does not matter whom his father killed. In both respects, his views go against deeply ingrained Greek norms. The dispute resonates with today's debates about impartiality and partiality. We still see the force of considerations on both sides of the issue. Scholars tend to view Euthyphro as a typical interlocutor in an early Socratic dialogue, a would-be expert who fails to live up to Socratic rigor. Is he instead a moral hero and visionary, able to see that crimes against laborers and slaves deserve to be brought to the attention of the court, even if these crimes have been committed by a family member? Socrates and Euthyphro meet in front of the Archon's Court, not the People's Court, where trials take place. The Archon's Court settles whether there even *is* a case. For all we know, Euthyphro could be sent home; it is unclear whether his lawsuit will be admitted.⁸

In effect, we are presented with three extraordinarily contentious cases. And we are presented with at least three ways in which the assessment of a particular case can be

⁷ Humphrey (1986).

⁸ According to Carey (1998), an earlier law that enabled only relatives of homicide victims to bring charges was no longer in place.

difficult; because of the large-scale questions involved, because of the many specifics involved, and because of a case's singularity.⁹

2. The Priority of Ethical Value

Euthyphro tells Socrates that his relatives consider his plan of action—to bring murder charges against his father—crazy, wrong, and impious. Socrates picks out one of these properties, or rather, its opposite, and asks “what is the pious?” Euthyphro says that the pious is “what I am doing now, to prosecute the wrongdoer,” no matter what precisely the wrong is and no matter who committed it. This definition fails because it invokes a particular action: the action that Euthyphro is currently performing (6d1-3). Socrates says that he did not ask for “one or two” of the pious actions, but that he wanted to know what the pious itself is (6d).¹⁰

Euthyphro defends what he is doing by saying that he does the very thing that Zeus did, when Zeus turned against his father Kronos (5d-6c):

T1: These people themselves believe that Zeus is the best and most just (ἄριστον καὶ δικαιότατον) of the gods, yet they agree that he bound his father because he unjustly swallowed his sons, and that he in turn castrated his father for similar reasons. But they are angry with me because I am prosecuting my father for his wrongdoing. (5e-6a)¹¹

⁹ Euthyphro is a *mantis*, a prophet. It is his job to speak in the assembly, predicting what will happen in light of his expertise in the divine (3b), such that the Athenians can decide what to do.

¹⁰ Euthyphro's proposal is sometimes read in more general terms, as if he said that the pious is to prosecute the wrongdoer. This is not how Socrates understands Euthyphro, and it is an ill fit with the dialogue's concern with disagreement about particular actions. But even the more general reading is vulnerable to a version of Socrates's criticism: only some pious actions are instances of prosecuting the wrongdoer.

¹¹ Unless noted otherwise, the *Euthyphro* is cited in Grube's translation (1997).

By invoking Zeus, Euthyphro justifies his action by appeal to its ethical qualities, not its piety. Zeus is not subject to divine assessment; presumably, his actions cannot be pious. If one is to emulate Zeus or compare one's actions to his, it must be in ethical terms.¹² This provides us with an, as of yet, underspecified premise, which I call the Priority of the Good:

Premise 1: The good/just is prior to the pious.

In Plato's later dialogues, the good takes center stage. Famously, the *Republic* is concerned with the good, in addition to justice and other virtues. This focus suggests that Plato considers goodness and justice as primary topics of ethics. Unless we get clear about them, we won't get clear about other values. I take it that most theorists today agree. The contentious question, as I see it, is whether metaethics simply is concerned with properties like goodness and justice; or whether, as the *Euthyphro* proposes, a metaethical theory that accounts for goodness and justice is fundamental and yet incomplete, because other kinds of value also shape our normative lives.

In putting things this way, I am running the good and the just together. Plato at times adds a third term, the noble (*kalon*). In later dialogues, Plato is interested in the differences between the good, just, and noble. In the *Euthyphro*, these values show up as a cluster: this is how we ethically assess actions. So far, the Priority of the Good—by which I mean, the priority of ethical value—has not been explicitly defended, and is not sufficiently precise. But if we can confirm that Plato endorses this premise, widespread readings of the dialogue involve a conflation. The so-called Euthyphro Problem is usually read as if there was no distinction between the good and the pious. Plato is taken to side with a general realism about value. The Priority of the Good should warn us: not all value is created equal.

¹² Cf. Woodruff (2019).

3. Value Disagreement and Realism

Here is Euthyphro's second attempt at defining the pious.

T2 E: Well then, what is dear to the gods is pious, what is not is impious. (7a1-2)

As Socrates reminds Euthyphro, there is no such thing as what is dear to the gods: Euthyphro's gods rarely agree on any given normative case. Socrates does not believe in divinities that fight among themselves. But Euthyphro's commitment to such gods prompts Socrates to offer a full-blown analysis of value disagreement. I reconstruct this analysis in terms of four further premises, addressing Premises 2 and 3 in this section, and Premises 4 and 5 in the following sections.

Premise 2: If the gods disagree in such a way that they become enemies, they disagree about the same sorts of things that we disagree about when we fight, namely the just/unjust, noble/shameful, good/bad. (7d)

Socrates models the analysis of disagreement among traditional Greek gods after human disagreement. Thus the *Euthyphro* offers an account of the ways in which both disagree: gods as Euthyphro conceives of them and humans. The pious is not on the list of properties these agents disagree about. Instead, they fight about the kinds of values to which Premise 1 ascribes priority: the good, just, and noble. This doesn't mean that one couldn't, also, argue about whether an action is pious. But disagreement about the pious involves more fundamental disagreement about the good, a relation to which I return in section 8.

Premise 3: Value disagreements differ from other disagreements insofar as there is no method of resolution that is comparable to counting or measuring (7c).¹³

Premise 3 is, as far as I can tell, the passage in ancient philosophy that comes closest to offering a version of today's distinction between a normative and a descriptive domain. However, it is decidedly not the same distinction. Plato does not contrast the good, just, and noble with the descriptive. Rather, he contrasts it with the measurable and countable. It is not an objection against Plato's distinction, then, that disputes about non-normative matters can also lack a method of resolution. It is also not a valid complaint, as Geach has it, that a flawed contrast between "factual" and "moral" questions doesn't get better by surviving from antiquity until today.¹⁴ We miss the point of Plato's talk about the *measurable* if we equate it with the "factual," by which Geach presumably refers to what others call the descriptive domain.

What is missing in the domain of value, Plato proposes, are methods of measurement comparable to counting, weighing, and so on. For example, legal resolution is a mode of resolving matters of value, but arguably, it is not comparable to counting and measuring. Once an issue is resolved in court we can still ask, "is the decision right?" For example, with respect to Socrates' case, we can ask "did Socrates do anything wrong?" and "should the jury have declared Socrates innocent?", though Socrates is long dead from drinking the hemlock.

Plato compares normative properties with properties such as tall, small, heavy, light, cold, warm, and so on. The metaphysics of these properties, however, is by no means straightforward, neither for us nor for Plato. A big mouse, to use Judith Thomson's

¹³ Cf. Vogt (2017), chapters 3 and 4 on the idea of a measure for the good in Plato.

¹⁴ Geach raises this objection (1966: 373).

example, illustrates the problem.¹⁵ The size that makes it true to say that something is a big mouse would also make it true to say that something is a (very) small elephant, perhaps a toy elephant. Accordingly, Socrates does not ask absolutely what is tall or small. The measuring he has in mind is comparative. We are asking what is larger and smaller, heavier and lighter, and so on (7b-d). Suppose you use a yardstick to measure two sticks, thereby resolving a dispute over which one is longer. Only a stubborn person, or someone who doesn't look at the sticks relative to the yardstick, would challenge the result of the measurement.

Nevertheless, the properties that are typically subject to measurement are, for Plato, by no means aptly understood by realism in any simple sense. Suppose we have a working thermometer and take X's temperature. What do we measure? Let's say we measure degrees Celsius or degrees Fahrenheit. That X is, say, 5 degrees Celsius or 41 degrees Fahrenheit counts as a "descriptive" property. But we measure something that is conventional, namely degrees of Celsius or Fahrenheit. Alternatively, we can say that we measure how cold it is.¹⁶ We are measuring a real feature of the world, but the property "cold" is unlikely to be comprehensible without appeal to perception. Realism about "cold" is likely to involve a relational, attitudinal dimension.

If we want to understand Plato's realism about the good, we need to pursue the comparison with properties that, though they are real features of the world, have relational and attitudinal dimensions. This is one reason why I describe metaethical realism as the claim that value is not "conferred" by the attitudes of assessors. By talking about "conferral," I set aside other locutions, according to which realism and anti-realism differ in whether value is attitude-"dependent" or "constituted" by attitudes. Plato's account of the nature of value includes the appeal to characteristic relations and attitudes

¹⁵ Thomson (2008) ch. 1. Cf. Geach (1956).

¹⁶ Cf. Peacocke (2015).

to value—the good is the object of love. Thus there might be ways in which dependence and constitution come into the picture: the good wouldn't be the good if it wasn't the object of love. But the good can be the object of characteristic relations and attitudes, and yet not be conferred by them. This is the direction that Plato's realism takes.

4. Value and Fighting

Premise 2 includes a positive, affective feature of value: value is the kind of thing that people fight about. This dimension of value disagreement is developed further in Premise 4. People fight about value because they love what they see as good and hate what they see as bad.

Premise 4: People love what they consider good/noble and hate what they consider the opposite (7e). Therefore, value disagreement involves fighting and conflict, hostility and anger (7b-d, 8a).

What precisely is it that makes a dispute affectively relevant? Suppose we are counting the chairs in a room. You say there are 51 chairs, I say there are 49. Perhaps one of us has miscounted, or perhaps we didn't clarify what counts as a chair. Typically, we recount when we disagree about this kind of thing, or we make explicit whether a broken chair also counts as a chair, and so on.

If we don't come to an agreement, we often shrug it off. Mistakes in counting are all too familiar, perhaps because it is often unclear what counts as a relevant unit. Ask each member of a household how many chairs there are in the house. Chances are, people will count different things as chairs, or they will count different things as "the house" (perhaps there are some old deck chairs in a storage area). This kind of disagreement can be

tiresome, but its phenomenology differs from that of value disagreement. In counting disputes, we usually aren't deeply worried, even if there is no agreement.

In the *Protagoras*, Plato entertains a thought experiment. Here are two counterfactual hypotheses: first, that we don't have yardsticks, thermometers, or well-defined units for counting, to the effect that we have to assess the length, temperature, count, and so on, of things by our impressions and appearances. Second, our lives and wellbeing depend on how tall, cold, and so on, something is. If these two premises held, the art of measurement would be our "salvation." Without it, we only have appearances and perceptions.¹⁷ To illustrate, suppose people vote in an election, assuming that counting is the established method to determine the result. The outcome of the election bears greatly on how the lives of a lot of people go. Alas, it turns out that the mechanism for counting the votes doesn't work, and now we assess the outcome by our varying perceptions of how people voted, our "best guesses" as it were, given how things appear to us at a given moment. We would think that functioning voting tools would be our "salvation."

The upshot of this thought experiment is that if two conditions are met—we fail to have a method for resolving the disagreement, and our wellbeing depends on the outcome—questions such as "how many X are there?" come with the kind of disagreement that is otherwise characteristic of value disagreement. Value disagreement, Plato proposes, is special insofar as these two conditions apply: we don't have a method to resolve the disagreement, and the issues in question bear on our lives and wellbeing.

5. Disagreement about Particulars

¹⁷ *Protagoras* 356c4-e4.

Recall Euthyphro's first attempt at defining the pious: the pious is "what I am doing now, to prosecute the wrongdoer." But one may agree that wrongdoers should be prosecuted and not agree that Euthyphro should prosecute his father. Premise 5 addresses this issue.

Premise 5: Disagreement about particulars involves agreement on claims such as "the wrong should be righted" (8b-e).

The same holds for the other two cases with which the dialogue begins. We may agree that one should not corrupt the young and yet disagree whether this is what Socrates does. We can agree that murder is worse than manslaughter and still disagree whether Euthyphro's father committed the former or the latter. All three examples, it turns out, involve value agreement *and* value disagreement.

The principle cited in Premise 5 is chosen with care: "the wrong should be righted," or in another translation, "the wrongdoer should be punished." This principle is widely, though not universally, accepted. Famously, Socrates does *not* accept it. He argues, in several of Plato's dialogues, that wrongdoing is ignorance, and that therefore, standard modes of blame and punishment are fundamentally misguided. This supplies Plato's analysis of disagreement with a further layer of complexity. Many of the general ideas we invoke in everyday life are widely accepted, and yet they too can be challenged. But even in scenarios where such general principles are accepted by all parties, there is persistent disagreement about particular actions.

Today's analyses of "moral" disagreement tend to focus on general norms, say, whether abortion is morally wrong or whether one should be a vegetarian. Philosophers in metaethics disagree on how much of a problem such disagreements are.¹⁸ Realists often remark that some "hard" questions—questions about the beginning and end of human

¹⁸ Enoch (2009). Geach (1966) claims that the prevalence of "moral disagreement" is "grossly exaggerated" (374).

life, the moral status of animals, and so on—remain disputed, while otherwise we share important moral insights. Anti-realists, on the other hand, tend to emphasize that moral disagreement is pervasive, and is thereby a starting point for metaethics. On Plato's view, both camps get it half-right. We can disagree persistently about particular cases even where we agree on general matters. If measurement of the good and just is to save our lives, however, we need to get particulars right. We need, for example, to recognize Socrates as a philosophical innovator rather than corrupter of the young, and perhaps even Euthyphro as a moral hero, promoting impartiality in a society saturated with partiality.

6. Anti-Realism

Euthyphro's proposal that the pious is the god-loved is anti-realist: he proposes that love of the gods confers the property pious. Euthyphro also holds that the gods disagree. Accordingly, an action that is subject to assessment by multiple gods would seem to be pious and impious (5d-6c, 7a).¹⁹ Reflection on this kind of disagreement prompts Socrates to consider—and refute—a form of anti-realism similar to what today is called Assessor Relativism.²⁰ Attitudes of assessment confer value, but not everyone has the same attitudes. My approval of X makes it that "X is good" is true-for-me and your disapproval of X makes it that "X is bad" is true-for-you.

Suppose Athena loves an action that Poseidon hates. The same action is Athena-loved and Athena-pious while it is Poseidon-hated and Poseidon-impious.²¹ The action is pious

¹⁹ "S: The same things then are loved by the gods and hated by the gods, and would be both god-loved and god-hated. [...] S: And the same things would be both pious and impious [...]" (7e-8a)

²⁰ Cf. Kölbel (2002), (2003).

²¹ Earlier, Euthyphro agreed to the premise that the pious and the impious are opposites (7a).

relative to Athena and impious relative to Poseidon.²² This is perfectly possible. But someone who lives in a world in which both divinities are powers does not receive normative guidance. Socrates says that there are two options. Actions that one god loves and another god hates are either both pious and impious, or they are neither (9d). Either way, the value-conferring attitudes fail to resolve what it is that one should be doing.²³

Once Divine Assessor Relativism—as we may call Euthyphro’s proposal—has been refuted, Socrates drops the assumption that the gods pervasively disagree. Rather, he now stipulates that in addition to the actions on which the gods disagree, there are other actions that they all love or hate (9d). This stipulation prompts the examination of a kind of anti-realism that combines the premise that value is conferred by attitudes with the presumption of agreement.

This kind of anti-realism is not overtly self-refuting, though it is unclear whether *de facto* agreement settles contested questions. Arguably, some others *could* disagree with us.²⁴ If potential disagreement has the same upshot that actual disagreement has, Plato’s refutation of Divine Assessor Relativism provides a principled objection against anti-realism. The dialogue does not pursue this matter. But its in-depth analysis of the god-loved makes one thing clear. Conferred value is not as fundamental as “realist” value, and yet it is a genuine dimension of our normative lives. Hence anti-realism under conditions of agreement is to be examined. To keep the relevant properties apart, let me use the following notation. Under conditions of disagreement, god-loved means loved-by-some-god(s). Call this \exists god-loved. Under conditions of agreement, god-loved means loved-by-all-gods. Call this \forall god-loved.

²² Swinburne (2008).

²³ This argument has resonances with Clarke-Doane (2019).

²⁴ Cf. Clarke-Doane (2019), section 6.5.

Consider an analogue to the Athena-Poseidon scenario in the legal domain. The two gods as I described them operate within the same sphere. Agents may esteem one god more highly than the other; but there is no agreed-upon mechanism that settles which god's pronouncements are decisive. Similarly, there may be several sources of legislation within one political unit that are not ranked in an agreed-upon way. The difference between the \exists god-loved and the \forall god-loved compares to distinguishing between legality where several sources of legislation disagree versus legality where they agree. For example, regarding Euthyphro's father, it is conceivable that the exegete of ancestral law whom the father meant to consult would disagree with the Athenian court; the same action could be \exists legal and \exists illegal. But in other matters, for example, whether murder is a crime, ancestral and newer legal institutions are in agreement, such that murder is \forall illegal.

7. Overtly Conferred Properties

Suppose one encounters the so-called Euthyphro Problem after having thought through Plato's analysis of value disagreement and refutation of Divine Assessor Relativism. Socrates has set aside the \exists god-loved. From now on, Plato examines the \forall god-loved and its relation to the pious. Against this backdrop, it should be clear that the Euthyphro Problem is concerned with the relation between two properties, the pious and the \forall god-loved.

T3 S: Is the pious being loved by the gods because it is pious, or is it pious because it is being loved by the gods? (9a1-3)

The two options that Socrates envisages are:

(1) A pious action is \forall god-loved because it is pious.

(2) A pious action is pious because it is \forall god-loved.

Here is how Socrates reformulates the problem:

T4 S: Well, then, what is it that we are saying about the pious, Euthyphro? Surely that it is loved by all the gods, as your account stated? E: Yes. S: Is it loved because of this—because it is pious—or because of something else? E: No, because of this. S: Then it is loved because it is pious, but it is not pious because it is loved? E: So it seems. (10d1–8, tr. Judson 2010)

Recall, Euthyphro proposed that the pious is the god-loved. In effect, he identifies the pious with the \forall god-loved.²⁵ But the \forall god-loved requires an anti-realist analysis; it is a conferred property. Thus Euthyphro's identification seems to come with anti-realism about the pious, too. Against this, Socrates argues that the pious is a different kind of property than the \forall god-loved.

T5 S: And yet it [the \forall god-loved] is something loved and god-loved because it is being loved by the gods? (10d9)

The \forall god-loved is a relational, attitude-dependent property. Something is \forall god-loved on account of it being loved by all the gods. This is why the \forall god-loved and the pious are not the same.

T6 S: Then the god-loved is not the same as the pious, Euthyphro, nor the pious the same as the god-loved, as you say it is, but one differs from the other. (10d10-12)

²⁵ Cf. Ebrey (2017).

The \forall god-loved is an affect property, as Plato calls this, a *pathos*. In today's terms, it is an attitude-conferred property.

T7 S: I'm afraid, Euthyphro, that when you were asked what piety is, you did not wish to make its nature clear to me, but you told me an affect or quality of it, that the pious has the quality of being loved by all the gods, but you have not yet told me what the pious is. (11b-c)

What does it mean that some property is a *pathos*? Here is a schematic gloss:

X has *pathos*-property P by virtue of the activity of Y, which relates to X, while X itself is passive with respect to Y.²⁶

This is how we are to think of \forall god-loved.

Action X has the *pathos*-property \forall god-loved by virtue of the gods' activity of loving, which is directed at the action, while the action itself is passive with respect to the gods.

The same applies to \forall legal.

Action X has the *pathos*-property \forall legal by virtue of the legislators (courts, etc.) activity of approval, which is directed at the action, while the action itself is passive with respect to the legislators (courts, etc.).²⁷

²⁶ The clause "with respect to Y" signals that, in other respects, X may be active. For example, the bird that is seen by bird spotters deflects photons; but this activity of the bird is not aimed at the bird spotter.

²⁷ Legal assessment includes the categorization of an action in terms that legislators define. That which is passive is the action in an under-described sense, for example, "locking up a laborer and forgetting to take care of him while seeking advice"—rather than "murder" or "manslaughter."

Properties such as \forall god-loved and \forall legal share their metaphysics with properties such as “carried” and “seen.”²⁸ While the comparanda of good and just are cold or tall or heavy, the comparanda of \forall god-loved are overtly conferred properties.

	Value	Comparanda
Realism about values and comparanda	good, just	cold, hot, small, tall, number of units (e.g., “3 chairs”)
Anti-realism about values and comparanda	\forall god-loved, \forall legal	carried, led, seen

\forall god-loved and \forall legal are conferred by someone’s attitudes. Contrary to the \exists god-loved and \exists legal, the \forall god-loved and \forall legal can guide action. It is conceivable that the attitudes of gods and legislators, though in agreement with each other, continually shift. In that setting, the \forall god-loved and \forall legal would be “moving targets,” not sufficiently stable to orient action. But setting such additional concerns aside, agreement among assessors enables agents to be oriented by their pronouncements. Nevertheless, the fact that an action is \forall god-loved or \forall legal does not mean that it is good.

In some cases, what is \forall god-loved or \forall legal may be neither good nor bad.²⁹ For example, perhaps it is \forall god-loved or \forall legal that people walk up the stairs on the right and down the stairs on the left side during an emergency. This could be universally approved of, and normatively guiding: divine or legal approval fully orients action. It isn’t good to walk on the right or on the left if one walks up or down, though it is good that there is a policy, for otherwise people would have a harder time getting upstairs and

²⁸ Cf. Evans (2012); Vogt (2017).

²⁹ Cf. Swinburne (2008) and Rosati (2009) argue for religious and legal law, respectively, that not all law needs to have the same metaphysics.

downstairs. But presumably, it would be just as well if it was the other way around. That is, in this case there is no loss in the \forall god-loved or \forall legal not picking out what is independently good.

In other cases, the gods or the lawgivers could agree, and yet agree falsely. Here the \forall god-loved or \forall legal can also orient action, albeit only in the limited sense that if one were to counteract it, one might fear punishment. But there may be cases where one thinks one has to counteract it, in order to do what is right. Plato's notion of a *pathos*-property refers to the distinctive class of values which are overtly conferred by a one-directional attitudinal relation which need not track the truth about goodness and justice.

8. Realism and Anti-Realism about the Pious

So far, then, we have a preliminary account of the good, and an analysis of the god-loved. But regarding the pious, we only have the stipulation that it is a different kind of property than the god-loved. What, then, is the pious? To repeat, the two options Socrates envisages are:

- (1) A pious action is \forall god-loved because it is pious.
- (2) A pious action is pious because it is \forall god-loved.

Socrates chooses (1), thereby presumably endorsing realism about the pious. Socrates says “Is it loved because of this—because it is pious—or because of something else?” (T4). Here it is presupposed that the gods love what they love *because of something*.³⁰ In fact, the reader already knows what it is that the gods respond to. The gods love what they see as good. This was established in Plato's analysis of disagreement.

³⁰ Grube misleadingly renders “because” in terms of “reasons.” Cf. Judson (2010) and Vogt (2020).

Alas, T4 says that the gods love the pious, not that they love the good. An account of the pious comes into view once we acknowledge three premises, which I address in turn:

Coextension: The same actions are loved by the gods qua pious actions and qua good actions.

Realism: The pious is not (entirely) conferred by attitudes.

Bidirectionality: The pious involves attitudes from humans to gods and from gods to humans.

The premise I call Coextension helps make sense of Socrates' formulation: in saying that the gods love the pious, Socrates doesn't say that they love the pious rather than the good, just, and noble. Instead, the earlier premise that the gods love the good, just, and noble remains in place, but it is assumed that the pious—if it is loved by the gods—is *also* good, just, and noble. The last pages of the *Euthyphro* make this premise, which T4 implicitly presupposes, explicit. Socrates asks whether everything that is just—in other words, everything that has one of the ethical values—is also pious, or whether only part of what is just is also pious. He chooses the second option.³¹ Presumably, as a subset of good and just actions, the pious is that which involves certain attitudes between gods and humans, as Bidirectionality has it. Coextension is aspirational. It envisages a setting with gods unlike those of Greek mythology. These gods love what really is good, and they love actions as pious that really are good.

The second premise, Realism, states that the pious is not, or not entirely, conferred by attitudes. This has already been stipulated, namely by saying that it is not the kind of property god-loved is, a *pathos*, which is conferred by a relational attitude. But how can the pious possibly permit a realist analysis? Isn't it obvious that the pious is conferred by attitudes, and thus requires an anti-realist account?

³¹ Cf. 11e-15c. Cf. Taylor (2008) and Vogt (2017).

Suppose an agent performs an action that is good. This action could fail to be pious in two ways: the agent doesn't perform the action under the guise of reverence for the gods, or, the gods don't care about the action. These defeater conditions can apply jointly or separately. An action may not be done reverently and may not be the sort of thing the gods care about. Alternatively, it may be done reverently but the gods fail to pay attention, or the agent fails to be reverent even though the gods would care. If the pious was conferred entirely by these attitudes, it would be an anti-realist value: piety would be constituted by human and divine attitudes. As we saw with respect to the \forall god-loved and \forall legal, attitudes of this kind can go wrong. A person could pray to an invented divinity that doesn't even exist, and *a fortiori* doesn't attend to her actions. The gods could hope to see kinds of actions that, by the lights of human agents, are terrible (which might be frequent if the gods are the Olympians of Greek mythology).

This is what Coextension prevents. On *Euthyphro's* proposal, reverence for misconceived divinities and cruel gods who approve of wrongdoing cannot figure in the pious. Insofar as what is pious is also, and more fundamentally, good, we are only considering the subset of actions that in fact are ethically good and just, and which, accordingly, good divinity (should it exist) would approve of. Thus realism about the pious presupposes realism about the good. It assumes that divinity is excellent. As such, divinity loves as good only what really is good and loves as pious only what really is pious. At the same time, the pious constitutively involves bi-directional attitudes, from humans to gods and from gods to humans. This dimension of Plato's proposal is more easily seen in Greek than in translation. Plato employs two terms that are aptly translated as "pious," but differ in nuance. *Eusebes* means "pious" in the sense of "religious" and "discharging sacred duties," thus referring to human attitudes toward gods; similarly, *eusebein* means "to live or act piously or reverently." *Hosion*, on the contrary, means something like "allowed by

the law of god,” “sanctioned by divine law,” thus capturing a relation that runs from gods to humans.³²

9. The Lawful

Why would one think that, in the domain of the law, there should be a third kind of property, in addition to the good (just, right, etc.) on the one hand, and the legal on the other hand? After all, many discussions in the philosophy of law seem to get by only with these two values, or versions thereof. For example, philosophers ask how morality relates to the law, whether the law ought to capture what is “naturally” just, and so on.

Consider again Socrates’ and Euthyphro’s situations. Socrates is aware that he is a highly unconventional figure. He teaches and inquires in ways that are new to his fellow citizens, rejects traditional religion, and so on. And yet he submits to the verdict of the jury appointed by the Athenian court. While he is waiting for the death penalty in his prison cell, his friends are getting ready to bribe the guards and ship him off to safety. But Socrates stays to drink the hemlock. The reasoning that Plato ascribes to him in the *Crito*, a brief dialogue that is probably as early as the *Euthyphro*, is that he has lived by Athenian law all his life and owes it to the law and to his fellow Athenians that he abides by it. Euthyphro’s motivations are similar. Though he aims to do something that is entirely unheard of in Athens, namely bring charges against his own father, he turns to the Athenian legal system.

Both Socrates’ and Euthyphro’s actions of turning to and submitting to the court are what I call “lawful.” If my analogy between the pious and the lawful holds, the latter should display the following features:

³² Cf. LSJ; Cobb (1985).

Coextension: The same actions are approved by the law qua lawful actions and qua good actions.

Realism: The lawful is not (entirely) conferred by attitudes.

Bidirectionality: The lawful involves attitudes from agents to the law and from the law (legislators, judges, and so on) to agents.

The premise I call Coextension is normatively ambitious. In theology, it stipulates that the gods, whoever they are, agree in what they love, and that they love what is actually good. Thus Coextension postulates good gods. Coextension is equally aspirational in the domain of the law. It stipulates that there are some laws—whatever they are, and wherever they may hold—which get things right, approving of actions that in fact are good and disapproving of actions that in fact are bad.

Such laws don't seem to exist in Athens, and perhaps they exist nowhere. But both Socrates and Euthyphro assume that the laws of Athens are "good enough": they get a lot of things right, and they undergo change, because people like Socrates and Euthyphro devote themselves to ethical reform and improved laws. Against this backdrop, Bidirectionality holds. Socrates and Euthyphro display reverence for the law, seek its approval and abide by its verdicts. The law, or rather, its representatives, take an interest in their actions and assess them in legal terms.

Socrates' and Euthyphro's attitudes involve that they hold the law to a demanding standard. Their reverence for the law is a forward-looking attitude. For example, even if so far the law doesn't take an interest in the deaths of laborers and slaves in wealthy households, Euthyphro thinks it should do so. He approaches the law with the presumption that, given general considerations about justice, legal practices ought to be different than they currently are. This is what the premise Realism amounts to. The reverence that Socrates and Euthyphro display is for the Athenian law, but it is not for what happens to be legal. Rather, it is for the law as an institution that provides the

framework in which we grow up, get an education, and go about our lives while interacting with others. The *Crito*'s personified laws offer two options to those who have benefitted from this institution: to obey them or to try to persuade them to do better (52a). Both Socrates' and Euthyphro's actions are "lawful" insofar as they comply with these terms. They respect the Athenian law insofar as it is "good enough," which involves a built-in willingness to evolve and become better.

10. Conclusion

The *Euthyphro* does not offer a comprehensive theory of goodness. But a project is formulated: to find a measure for the good, and to thereby develop a realist account of it. One component of this account is already in place: the good is the primary intentional object of love. The *Euthyphro* also makes room for anti-realism. The god-loved and the legal require anti-realist analyses. Absent disagreement, they can orient action. But something can be loved by a god or be legal in a given state, and yet fail to be good. Hence a third kind of value matters: the pious in theology, the lawful in the legal domain.

As important as piety was for millennia, it is a non-issue in today's metaethics. But its analogue in the domain of the law, the lawful, plays a similarly crucial role in our lives today. While we recognize legality as potentially flawed, respect for the law is an indispensable attitude if we are to strive towards improved lives and improved societies.³³

Bibliography

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