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PLATO

COMPLETE WORKS

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The detailed supervision of the market must naturally be in the hands of the Market-Wardens. Their first job is to ensure that no one does any damage to the temples round the marketplace; secondly, to see whether people are conducting their business in an orderly or disorderly fashion, and inflict punishment on anyone who needs it. They must ensure that every commodity the citizens are required to sell to the aliens is sold in the manner prescribed by law. The law will be simply this. On the first day of the month the agents (the foreigners or slaves who act for the citizens) must produce the share that has to be sold to the aliens, beginning with the twelfth part of corn. At this first market an alien must buy corn and related commodities to last him the whole month. On the tenth day the respective parties must buy and sell a whole month's supply of liquids.

- c The third¹⁴ market should be on the twentieth, when they should hold a sale of the livestock that individuals they need to buy or sell, and also of all the equipment or goods sold by the farmers, and which aliens cannot get except by purchase—skins, for example, and all clothing, woven material, felt, and all that sort of thing. But these goods (and barley and wheat ground into flour and every other kind of food) should never be bought by, or sold to, a citizen or his slave through *retail* channels. The proper place for 'retail' trading (as it's generally called) in corn and wine is the foreigners' market, where foreigners are to sell these goods to craftsmen and their slaves; and when the butchers have cut up the animals, it is to foreigners, craftsmen and their slaves; and when the butchers have cut up the animals, it is to foreigners, craftsmen and their slaves that they must dispose of the meat. Any foreigner who wishes may buy any kind of firewood wholesale any day from the district agents and sell it to other foreigners whenever he likes and in whatever quantity he pleases.

All other goods and equipment needed by various people should be brought to the general market and put up for sale in the place allotted them. (The Guardians of the Laws and the Market-Wardens, in conjunction with the City-Wardens, will have marked out suitable spaces and decided where each article is to be sold.) Here they must exchange money for goods and goods for money, and never hand over anything without getting something in return; anyone who doesn't bother about this and trusts the other party must grin and bear it whether or not he gets what he's owed, because for such transactions there will be no legal remedy. If the amount or value of the object bought or sold is greater than is allowed by the law which forbids increase or diminution of a man's property above or below a given limit; the excess must immediately be registered with the Guardians of the Laws; but if there is a deficiency, it must be cancelled. The same rules are to apply to the registration of the property of resident aliens.

Anyone who wishes may come to live in the state on specified conditions. (a) There will be a community of foreigners open to anyone willing and able to join it; (b) The alien must have a skill and (c) not stay longer than

14. Reading *tritē* in b8.

twenty years from the date of registration. (d) He need pay no alien-tax, even a small one (apart from behaving himself), nor any tax on any purchase or sale. (e) When his time has expired, he is to collect his possessions and depart. (f) If during this period he has distinguished himself for some notable service to the state, and is confident he can persuade the council and the assembly to grant his request for an official extension of his stay, either temporarily or for life, he should present himself and make out his case; and he must be allowed to enjoy to the full whatever concessions the state grants him. (g) Children of resident aliens must be craftsmen, and (h) their period of residence must be deemed to have started when they reach the age of fifteen. On these conditions they may stay for twenty years, after which they must depart to whatever destination they like. If they wish to stay longer, they may do so provided they obtain permission as already specified. (i) Before a departing alien leaves he must cancel the entries that he originally made in the records kept in the custody of the officials.

Book IX

ATHENIAN: Next, in accordance with the natural arrangement of our legal code, will come the legal proceedings that arise out of all the occupations we have mentioned up till now. To some extent, so far as agricultural affairs and related topics are concerned, we have already listed the acts that should be prosecuted, but the most serious have yet to be specified. Our next task is to enumerate these one by one, mentioning what penalty each should attract and to which court it should be assigned.

CLINIAS: That's right.

ATHENIAN: The very composition of all these laws we are on the point of framing is, in a way, a disgrace: after all, we're assuming we have a state which will be run along excellent lines and achieve every condition favorable to the practice of virtue. The mere idea that a state of this kind could give birth to a man affected by the worst forms of wickedness found in other countries, so that the legislator has to anticipate his appearance by threats—this, as I said, is in a way a disgrace. It means we have to lay down laws against these people, to deter them and punish them when they appear, on the assumption that they will certainly do so. However, unlike the ancient legislators, we are not framing laws for heroes and sons of gods. The lawgivers of that age, according to the story told nowadays, were descended from gods and legislated for men of similar stock. But we are human beings, legislating in the world today for the children of humankind, and we shall give no offense by our fear that one of our citizens will turn out to be, so to speak, a 'tough egg', whose character will be so 'hard-boiled' as to resist softening; powerful as our laws are, they may not be able to tame such people, just as heat has no effect on tough beans. For their dismal sake, the first law I shall produce will deal

with robbery from temples, in case anyone dares to commit this crime. Now in view of the correct education our citizens will have received, we should hardly want any of them to catch this disease, nor is there much reason to expect that they will. Their slaves, however, as well as foreigners and the slaves of foreigners, may well make frequent attempts at such crimes. For their sake principally—but still with an eye on the general weakness of human nature—I'll spell out the law about robbery from temples, and about all the other similar crimes which are difficult or even impossible to cure.

Following the practice we agreed earlier, we must first compose preambles, in the briefest possible terms, to stand at the head of all these laws. Take a man who is incited by day and kept awake at night by an evil impulse which drives him to steal some holy object. You might talk to him and exhort him as follows:

- b 'My dear fellow, this evil impulse that at present drives you to go robbing temples comes from a source that is neither human nor divine: It is a sort of frenzied goad, innate in mankind as a result of crimes of long ago that remained unexpiated; it travels around working doom and destruction, and you should make every effort to take precautions against it. Now, take note what these precautions are. When any of these thoughts enters your head, seek the rites that free a man from guilt; seek the shrines of the gods who avert evil, and supplicate them; seek the company of men who have a reputation in your community for being virtuous. Listen to them as they say that every man should honor what is fine and just—try to bring yourself to say it too. But run away from the company of the wicked, with never a backward glance. If by doing this you find that your disease abates somewhat, well and good; if not, then you should look upon death as the preferable alternative, and rid yourself of life.'

c These are the overtures we make to those who think of committing all these impious deeds that bring about the ruin of the state. When a man obeys us, we should silently omit the actual law; but in cases of disobedience, we must change our tune after the overture and sing this resounding strain:

- d 41. If a man is caught thieving from a temple and is (a) a foreigner or slave, a brand of his misfortune shall be made on his face and hands, and he shall be whipped, the number of lashes to be decided by his judges. Then he shall be thrown out beyond the boundaries of the land, naked.

- e (Perhaps paying this penalty will teach him restraint and make him a better man: after all, no penalty imposed by law has an evil purpose, but generally achieves one of two effects: it makes the person who pays the penalty either more virtuous or less wicked.)

(b) If a citizen is ever shown to be responsible for such a crime—to have perpetrated, that is, some great and unspeakable offense against the

gods or his parents or the state,
the penalty is death.

The judge should consider him as already beyond cure; he should bear in mind the kind of education and upbringing the man has enjoyed from his earliest years, and how after all this he has still not abstained from acts of the greatest evil. But the very tiniest of evils will be what the offender suffers, indeed, he will be of service to others, by being a lesson to them when he is ignominiously banished from sight beyond the borders of the state. And if the children and family escape taking on the character of the father, they should be held in honor and win golden opinions for the spirit and persistence with which they have shunned evil and embraced the good.

In a state where the size and number of the farms are to be kept permanently unaltered, it would not be appropriate for the state to confiscate the property of any of these criminals. But if a man commits a crime and is thought to deserve a penalty in money; then provided he possesses a surplus over and above the basic equipment of his farm, he must pay his fine. The Guardians of the Laws must scrutinize the registers and discover the precise facts in these cases, and make an exact report to the court on each occasion, so as to prevent any farm becoming unworked because of a shortage of money. If a man appears to deserve a stiffer fine, and if some of his friends are not prepared to bail him out by contributing the money to set him free, his punishment should take the form of a prolonged period of imprisonment (which should be open to public view), and various humiliations. But no one, no matter what his offense, is ever to be deprived of his citizen rights completely, not even if he has gone into exile beyond our frontiers for it. The penalties we impose will be death, imprisonment, whipping, or various degrading postures (either standing or sitting), or being rusticated and made to stand before temples on the boundaries of the state; and payments of money may be made in certain cases which we have just mentioned, where such a punishment is appropriate. In cases involving the death penalty the judges are to be the Guardians of the Laws, sitting in conjunction with the court whose members are selected by merit from the officials of the previous year. The method of bringing these cases to court, the serving of the summonses and similar procedural details must be the concern of the legislators who succeed us; what we have to do is legislate about the voting. The vote should be taken openly, but before this our judges should have ranged themselves according to seniority and sat down close together facing the prosecutor and defendant; all citizens who have some spare time should attend and listen carefully to such trials. First, the prosecutor should deliver a single speech; then the defendant; the most senior judge should follow these addresses by cross-questioning, and continue until he has gone into the arguments in sufficient detail. One by one, the other judges should follow the most senior and work through any points on which either litigant has left him dissatisfied by some kind of error or omission. A judge who feels no such dissatisfaction

should hand on the interrogation to his colleague. All the judges should endorse those arguments that appear pertinent by appending their signatures and then depositing the documents on the altar of Hestia. The next day they must reconvene in the same place, and after similar interrogation and examination again append their signatures to the depositions. Having followed this procedure three times, after giving due consideration to the evidence and witnesses, each judge should cast a sacred vote, swearing in the name of Hestia to give, as far as lies in him, a judgment just and true. In this way they should conclude this category of trial:

b We come next, after these matters of religion, to cases of political subversion. We should treat as the biggest enemy of the entire state the man who makes the laws into slaves, and the state into the servant of a particular interest, by subjecting them to the diktat of mere men. This transgressor of the law uses violence in all that he does and stirs up sedition. Second in the scale of wickedness, in our estimation, should come the holder of some high state office, who while not an accessory to any such crimes, nevertheless fails to detect them and exact the vengeance of his fatherland (or, if he does detect them, holds back through cowardice). Every man who is any good at all must denounce the plotter to the authorities and take him to court on a charge of violently and illicitly overthrowing the constitution. The court should consist of the same judges as for robbers from temples, and the procedure of the entire trial should be the same as it was for them; a majority vote being sufficient for the death penalty.

d As a rule, penalties and disgrace incurred by a father should not be passed on to any of his children; except where a man's father, grandfather and great-grandfather have all in turn been sentenced to death. The state should deport such cases to the state and city from which their family originally came; and they should take their property with them, apart from all the basic equipment of their farm. Next, sons of citizens who have more than one son over ten years of age should be nominated by their father or grandfather on either the mother's or the father's side. Ten of them should be chosen by lot, and the names of those whom the lot selects should be reported to Delphi. The god's choice should then be installed as heir to the abandoned property—and he, we hope, will have better luck.

e CLINIAS: Splendid.

ATHENIAN: The same regulations about the judges that should try the case, and the procedure to be followed at the trial, will apply in yet a third instance, when a man is brought to court on a charge of treason. In the same way, a single law should apply to all three cases and decide whether the children of these criminals (traitor, temple-robber, and the violent wrecker of the laws of the state) should remain in their fatherland or leave it.

Again, a single law and legal penalty should apply to every thief, no matter whether his theft is great or small:

857 42. (a) *he must* pay twice the value of the stolen article, if he loses the day and has sufficient surplus property over and above his farm with which to make the repayment.

(b) if he has not,
he must be kept in prison until he pays up or persuades the man who has had him convicted to let him off.

43. If a man is convicted of stealing from *public* sources,
he shall be freed from prison when he has either persuaded the state to let him off or paid back twice the amount involved. b

CLINIAS: How on earth can we be serious, sir, in saying that it makes no odds whether his theft is large or small, or whether it comes from sacred or secular sources? And what about all the other different circumstances of a robbery? Shouldn't a legislator vary the penalties he inflicts, so that he can cope with the various *categories* of theft?

ATHENIAN: That's a good question, Clinias: I have been walking in my sleep, and you have bumped into me and woken me up. You have reminded me of something that has occurred to me before, that the business of establishing a code of law has never been properly thought out—as we can see from the example that has just cropped up. Now, what am I getting at? It wasn't a bad parallel we made, you know, when we compared all those for whom legislation is produced today to slaves under treatment from slave doctors.¹ Make no mistake about what would happen, if one of those doctors who are innocent of theory and practice medicine by rule of thumb were ever to come across a gentleman doctor conversing with a gentleman patient. This doctor would be acting almost like a philosopher, engaging in a discussion that ranged over the source of the disease and pushed the inquiry back into the whole nature of the body. But our other doctor would immediately give a tremendous shout of laughter, and his observations would be precisely those that most 'doctors' are always so ready to trot out. 'You ass,' he would say, 'you are not treating the patient, but tutoring him. Anybody would think he wanted to become a doctor rather than get well again.' c

CLINIAS: And wouldn't he be right to say that? e

ATHENIAN: Perhaps he would—if he were to bear in mind this further point, that anyone who handles law in the way we are now, *is* tutoring the citizens, not imposing laws on them. Wouldn't it be equally right to say that?

CLINIAS: Perhaps so.

ATHENIAN: However, at the moment, we are in a fortunate position.

CLINIAS: How do you mean?

ATHENIAN: I mean the lack of any necessity to legislate. We are simply carrying out our own review of every kind of political system and trying to see how we could put into effect the absolutely ideal kind, as well as the least good sort that would still be acceptable. This is particularly true of our legislation, where it looks as if we have a choice: either we can examine ideal laws, if we want to, or again, if we feel like it, we can look 858

1. See 719e–720e.

at the minimum standard we are prepared to put up with. So we must choose which course we want to take.

CLINIAS: This is a ridiculous choice to give ourselves, my friend: it's not as if we were legislators forced by some irresistible necessity to legislate at a minute's notice, without being allowed to put the business off till tomorrow. We, God willing, can do as bricklayers do, or workmen starting some other kind of erecting. We can gather our materials in no particular order and then select—and select at leisure—the items which are appropriate for the forthcoming construction. Our assumption should be, therefore, that we are constructing something, but not under any constraint; we work at our convenience and spend part of the time preparing our material, part of the time fitting it together. So it would be quite fair to describe our penal code as already partially laid down, while other material for it lies ready to hand.

ATHENIAN: At any rate, Clinias, this will be the more realistic way to conduct our review of legislation. Well then, may we please notice this point that concerns legislators?

CLINIAS: What point?

ATHENIAN: I suppose literary compositions and written speeches by many other authors are current in our cities, besides those of the legislator?

CLINIAS: Of course they are.

ATHENIAN: To whose writings ought we to apply ourselves? Are we to read the poets and others who have recorded in prose or verse compositions their advice about how one should live one's life, to the neglect of the compositions of the legislators? Or isn't it precisely the latter that deserve our closest attention?

CLINIAS: Yes, it certainly is.

ATHENIAN: And I suppose the legislator, alone among writers, is to be denied permission to give advice about virtue and goodness and justice? Is he alone to be prevented from explaining their nature and how they should be reflected in our conduct, if we aim to be happy?

CLINIAS: No, of course not.

ATHENIAN: Then is it really more scandalous in the case of Homer and Tyrtaeus and the other poets to have composed in writing² bad rules for the conduct of life, but less so for Lycurgus and Solon, and all others who have turned legislator and committed their recommendations to writing? The proper view, surely, is this: a city's writings on legal topics should turn out, on being opened, to be the finest and best of all those it has in circulation; the writings of other men should either sound in harmony with them, or provoke ridicule by being out of tune. So what is the style in which a state's laws ought to be written, in our opinion? Should the regulations appear in the light of a loving and prudent father and mother? Or should they act the tyrant and the despot, posting their orders and

2. For Tyrtaeus, see 629a and note. Lycurgus was the traditional founder of the Spartan constitution. Solon legislated for Athens in 594 and wrote poems justifying his measures.

threats on walls and leaving it at that? Clearly, then, at this stage, we must decide whether we are going to try to talk about laws in the right spirit. Succeed or no, we shall at any rate show our good intentions. If we take this course and have to face some difficulties *en route*, then let's face them. Good luck to us, and God willing, we shall succeed.

CLINIAS: You've put it splendidly. Let's do as you suggest.

ATHENIAN: In the first place, we must continue the attempt we've just made: we must scrutinize our law about robbers of temples, theft in general, and every variety of crime. We should not let it daunt us if in the full spate of our legislation we find that although we have settled some matters, our inquiry into others has still to be completed. We are still aiming at the status of legislators, but we haven't achieved it yet; perhaps eventually we may succeed. So now let's look at these topics I've mentioned—if, that is, you are prepared to look at them in the way I have explained.

CLINIAS: Certainly we are prepared.

ATHENIAN: Now, on the whole subject of goodness and justice, we ought to try to see quite clearly just where we agree, and where there are differences of opinion between us. Again, how far do ordinary men agree? What differences are there between *them*? (Naturally, we should claim that we wanted there to be at least a small 'difference between' us and ordinary men!)

CLINIAS: What sort of 'differences between us' have you in mind when you say that?

ATHENIAN: I'll try to explain. When we talk about justice in general—just men, just actions, just arrangements, we are, after a fashion, unanimous that all these things are 'good'. One might insist that even if just men happen to be shocking in their physical appearance, they are still preeminently 'good' because of their supremely just character. No one would think a man was talking nonsense in saying that.

CLINIAS: Wouldn't that be right?

ATHENIAN: Perhaps. But if everything that has the quality of justice is 'good', we ought to note that we include in that 'everything' even the things done *to us*, which are about as frequent, roughly speaking, as the things *we do to others*.

CLINIAS: What now, then?

ATHENIAN: Any just action we do has the quality of being 'good' roughly in proportion to the degree to which it has the quality of justice.

CLINIAS: Indeed.

ATHENIAN: So surely, anything done *to us*, which has the quality of justice, is to that extent agreed to be 'good'? This wouldn't involve our argument in any contradiction.

CLINIAS: True.

ATHENIAN: If we agree that something done *to us* is just, but at the same time shocking, the terms 'just' and 'good' will be in conflict with each other—the reason being that we have termed 'just' actions 'most shameful'.

CLINIAS: What are you getting at?

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ATHENIAN: It's not difficult to understand. The injunctions of the laws we laid down a little while ago would seem to be in flat contradiction to what we are saying now.

CLINIAS: How so?

ATHENIAN: Our ruling was, I think, that the temple-robber and the enemy of properly established laws would suffer a 'just' death. But then, on the brink of establishing a great many such rules, we held back. We saw ourselves becoming involved with penal suffering of infinite variety and on a grand scale. Of all sufferings, these were particularly just; but they were also the particularly shocking ones. Thus, surely, one minute we shall find 'just' and 'good' invariably turning out to be the same, and the next moment discover they are opposites.

CLINIAS: Likely enough.

ATHENIAN: This is the source of the inconsistency in the language of the ordinary man: he destroys the unity of the terms 'good' and 'just'.

CLINIAS: That is indeed how it looks, sir.

ATHENIAN: Now, Clinias, we ought to examine our own position again. How far is it consistent in this business?

CLINIAS: Consistent? What consistency do you mean?

ATHENIAN: Earlier in our discussion I think I have said quite categorically—or if I haven't before, assume I'm saying it now—that . . .

CLINIAS: What?

ATHENIAN: . . . all wicked men are, in all respects, *unwillingly* wicked. This being so, my next argument necessarily follows.

CLINIAS: What argument?

ATHENIAN: That the unjust man is doubtless wicked; but that the wicked man is in that state only against his will. However, to suppose that a voluntary act is performed involuntarily makes no sense. Therefore, in the eyes of someone who holds the view that injustice is involuntary, a man who acts unjustly would seem to be doing so against his will. Here and now, that is the position I have to accept: I allow that no one acts unjustly except against his will. (If anyone with a disputatious disposition or a desire to attract favorable notice says that although there *are* those who are unjust against their will, even so many men do commit unjust acts voluntarily, I would reject his argument and stick to what I said.) Well then, how am I to make my own arguments consistent? Suppose the two of you, Clinias and Megillus, were to ask me, 'If that's so, sir, what advice have you for us about laying down laws for the city of the Magnesians? Do we legislate, or don't we?' 'Of course we legislate', I'd say, and you'd ask: 'Are you going to make a distinction for the Magnesians between voluntary and involuntary acts of injustice? Shall we impose stiffer penalties on voluntary wrongdoing and acts of injustice, and smaller penalties on the involuntary? Or shall we treat them all on an equal footing, on the grounds that there simply is no such thing as an act of voluntary injustice?'

CLINIAS: You are perfectly right, sir. So what use shall we make of this position we have just taken up?

ATHENIAN: That's a good question. First of all, we shall make this use of it—

CLINIAS: What?

ATHENIAN: Let's cast our minds back. A few minutes ago we were quite right to say that in the matter of justice we were in a state of great muddle and inconsistency. With that in mind, we may go back to asking questions of ourselves. 'We have not yet found a way out of our confusion in these things. We have not defined the difference between these two categories of wrongs, voluntary and involuntary. In all states, every lawgiver who has ever appeared treats them as distinct, and the distinction is reflected in his laws. Now, is the position we took up a moment ago to overrule all dissent, like a decision handed down from God? Shall we make just this one assertion and dismiss the topic, without adducing any reasons to show that our position is correct?' Impossible. What we must do, before we legislate, is somehow make clear that there *are* two categories, but that the distinction between them is a different one. Then, when one imposes the penalty on either, everybody will be able to appreciate the arguments for it, and make some kind of judgment whether it is the appropriate penalty to have imposed or not.

CLINIAS: We think you state the position fairly, sir. We must do one of two things, either stop insisting that unjust acts are always involuntary, or, before going any further, demonstrate its validity by means of a preliminary distinction.

ATHENIAN: The first of the two alternatives, denying the proposition when I believe it to represent the truth, is absolutely unacceptable to me. I should be breaking the laws of both God and man. But if the two things do not differ by virtue of being 'voluntary' and 'involuntary', how *do* they differ? What other factor is involved? That is what we have to try, somehow or other, to show.

CLINIAS: It is surely impossible, sir, to approach the problem in any way.

ATHENIAN: So this is what we shall try to do. Look: when citizens come together and associate with each other, they obviously inflict many *injuries*; and to these the terms 'voluntary' and 'involuntary' can be freely applied.

CLINIAS: Of course.

ATHENIAN: But no one should describe all these injuries as acts of injustice, and conclude that therefore the unjust acts committed in these cases of injury fall into two categories, (a) involuntary (because if we add them all up, you see, the involuntary injuries are no less numerous and no less great than the voluntary ones), and (b) voluntary *as well*. Rather than do that, consider the next step I am going to take in my argument: am I on to something or just driveling? My position, Clinias and Megillus, is not that, if someone hurts someone else involuntarily and without intending it, he is acting unjustly but involuntarily. I will not legislate so as to make this an involuntary act of injustice. Ignoring its relative seriousness or triviality, I shall refuse to put down such an injury under the heading of 'injustice' at all. Indeed, if my view is sustained, we shall often say of a

- b benefactor that 'he is committing the injustice of conferring a benefit'—an *improper* benefit. You see, my friends, in effect we should not simply call it 'just' when one man bestows some object on another, nor simply 'unjust' when correspondingly he takes it from him. The description 'just' is applicable only to the benefit conferred or injury inflicted by someone with a just character and outlook. This is the point the lawgiver has to watch; he must keep his eyes on these two things, injustice and injury. He must use the law to exact damages for damage done; as far as he can; he must restore losses, and if anyone has knocked something down, put it back upright again; in place of anything killed or wounded, he must substitute something in a sound condition. And when atonement has been made by compensation, he must try by his laws to make the criminal and the victim, in each separate case of injury, friends instead of enemies.

c CLINIAS: So far, so good.

ATHENIAN: Now to deal with unjust injuries (and gains too, as when one man's unjust act results in a gain for someone else). The cases that are curable we must cure, on the assumption that the soul has been infected by disease. We must, however, state what general policy we pursue in our cure for injustice.

CLINIAS: What is this policy?

- d ATHENIAN: This: when anyone commits an act of injustice, serious or trivial, the law will combine instruction and constraint, so that in the future either the criminal will never again dare to commit such a crime voluntarily, or he will do it a very great deal less often; and in addition, he will pay compensation for the damage he has done. This is something we can achieve only by laws of the highest quality. We may take action, or simply talk to the criminal; we may grant him pleasures, or make him suffer; we may honor him, we may disgrace him; we can fine him, or give him gifts. We may use absolutely *any* means to make him hate injustice and embrace true justice—or at any rate not hate it. But suppose the lawgiver finds a man who's beyond cure—what legal penalty will he provide for this case? He will recognize that the best thing for all such people is to cease to live—best even for themselves. By passing on they will help others, too: first, they will constitute a warning against injustice, and secondly they will leave the state free of scoundrels. That is why the lawgiver should prescribe the death penalty in such cases, by way of punishment for their crimes—but in no other case whatever.

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CLINIAS: In one way, what you have said seems eminently reasonable. However, we should be glad to hear a clearer explanation of two points: first, the difference between injustice and injury, and secondly the various senses of 'voluntary' and 'involuntary' that you distinguished so elaborately in the course of your argument.

- b ATHENIAN: I must try to meet your request and explain these points. Doubtless in the course of conversation you make at least this point to each other about the soul: one of the constituent elements (whether 'part' or 'state' is not important) to be found in it is 'anger', and this innate

impulse, unruly and difficult to fight as it is, causes a good deal of havoc by its irrational force.

CLINIAS: Yes, indeed.

ATHENIAN: The next point is the distinction we make between 'pleasure' and 'anger'. We say Pleasure wields her power on the basis of an opposite kind of force; she achieves whatever her will desires by persuasive deceit that is irresistibly compelling.³

CLINIAS: Quite right.

ATHENIAN: Thirdly, we would be saying nothing but the truth if we named ignorance as a cause of wrongdoing. The lawgiver would, in fact, do a better job if he divided ignorance into two: (1) 'simple' ignorance, which he would treat as the cause of trivial faults, (2) 'double' ignorance, which is the error of a man who is not only in the grip of ignorance but on top of that is convinced of his own wisdom; believing that he has a thorough knowledge of matters of which, in fact, his ignorance is total. When such ignorance is backed up by strength and power, the lawgiver will treat it as the source of serious and barbarous wrongdoing; but when it lacks power, he will treat the resultant faults as the peccadilloes of children and old men. He will of course regard these deeds as offenses, and will legislate against these people as offenders, but the laws will be of the most gentle character, full of understanding.

CLINIAS: Your proposals are perfectly reasonable.

ATHENIAN: Most of us agree that some people are 'conquerors of' their desire for pleasure and feelings of anger, while others are 'conquered' by them. And that is in fact the situation.

CLINIAS: It certainly is.

ATHENIAN: But we have never heard anyone say that some people are 'conquerors of' their ignorance, while others are 'conquered by' it.

CLINIAS: Very true.

ATHENIAN: But we do say that each of these influences often prompts every man to take the opposite course to the one which attracts him and which he *really* wishes to take.

CLINIAS: Yes, times without number.

ATHENIAN: May I now clearly distinguish for you, without elaboration, what in my view the terms 'just' and 'unjust' mean. My general description of injustice is this: the mastery of the soul by anger, fear, pleasure, pain, envy and desires, whether they lead to any actual damage or not. But no matter how states or individuals think they can achieve the good, it is a conception of what the good is that should govern every man and hold sway in his soul, even if he is a little mistaken. If it does, every action done in accordance with it, and any part of a man's nature that becomes subject to such control, we have to call 'just', and best for the entire life of mankind—and this in spite of the popular belief that damage done in such circumstances is an 'involuntary' injustice. However, we are not

864

3. Reading *biaiou* in b8.

b engaging now in a captious dispute about terminology. But since it has become clear that there are three kinds of basic faults, we ought first to impress these upon our memory even more firmly. Our first kind is a painful one, and we call it anger and fear.

CLINIAS: Yes.

ATHENIAN: The second kind consists of pleasures and desires. The third, which is a distinct category, consists of hopes and opinion—a mere shot at the truth about the supreme good.⁴ If we divide this last category twice,⁵ we get three types; and that makes, according to our present argument, a total of five in all. We must enact different laws for the five kinds, and we must have two main categories.

c CLINIAS: And what are these?

ATHENIAN: The first category covers every occasion when crimes are committed openly with violence; secondly, we have crimes that take place under cover of darkness, involving secrecy and fraud. Sometimes we find a combination of both methods, in which case our laws will have to be very harsh indeed, if they are going to do their job.

CLINIAS: Of course.

d ATHENIAN: Now let's go back to the point where we started to digress, and carry on with our enactment of the legal code. Our regulations about those who pillage from the gods, and about traitors, had, I think, already been made; we had also dealt with those who do violence to the laws in order to subvert the existing constitution. A man who commits one of these crimes might be suffering from insanity, or be as good as insane either because of disease, or the effects of advanced senility, or because he is still in the years of childhood.

44. (a) If clear proof of any of these states is ever shown to the judges selected in each case, on the submission of either the criminal or his counsel, and in the opinion of the court the man was in that condition
e when he committed his crime,

he must pay, without fail, simple recompense for any damage he may have inflicted on anyone, but the other details of the penalty should be waived,

(b) if he has killed someone and his hands are polluted by murder, *he must* depart to a place in another country and live there in exile for a year.

45. If he comes back before the legally appointed time, or even puts a foot into any part of his native country,

4. Reading . . . *kai doxēs, tou alēthous peri to ariston ephesis, triton* . . . in b7.

5. Assuming that the 'third' category here is equivalent to that of 'ignorance' as a cause of wrongdoing (863c–d), the reference here is to the 'simple' and 'double' forms of ignorance there noted, of which the latter was divided into that 'with power' and that 'without power'. That would yield 'three types', as the Athenian goes on to say here.

he must be imprisoned in the public jail by the Guardians of the Laws for two years, after which he shall be released.

The start we have made points the way forward: we need not scruple to lay down a comprehensive set of laws that will cover every category of murder. First we should deal with those committed with the use of force, but unintentionally:

46 A. If anyone has unintentionally killed a man who is not an enemy (a) in a contest or public games—whether death occurs immediately, or later as a result of the wounds,

(b) in war similarly,

(c) in military training, whether in javelin-exercises without the protection of armor, or when some weapons are being carried in imitation of wartime usage,

the offender shall be free of pollution when he has been purified in accordance with the relevant law from Delphi.

(d) All doctors, if their patient dies as an unintended result of their treatment,

are to be free of pollution according to law.

B. If one man kills another by his own act, but unintentionally,

(α) by his own hand,

(i) without weapons, or

(ii) by tool, weapon, administration of food or drink, application of fire or cold, or deprivation of air, whether

(β) (i) *he does the deed himself*, or

(ii) through the agency of others,

in all cases it must be reckoned his own act and he must pay penalties as under:

If he kills

(a) a slave,

he must indemnify the dead man's master against the damage, reflecting what the loss would be if his own slave had been killed.

C. If he fails to indemnify the master,

he must pay a penalty of twice the value of the dead man, the judges making an estimate of it, and he must resort to greater and more numerous purifications than those who have killed in contests; and such expounders as are chosen by the oracle are to be in charge of these purifications.

B. cont. (b) If he kills a slave of his own,

let him purify himself, and be quit of the murder according to law.

(c) If he kills a free man, inadvertently,

he must undergo the same purifications as the killer of a slave.

He should not take lightly an old story that comes from our collection of ancient tales. It runs as follows: Having lived in the full proud spirit of freedom, the man murdered by violence, freshly dead, turns his fury on

e the person responsible. The dead man is full of fear and loathing at his own violent sufferings; he abominates the sight of his own murderer going about localities once familiar to himself; to the full limit of his powers he visits his own anguish on the perpetrator of the crime, the man and his deeds; and his allies are the memories that haunt the murderer. Therefore

D. (a) A killer must keep clear of his victim for all the seasons of an entire year, by staying away from the dead man's usual haunts and the whole of his native country.

866 (b) If the deceased is a foreigner, the killer should keep clear of the foreigner's homeland as well for an identical period.

If a man obeys this law without demur, the deceased's next of kin, who will take note of his compliance with these requirements, will grant him pardon and will be entirely correct to live on peaceable terms with him.

E. If the killer disobeys,

(a) by daring to enter temples and perform sacrifices, polluted as he is, and then

b (b) by refusing to complete the above-mentioned period abroad, the deceased's next of kin must prosecute the killer on a charge of murder. In case of conviction, all penalties are to be doubled.

F. If the next of kin does not prosecute the crime, the pollution must be deemed to have arrived at his own door, owing to the murdered man's supplications for atonement. Anyone who wishes may bring a charge against the next of kin and force him to keep away from his native country for five years, according to law.

c G. (a) If a foreigner kills a foreigner who is living in the state, anyone who wishes should prosecute under the same laws.

(b) If the killer is

(i) a resident alien,

he must go abroad for a year;

(ii) a non-resident alien,

he must keep away, for the whole of his life, from the country that lays down these laws, in addition to performing the purifications; this is to apply, whether he kills (1) a non-resident alien, (2) a resident alien, or (3) a citizen.

H. If he returns

(a) illegally,

the Guardians of the Laws must punish him by death, and if he has any property, they must present it to his victim's nearest relative;

(b) unintentionally,

d (i) being shipwrecked on the coast,

he must camp out where the sea washes by his feet and await an opportunity to sail away;

(ii) being forcibly brought in overland by someone,

the first official of the state that comes across him must set him free and dispatch him unharmed beyond the border.

If someone kills a free man by his own hand, but the deed is done in anger, we must first make an internal distinction within this type of crime. Anger is common to (1) those who kill a man by blows or similar means, owing to a sudden impulse: here the action is immediate, there is no previous intention to kill, and regret for the deed follows at once; (2) those who have been stung by insults or opprobrious actions and who pursue their vengeance until, some time later, they kill somebody: they intend to kill, and the deed causes no repentance. So it looks as if we have to establish two categories of murder; broadly speaking, both are done in anger, but a proper description would be 'falling somewhere midway between "voluntary" and "involuntary"': however, each type comes closer to one or other of these extremes. The man who nurses his anger and takes his vengeance later—not suddenly, on the spur of the moment, but with premeditation—approximates to the voluntary murderer. The man whose anger bursts forth uncontrollably, whose action is instant, immediate, and without premeditation, resembles the involuntary killer. Yet even so, he is not an entirely involuntary killer: he only resembles one. It is therefore sometimes difficult to categorize murders done under the influence of anger, and to know whether to treat them in law as voluntary or involuntary. The best course, which corresponds most closely to reality, is to classify them both under what they most resemble, and to distinguish them by the presence or absence of premeditation. We should lay down comparatively severe penalties for those who have killed in anger and with premeditation, and lighter ones for those who have killed on the spur of the moment without previous intent. Something which resembles a greater evil should attract a greater punishment, whereas a lesser penalty should be visited on that which resembles a lesser evil. This, then, is the course our laws should take.

CLINIAS: Indeed it is.

ATHENIAN: Then let's go back to our subject and carry on as follows:

47 A. If someone kills a free man with his own hand, and the deed is done in a fit of anger, without previous intent, his penalty should in general be that appropriate to a man who has killed without anger; but in addition he should be obliged to go into exile for two years; by way of a curb for his anger.

B. If a man kills in anger, but with premeditation, his penalty should in general be that inflicted in the previous instance; but his exile should be for three years as against the other's two, the period of punishment being longer because of the greater violence of his passion.

In such cases, regulations for the return from exile should run as follows. (It is not easy to make hard and fast rules: sometimes the fiercer criminal as defined by the law may turn out easier to manage; whereas the man who is supposedly more manageable may turn out to be a more difficult case, having committed a murder with some savagery; the other,

e conversely, may have dispatched his victim without brutality. However, my account does describe the cases you'll find are typical.)

The Guardians of the Laws should act as assessors of all these points, and when the period of exile prescribed for either category has come to an end, they should send twelve of their number, as judges, to the borders of the country. During the time that has elapsed these twelve should have made a still more exact investigation into what the exiles did, so as to decide whether to grant pardon and permission to return; and the exiles are bound to acquiesce in the judgment of these authorities.

868 C. (a) If a returned exile of either category is ever again overcome by anger and commits the same offense;
he must go into exile and never come back.

(b) If he does come back,
his penalty will be the same as that imposed on the foreigner who returns [46H].

D. (a) If a man kills his own slave,
he must purify himself.

(b) If he kills another's slave, in anger,
he must pay double damages to the owner.

b E. If a killer in any category flouts the law and in his unpurified state pollutes the market-place, the sports stadium, and other holy places,
anyone who wishes should prosecute both the killer and the relative of the dead man who allows the killer to do this, and compel the relative to exact payment of twice the fine and the other expenses; and the prosecutor shall be legally entitled to take for himself the money so paid.

c F. (a) If a slave kills his own master, in anger,
the relatives of the deceased shall treat the killer in whatever way they like (except that under no circumstances whatever may they let him go on living), and be free of pollution.

(b) If a slave murders a free man who is not his master, in anger,
his master shall deliver him up to the relatives of the deceased, who will be obliged to kill him, the manner of the execution being within their discretion.

G. (This is a rare occurrence, but not unknown.)

(a) If a father or mother kills a son or daughter in anger by beating them or by using some other form of violence,

d the murderers must undergo the same purifications as apply in the other cases, and go into exile for three years.

(b) When they come back, the female killer must be separated from her husband and the male from his wife, and they must have no more children; and they must never again share hearth and home with those whom they have robbed of a son or brother, or join in religious ceremonies with them.

H. If someone is impious enough to disobey these regulations,
he shall be liable to a charge of impiety at the hands of anyone who wishes.

e I. (a) If a man kills his wedded wife in a fit of anger; or a wife her husband,

they must undergo the same purifications and spend three years in exile.

(b) On his return, a person who has done such a deed must never join his children in religious ceremonies nor eat at the same table with them.

J. If the parent or the child disobeys,
he shall equally be liable to a charge of impiety at the hands of anyone who wishes.

K. If in anger

(a) a brother kills a brother or a sister, or

(b) a sister kills a brother or a sister,

the same purifications and periods of exile as applied to parents and children should be specified as applying in these cases too. (That is, they should never share hearth and home with the brothers whom they have deprived of their fellow brothers nor with parents whom they have deprived of children, nor join in religious ceremonies with them.)

L. If anyone disobeys this law,

he will be subject to the relevant law of impiety already laid down, as is only right and proper. 869

M. If anyone gets into such an ungovernable temper with his parents and beggetters that in his insane fury he dares to kill one of them, and

(a) is let off responsibility for murder by a voluntary statement of the deceased before death,

he must perform the same purifications as those who commit involuntary murder; and when he has followed the rest of the procedure prescribed for those cases, he may be considered purified.

(b) If he is not let off,

the perpetrator of such a crime will be indictable under many laws. He will be subject to the most huge penalties for assault, and likewise for impiety for temple-robbery—he has plundered the shrine that is his parent's body, and deprived it of life. Consequently if one man could die many times, the murderer of his father or mother who has acted in anger would deserve to die the death over and over again. To this one killer no law will allow the plea of self-defense; no law will permit him to kill his father or mother, who brought him into the world. The law will instruct him to put up with all manner of suffering before he does such a thing. But what other penalty than death could the law appropriately lay down for this criminal? The law, then, should run:

(b) cont.

the penalty for the murderer of a father or mother is to be death,

N. (a) If a brother kills his own brother in a political brawl or some similar circumstances, in self-defense when his victim had struck first, he should be regarded as free of pollution (as though he had killed an enemy).

(b) The same applies if

(i) a citizen kills a citizen, or

(ii) a foreigner kills a foreigner.

(c) If in self-defense

(i) a citizen kills a foreigner, or

(ii) a foreigner kills a citizen,

the culprit should be in the same position with regard to the freedom from pollution, and likewise if

(iii) a slave kills a slave.

O. If however a slave, in self-defense, kills a free man,

he should be subject to the same laws as the parricide [47M].

P. The regulations stated about the acquittal from responsibility for murder granted by a father are to apply to every acquittal in such cases

(when, that is, one man voluntarily absolves another of responsibility, on the grounds that the murder has been committed involuntarily):

the criminal must undergo the purifications and spend one year away from the country according to law.

Let this more or less suffice as a description of involuntary murders, which involve violence and anger. Our next task is to speak of voluntary murders, which are premeditated and spring from sheer injustice—the lack of control over the desire for pleasure and over one's lusts and jealous feelings.

CLINIAS: True.

ATHENIAN: First of all, we ought again to make as complete a list as possible of these sources of crime.

870 The chief cause is lust, which tyrannizes a soul that has gone wild with desire. This lust is most usually for money; the object of most men's strongest and most frequent longing. Because of the innate depravity of men and their misdirected education, money has the power to produce in them a million cravings that are impossible to satisfy—all centering on the endless acquisition of wealth. The cause of this incorrect education is the pernicious praise given to wealth by the public opinion of Greeks and non-Greeks alike. In fact, wealth takes only third place in the scale of goodness,⁶ but they make it preeminent, to the ruin of posterity and themselves. The best and the noblest policy for all cities to follow is to tell the truth about wealth, namely that it exists to serve the body; just as the body should be the servant of the soul. Although the ends which wealth naturally serves are indeed 'good', wealth itself will take third place, coming after the perfection of the soul and the body. Taking, therefore, this argument as our guide, we shall find that the man who means to be happy should not seek simply to be wealthy, but to be wealthy in a way consistent with justice and self-control. Murders needing still more murders in expiation would not occur in cities that had taken this lesson to heart. But as things are, as we said when we embarked on this topic, we have here one cause, and an extremely prominent cause at that, of the most serious charges of deliberate murder.

6. See the lists at 697b ff. and 743e.

Second, an ambitious cast of mind: this breeds feelings of jealousy, which are dangerous companions to live with, particularly for the person who actually feels jealous, but potentially harmful to the leading citizens of the state as well.

In the third place, many a murder has been prompted by the cowardly fears of a guilty man. When a man is committing some crime, or has already committed it, he wants no one to know about it, and if he cannot eliminate a possible informer in any other way, he murders him.

These remarks should constitute the preface applying to all these crimes. In addition, we must tell the story which is so strongly believed by so many people when they hear it from those who have made a serious study of such matters in their mystic ceremonies. It is this:

Vengeance is exacted for these crimes in the after-life, and when a man returns to this world again he is ineluctably obliged to pay the penalty prescribed by the law of nature—to undergo the same treatment as he himself meted out to his victim, and to conclude his earthly existence by encountering a similar fate at the hands of someone else.

If a man obeys and heartily dreads such a penalty after merely hearing the overture, there is no need to play over the relevant law. But in case of disobedience the following law should be stated in writing:

48 A. (a) If a man by his own hand viciously kills a fellow citizen, with premeditation, he must be excluded from the places where people usually gather, and not pollute temples or market or harbors or any other common place of assembly, whether or not someone makes a proclamation against the culprit in these terms. (The reason is that the law itself makes the proclamation. It makes a permanent and public proclamation on behalf of the whole state, and always will.)

B. If a man fails in his duty to prosecute the culprit or bar him by proclamation, and is a relative (no more distant than a cousin) of the deceased on either the father's side or the mother's, the pollution, together with the enmity of the gods, should arrive at his own door. (The curse imposed by the law turns the edict of heaven against him.) He must be subject to prosecution at the hands of any man who wishes to take vengeance for the deceased, and the man who thus wishes to take vengeance must scrupulously perform all the appropriate ablutions and all the other ritual details the god prescribes for such cases; and when he has published the proclamation, he must go and make the criminal submit to the imposition of the penalty, under the law.

It is easy for a legislator to demonstrate that all this should be accompanied by a number of prayers and sacrifices to those gods who make it their business to prevent murders occurring in society. The Guardians of the Laws, in association with expounders, soothsayers, and the god, should rule who these gods are to be, and specify the procedure for bringing such

cases that would be most in harmony with the requirements of religion; they should then follow it themselves in bringing these cases to court, which should be the same as the one given final authority over temple-robbers.⁷

48 A. cont.

(b) If a man is found guilty, *he must* be punished by death and be deprived of burial in the country of his victim. (In this way we can show he has not been forgiven, and avoid impiety.)

C. (a) If the defendant makes off and refuses to submit to trial, *he must* remain in exile permanently.

(b) If such a person sets foot within the country of the murdered man,⁸ *the first* of the relatives of the deceased who comes across him, or indeed any citizen, should either

(i) kill him with impunity, or

(ii) tie him up, and hand him over to the judges who tried the case for them to carry out the execution.

D. When a man undertakes a prosecution, he should immediately demand sureties from the accused. The latter must duly provide his sureties, who must be deemed, in the eyes of the judges who constitute the court in these cases, to be credit-worthy; and these three credit-worthy sureties must pledge themselves to produce the accused at his trial. If a man refuses, or is unable, to produce sureties, *the authorities* must arrest him and keep him bound and under guard, so that they can produce him at the hearing of the case.

872 E. If a man does not actually kill with his own hands, but simply plans the murder, and although responsible for it by virtue of plotting arrangements, continues to live in the state with his soul polluted by homicide, his trial for this crime should proceed along the same lines as before, except as regards the bail. If he is convicted, *he may* be granted burial in his native land, but the other details of the punishment should conform with the regulations previously laid down for this category.⁹

F. These same regulations about the actual commission and mere plotting of a murder should apply when

(a) (i) foreigners prosecute foreigners,

(ii) citizens prosecute foreigners and foreigners citizens, and

(iii) slaves prosecute slaves.

(b) But an exception should be made in the business of the surety. Just as it was said [48D.] that *actual* murderers should provide sureties, the person who proclaims the ban arising from the murder should simultaneously demand sureties in these cases too [48F(a)(i-iii)].

7. 855c-856a.

8. Reading *toutōn* in d7.

9. That is, for those who *do* kill with their own hand.

G. If a slave intentionally kills a free man, whether he did the deed himself or planned it, and is convicted, *the public executioner* should haul him off in the direction of the deceased's grave to a point from which the culprit can see the tomb. He should then scourge him, giving as many strokes as the successful prosecutor instructs. If the homicide survives the scourging, he is to be executed.

H. If a man kills an innocent slave, fearing that he will inform against his own shocking and disgraceful conduct, or prompted by some similar motive, *he should* submit to trial, when a slave has died in these circumstances, precisely as he would have submitted to trial for murder if he had killed a citizen.

Certain crimes, which may occur, make the mere composition of laws for them an unpleasant and distasteful business, but it is impossible to omit them from our code. I mean deliberate and wholly wicked murders of relatives, whether the murderer commits the crime in person or merely plots it. Generally speaking, these killings occur in states that are badly administered or have a defective system of education, but occasionally one of them might crop up even in a country where one would hardly look for it. What we have to do is to repeat our explanation of a moment ago, hoping that anyone who hears it will be more willing and able to avoid committing murders that are absolutely the most detestable in the sight of Heaven. The 'myth', or 'explanation', or whatever the right word is, has come down to us in unambiguous terms from the lips of priests of long ago.

Justice stands on guard to exact vengeance for the spilling of the blood of relatives; she operates through the law we have just mentioned, and her decree is that a man who has done something of this kind is obliged to suffer precisely what he has inflicted. If ever a man has murdered his father, in the course of time he must suffer the same fate from violent treatment at the hands of his children. A matricide, before being reborn, must adopt the female sex, and after being born a woman and bearing children, be dispatched subsequently by them. No other purification is available when common blood has been polluted; the pollution resists cleansing until, murder for murder, the guilty soul has paid the penalty and by this appeasement has soothed the anger of the deceased's entire line.

Thus the fear of such vengeance, exacted by the gods, should hold a man in check. But this is the law the human legislator will lay down in case some people should be overwhelmed by the terrible misfortune of committing such a crime.

I. (a) If they should dare to tear the soul from the body of their father, mother, brothers or children, deliberately and with premeditation, *the proclamations* of banishment from places of public resort, and the sureties, should be identical to those detailed in previous cases.

(b) If a man is convicted of such a murder, having killed one of the aforementioned persons, *the court-assistants* and the officials shall execute him, and throw him out, naked, at a specified place where three roads meet outside the city. All the officials, on behalf of the entire state, must take a stone and throw it at the head of the corpse, and thus purify the entire state. After this, they must carry the corpse to the borders of the land and eject it, giving it no burial, as the law instructs.

But what about the killer of the person who is, above all, his 'nearest and dearest', as the expression is? What penalty ought he to undergo? I am talking about the man who kills *himself*, who (1) uses violence to take his fate out of the hands of destiny, (2) is not acting in obedience to any legal decision of his state, (3) whose hand is not forced by the pressure of some excruciating and unavoidable misfortune, (4) has not fallen into some irremediable disgrace that he cannot live with, and (5) imposes this unjust judgment on himself in a spirit of slothful and abject cowardice. In general, what ritual observances should take place with regard to purification and interment in this case, are matters known to God; the relatives must seek guidance from expounders and the relevant laws, and act in these instances according to their instructions. But

49. (a) People who perish in this way must be buried individually, with no one to share their grave.
(b) They must be buried in disgrace on the boundaries of the twelve territorial divisions, in deserted places that have no name.
(c) The graves must not be identifiable, either by headstone or title.

50. (a) If a beast of burden or any other animal kills anyone (except when the incident occurs while they are competing in one of the public contests),

(i) *the relatives* must prosecute the killer for murder;
(ii) *the next of kin* must appoint some Country-Wardens (whichever ones he pleases, and as many as he likes), and they must try the case:

(iii) if the animal is found guilty, *they must* kill it and throw it out beyond the frontiers of the country.
(b) If some inanimate object causes loss of human life (but not if it is a stroke of lightning or some similar weapon wielded by God—it must be one of the other things that kill a man by falling on him, or because he falls on it),

(i) *the next of kin* must appoint the nearest neighbor to sit in judgment on the object, and the deceased's entire line;
(ii) *the condemned* object must be thrown over the frontiers, in the way specified in the case of animals.

51. If someone is found dead, and the killer is not known and cannot be discovered by diligent efforts to trace him,

the proclamations should be the same as laid down in former cases, being made, however, against 'the murderer': when the prosecutor has established his case, he must give notice in the market-place to the killer and convicted murderer of so-and-so, that he must not enter holy places nor any part of the country of the deceased; he must threaten that if he does turn up and is recognized, he will be executed, denied burial, and his body ejected from the country of his victim.

So much, then, for the law on that sort of murder. In the following conditions, however, it will be right to regard the killer as innocent:

52. (a) If he catches a thief entering his home at night to steal his goods, and kills him,

he shall be innocent.

(b) If he kills a footpad in self-defense,

he shall be innocent.

(c) If anyone sexually violates a free woman or boy,

he may be killed with impunity by the victim of the violence, or by the victim's father or brothers or sons.

(d) If a husband discovers his wedded wife being raped and kills the attacker,

the law will regard him as innocent.

(e) If a man kills someone while saving the life of his father (provided the latter is not committing a crime), or while rescuing his mother or children or brothers, or the mother of his children,

he shall be completely innocent.

ATHENIAN: Let us assume we have completed our legislation concerning the training and education that the soul needs during a man's life (a life that is worth the living if these needs are met, but not if they are not), and the penalties that should apply in cases of death by violence. We have discussed, too, the training and education of the body, and the related topic in this case is the violent treatment, voluntary or involuntary, of one man by another. So far as we can, we must distinguish the various categories, see how many there are, and say what penalties will be appropriate for each. It looks as if this could properly form the next subject of our legislation.

Even the biggest bungler you could find among would-be legislators will put cases of wounding and mutilation immediately after cases of murder. Woundings ought to be distinguished as murders were: some are inflicted involuntarily, some in anger, some through fear, while others are committed voluntarily and with premeditation. A preliminary address must be given about all these categories as follows:

It is vital that men should lay down laws for themselves and live in obedience to them; otherwise they will be indistinguishable from wild animals of the utmost savagery. The reason is this: no man has sufficient natural gifts both to discern what benefits men in their social relationships

and to be constantly ready and able to put his knowledge to the best practical use. The first difficulty is to realize that the proper object of true political skill is not the interest of private individuals but the common good. This is what knits a state together, whereas private interests make it disintegrate. If the public interest is well served, rather than the private, then the individual and the community alike are benefited.

The second difficulty is that even if a man did get an adequate theoretical grasp of the truth of all this, he might then attain a position of absolute control over a state, with no one to call him to account. In these circumstances he would never have the courage of his convictions; he would never devote his life to promoting the welfare of the community as his first concern, making his private interests take second place to the public good. His human nature will always drive him to look to his own advantage and the lining of his own pocket. An irrational avoidance of pain and pursuit of pleasure will dominate his character, so that he will prefer these two aims to better and more righteous paths. Blindness, self-imposed, will ultimately lead the man's whole being, and the entire state, into a morass of evil. But if ever by the grace of God some natural genius were born, and had the chance to assume such power, he would have no need of laws to control him. Knowledge is unsurpassed by any law or regulation; reason, if it is genuine and really enjoys its natural freedom, should have universal power: it is not right that it should be under the control of anything else, as though it were some sort of slave. But as it is, such a character is nowhere to be found, except a hint of it here and there. That is why we need to choose the second alternative, law and regulation, which embody general principles, but cannot provide for every individual case.

I have pointed this out because we are now going to settle the penalty or fine to be imposed on someone who has wounded or harmed someone else. Anyone could quite easily and properly take us up on any point and ask: 'What attacker, what wound, what victim do you mean? How was the attack made, and when? The circumstances of these cases differ in a thousand and one different ways.' Now to leave all these details to the judgment of the courts is impracticable, and equally impracticable to leave them none. In every case, however, one point in particular simply must be left to the courts: in each separate instance, they must decide whether the crime did in fact take place, or not. But on the other hand it is hardly feasible to produce laws oneself to cover every case, serious or trivial; one can scarcely leave the courts no discretion at all about the fine or punishment that ought to be imposed on a criminal of this kind.

CLINIAS: Well, then, where do we go from here?

ATHENIAN: We conclude that some details ought to be left to the courts, but not others; these should be regulated by the legislator.

CLINIAS: Which points, then, ought to be in the legal code, and which ought to be referred to the judgment of the courts?

ATHENIAN: In this connection, here's the next thing to notice: sometimes we find in a state that the juries are useless, dumb things; the individual

jurymen keep their opinions a mystery known only to themselves and give their decisions by secret ballot. It's even more serious when so far from keeping silent when they hear a case they make a tremendous disturbance as though they were in a theatre, and hurl shouts of applause or disapproval at the speaker on either side in turn. All this puts the state at large into an awkward predicament. It is a wretched business to be forced to lay down laws for courts of that type, but if one is forced, the right thing to do is to hand over to them the assessment of penalties only in very trivial cases, providing for the majority in explicit laws of one's own—if, that is, one ever does legislate for a state organized in this way. But in a country where the regulation of the courts is as satisfactory as can be achieved and the jurymen-to-be have received a good education and been examined by all kinds of tests, it is right and proper to grant them complete discretion on all points to do with the punishments or fines that convicted criminals should suffer. In the present case we cannot be blamed if we leave to their discretion the most frequent and important points that arise, because they are points which even inadequately educated jurymen could grasp and apply when they have to give each individual crime a penalty appropriate both to the damage done and to the wickedness which is at the root of the actual deed. We believe, in fact, that the people for whom we are legislating may well turn out quite conspicuously able judges of these matters, so we should leave most decisions to them. Even so, in enacting earlier parts of our legal code, we mentioned the practice of sketching some examples of penalties—models for the judges to imitate, to stop them exceeding the due limits of justice. We suited the action to the word; it was the right course then and it is the right course now, as I once again resume our legislation.

Our law on wounding, then, should be written in the following terms:

53 A. If a man deliberately intends to kill a fellow citizen (unless the latter is one of those whose death is sanctioned by the law [52(a-e)], and wounds him without being able to kill him, no pity should be wasted on the man who has inflicted a wound with that sort of intention: he should be treated with no more respect than a killer, and made to stand trial for murder.

But we should have due respect for the luck that has saved him from total ruin, and for his guardian angel too, who in pity for the attacker and the wounded man has stopped the injury of the latter from proving fatal, and prevented the disastrous ill luck of the former from bringing a curse down upon his head. We should duly thank his guardian spirit and not obstruct its wishes:

53 A, cont.

He who has inflicted the wound shall be spared the death penalty, but he must suffer life-long banishment to some neighboring state, with full freedom to enjoy all the income from his property; he must pay full

compensation for whatever injury he has done the wounded man, the sum to be assessed by the court that tries the case. (The court will consist of the same people who would have tried him for murder if his victim had died of the wounds sustained.)

B. If with similar premeditation

(a) a child wounds his parents, or

(b) a slave wounds his master,

death is to be the penalty.

C. If similarly

(a) a brother wounds a brother or a sister, or

(b) a sister wounds a brother or a sister,

and is convicted of wounding with premeditation,

death is to be the penalty.

D. If with intent to kill

(a) a wife wounds her husband, or

(b) a husband wounds his wife,

he or she must go into permanent exile. If they have sons or daughters who are still in their minority, the trustees must administer their property in trust, and care for the children as though they were orphans. If the offspring are adult, they should themselves take possession of the property, and be under no obligation to support the exile.¹⁰ If anyone who succumbs to such misfortune is childless, the relatives of the exile, as far as the children of the cousins on both the male and female side, must hold a meeting, and in consultation with the Guardians of the Laws appoint an heir for this property, the 5040th in the state.

(They should look at the matter in the following light: none of the 5040 farms belongs to its occupant or his family in general as much as to the state, which is entitled to it not only as a piece of public property but also as its own private possession; and the state ought to do its best to keep its own properties as holy and prosperous as possible.) Therefore:

54. When one of the properties falls away from this condition of holiness and prosperity to such an extent that the possessor leaves no children to succeed him, being unmarried, or married but childless, and meets his end convicted of

(a) (i) deliberate murder, or

(ii) some other crime against gods or citizens for which the death penalty is specifically laid down by law, or if

(b) someone without male issue goes into permanent exile;

first of all, this property must be cleansed and purified according to law; then the relatives must hold the meeting we mentioned just now, and in consultation with the Guardians of the Laws pick out a family that has the best reputation for virtue of all the families in the state and is

10. Reading *mē* for *ēdē* in c6.

at the same time fortunate enough to have produced several children. One of these they must adopt on behalf of the deceased's father and forebears, who will receive him as their son; from them he will take his name, which should be an omen of good fortune. The relatives should pray that as a result of his adoption he will bring them children, and guard the hearth and look after the family affairs, both sacred and secular, with greater success than his adoptive father enjoyed. In this way they should install him, according to law, as heir to the property. (c) When such disasters as we have mentioned [54.(a,b)] overwhelm the sinner, they should let him lie nameless in his grave, childless and deprived of his family estate.

We can see that it is not universally true that one district extends right up to the boundary of another. In some cases there is a no man's land in between, which will extend so as to touch either boundary and occupy an intermediate position between the two. This, we said,¹¹ was true of an act done in anger: it falls somewhere between voluntary and involuntary. Our regulations concerning wounding inflicted in anger should therefore run as follows:

55 A. If a man is found guilty, and

(a) the wound turns out to be curable,

he must pay double damages;

(b) if it is incurable,

he must pay quadruple damages.

(c) If he has inflicted a wound which, though curable, makes the wounded man feel acutely embarrassed and ashamed,

he must pay triple damages.

B. If one man wounds another and injures not only his victim but the state, by rendering him unable to defend his fatherland against the enemy,

he must, in addition to the other penalties, make restitution to the state for the loss it has sustained, viz. he must perform not only his own military service but that of the incapacitated person as well by serving in the army on his behalf.

C. If he fails so to serve,

he shall be liable under the law to a charge of evading military service, at the hands of anyone who wishes.

A. cont. The assessment of the damages, double, triple, or quadruple, must be made by the judges who found him guilty.

D. If one relative wounds another in any of these ways, the fellow clansmen and close relatives, male and female, as far as sons of cousins on both the male and female side, must hold a meeting, and

11. See 866d-867c.

when they have reached their verdict, they must entrust the assessment to the natural parents. If the assessment is challenged, the assessment of the relatives on the male side must be taken as final. If they cannot agree themselves, they must, in the end, hand over the matter to the Guardians of the Laws.

E. When children inflict this kind of wound on their parents, it is essential for the judges to be parents over sixty years of age who have children of their own and not merely adopted ones. If a man is found guilty; these judges must decide whether a man who could do such a thing as this should die, or whether the penalty should be something even more severe,¹² or perhaps something a trifle less severe. None of the relations of the culprit should act as a judge, not even if he is of the age required by law.

79 F. (a) If a slave wounds a free man in anger, the owner must hand him over to the wounded man, who may treat him in whatever way he likes.

(b) If the owner fails to hand him over, he must remedy the damage himself.

(c) If anyone alleges that the affair is the result of collusion between the slave and the wounded party, he must contest the point at law. If he does not win the case, he must pay triple damages.

If he does win, he must prosecute the author of the collusion with the slave on a charge of kidnapping.

b 56. If anyone involuntarily wounds someone else, he must pay simple damages. (No legislator is capable of regulating the workings of chance.) The judges are to be the same as those appointed to try children who wound their parents; and they will have the duty of assessing the amount of the damages.

ATHENIAN: All the injuries we have so far mentioned involve the use of violence, and so too do the various kinds of assault. In these cases, the point that every man, woman and child should bear in mind is this:

c Age is always very much more highly regarded than youth, and this is so both among the gods and among men, if they intend to live in security and happiness. Therefore, the assault of an older man by a younger in public is a disgusting sight, and the gods hate to see it. No young man who is struck by an old man should ever make a fuss, but put up with his bad temper, and so establish a claim to similar respect when he himself grows old.

Our law, then, should run as follows:

Everyone in our community must show, by his words and actions, respect for his senior. A man should avoid crossing any person (male or female) who is twenty years older than himself, regarding him or her in the same way as he would his father or mother. For the sake of the gods

12. Such as deprivation of burial.

d of birth, he must always keep himself from striking anyone old enough to have been his parent. Similarly, he must refrain from striking a foreigner, whether the latter is a long-established resident or a recent immigrant. He must never go so far as to punish such a person by hitting him, either by attacking him first, or in self-defense.

e 57 A. (a) If he thinks the foreigner is unruly and insolent in an attack on himself, and needs to be punished, he must arrest him and take him, without hitting him, to the court of the City-Wardens, so that the foreigner may learn to banish all thoughts of ever striking a citizen again. The City-Wardens must take the man and interrogate him, with proper respect for the god who is the protector of foreigners. If in fact the foreigner seems to have been in the wrong in striking the citizen, the City-Wardens must put a stop to this unruliness, so characteristic of a foreigner; they must give him as many strokes of the lash as will equal the number of blows he himself inflicted.

(b) If he is not in the wrong, they must warn and rebuke the man who made the arrest, and dismiss the pair of them.

B. If one man strikes another who

(a) is about the same age, or

(b) is older, but has no children,

whether the attacker is an old man striking an old man, or a young man striking a young man, the man attacked must defend himself by natural means—with his own bare hands, without a weapon. But if a man over forty years of age has the face to fight someone, whether

(i) he strikes the first blow, or

(ii) fights in self-defense,

he will get the reputation of being an uncivilized boor with the manners of a slave, and this ignominious punishment will serve him right.

A man who is easily persuaded by these words of exhortation will give us no trouble; but stubborn people, who ignore the preamble, ought to be ready to take more notice of the following regulations:

b C. If anyone strikes a man twenty years or more his senior, any bystander, if he is neither of the same age nor younger than the combatants, should separate them,

or be treated under the law as a wretched coward. If he is of the same age as the person attacked, or younger, he should go to his assistance as if it were his own brother or father being wronged, or some still more senior relative.

D. In addition, the man who dares to strike his senior as defined¹³ must stand trial for assault. If he loses the case,

13. I.e., someone twenty years older.

- c *he must* be imprisoned for not less than a year. If the court fixes a longer imprisonment, the period it decides on shall stand.
- E. If a foreigner, or a resident alien, strikes a man twenty years or more his senior, the same regulation [57C] about assistance from passers-by shall be enforced in the same way as before.
- (a). A man found guilty of such a charge, if he is a foreigner not resident in the state,
- must pay* his penalty by spending two years in prison.
- (b) If it is a resident alien who is in breach of these regulations,
- d *he must* go to prison for three years, except that the court may specify a longer period by way of penalty.
- F. The passer-by who comes across any of these cases of assault and does not give assistance as required by law
- must be* fined: a member of the first property-class one hundred drachmas, a member of the second fifty drachmas, a member of the third thirty drachmas, and a member of the fourth twenty drachmas. The court in such cases is to consist of the Generals, Company-Commanders, Tribe-Leaders and Cavalry-Commanders.

Some laws, it seems, are made for the benefit of honest men, to teach them the rules of association that have to be observed if they are to live in friendship; others are made for those who refuse to be instructed and whose naturally tough natures have not been softened enough to stop them turning to absolute vice. It will be they who have prompted the points I am just going to make, and it is for their benefit that the lawgiver will be compelled to produce his laws, although he would wish never to find any occasion to use them. Consider a man who will dare to lay hands on his father or mother or their forebears by way of violent assault. He will fear neither the wrath of the gods above nor the punishments said to await him in the grave; he will hold the ancient and universal tradition in contempt, on the strength of his 'knowledge' in a field where he is in fact a total ignoramus. He will therefore turn criminal, and will stand in need of some extreme deterrent. Death, however, is not an extreme and final penalty; the sufferings said to be in store for these people in the world to come are much more extreme than that. But although the threat of these sufferings is no idle one, it has no deterrent effect at all on souls like these. If it did, we should never have to deal with assaults on mothers, and wicked and presumptuous attacks on other forebears. I conclude, therefore,

b that the punishments men suffer for these crimes here on earth while they are alive should as far as possible equal the penalties beyond the grave.

Our next enactment, then, should run as follows:

G. If a man who is not in the grip of insanity dares to strike his father or mother, or their father or mother, the first point is that the passer-by must render assistance as provided in former cases.

(a)(i) If the resident alien renders assistance,

he shall be invited to a front seat at the games;

- (ii) if he does not render assistance,
- he must* go into permanent exile from the land.
- (b)(i) If the non-resident alien renders assistance,
- he shall* be commended.
- (ii) If he does not render assistance,
- he must* be reprimanded.
- (c)(i) If a slave renders assistance,
- he shall* be set free.
- (ii) If he does not render assistance,
- he must* receive a hundred strokes of the lash.
- If the crime was committed in the market-place, the whipping should be administered by the Market-Wardens; if in the city but not in the market, by the City Warden in residence; if somewhere in the countryside, by the chief Country-Wardens.
- (d) Everyone of citizen birth who passes by, whether man, woman or child, must shout 'you wicked monster' at the attacker, and repel him.
- If the passer-by makes no attempt to repel him,
- he must* be liable under the law to a curse from Zeus, guardian of the family and protector of parents.
- H. If a man is convicted of an assault on his parents,
- he must* be permanently rusticated from the city to some other part of the country, and be banned from all sacred places.
- I. (a) If he returns to the city,
- he must* be punished by death,
- (b) If he does not keep away from sacred places,
- the Country-Wardens* must punish him by a whipping, and by any other method at their discretion.
- J. (a) If any free man eats or drinks in company with such a person, or associates with him in some other similar fashion, even by deliberately failing to cut him on meeting,
- he must* not enter any temple, or market-place, or any part of the city, before he has been purified, bearing in mind that he has come into contact with a misfortune that brings a curse upon a man.
- K. If he disobeys the law and in defiance of it pollutes temples and city,
- any official* who discovers the fact and does not take the man to court will find that this is one of the most serious charges against him at his scrutiny.¹⁴
- L. If a slave strikes a free man, foreigner or citizen, the passer-by who does not render assistance
- must pay* the penalty prescribed for his property-class.
- M. The passers-by in conjunction with the person attacked must bind the slave and hand him over to his victim; the victim must take him, put him in chains, and give him as many strokes of the whip as he likes,

14. At the end of their term officials had to submit to an examination of their conduct in office before being discharged; see 945e-947b.

provided he does not diminish the value of the slave to his master; he should then hand him over to the latter's legal ownership. This legal ownership must be subject to the following provision. Any slave who has struck a free man, other than on the orders of the officials, must be tied up; his master must receive him from the assaulted person and not release him before the slave persuades his victim that he deserves to live free of constraint.

The same regulations should apply in all cases (a) of women against each other, (b) of women against men, and (c) of men against women.

Book X

ATHENIAN: So much for cases of assault. Now let's state a single comprehensive rule to cover acts of violence. It will run more or less like this. No one may seize or make off with other people's property, nor use any of his neighbor's possessions without getting the permission of the owner. Contempt for this principle has always been (and still is and always will be) the source of all the evils just mentioned. But there are other acts of violence, too, of which the worst are the insolence and outrageous actions of the young. These actions are most serious when they affect sacred objects; and the damage is particularly grave when it is done to sacred property that also belongs to the public, or is held in common by the members of a sub-division of the state, such as a tribe or some similar association. Second, and second in order of gravity, comes wanton damage to sacred objects that are privately owned, particularly tombs; third come attacks (apart from those already dealt with) on parents. A fourth category of outrageous conduct is when someone ignores the wishes of the authorities and seizes or removes or uses something belonging to them without their permission; and any violations of the civil rights of the private citizen which demand legal redress will constitute a fifth class. We have to frame a comprehensive law that will cover each individual case. As for robbery from temples, whether clandestine or open and violent, we have already specified in general terms the appropriate punishment;¹ but our statement of the penalty for offensive remarks about the gods or outrageous actions against their interests should be prefaced by these words of exhortation:

No one who believes in gods as the law directs ever voluntarily commits an unholy act or lets any lawless word pass his lips. If he does, it is because of one of three possible misapprehensions: either, as I said, he believes (1) the gods do not exist, or (2) that they exist but take no thought for the human race, or (3) that they are influenced by sacrifices and supplications and can easily be won over.

CLINIAS: So what's the right thing for us to do or say to these people?

1. See 854d ff.

ATHENIAN: My friend, let's listen to the ridicule and scorn with which I imagine they put their case.

CLINIAS: What ridicule?

ATHENIAN: They'll probably go in for bantering, and address us like this: 'Gentlemen of Athens, of Sparta and of Crete, you are quite right. Some of us are indeed absolute atheists, whereas others do believe in such gods as you describe. So we demand of you what you yourselves demanded of the laws, that before you resort to threats and bullying, you should try to convince us by argument and cogent proofs that gods do exist, and that they are in fact above being seduced by gifts into turning a blind eye to injustice. But you see, it's precisely in these and similar terms that we hear them: spoken of by the most highly thought-of poets and orators and prophets and priests and thousands of other people too. That's why most of us make little effort to avoid crime, but commit it first and try to put things right afterwards. So from lawgivers who profess to use the velvet glove rather than the iron fist we claim the right to be tackled by persuasion first. Even if, when you state your case for the existence of gods, your elegance of expression is only marginally superior to your opponents', persuade us that your argument is a better expression of the truth; and then perhaps we'll believe you. Isn't that fair enough? Well then, try to reply to our challenge.'

CLINIAS: Well sir, don't you think that the gods' existence is an easy truth to explain?

ATHENIAN: How?

CLINIAS: Well, just look at the earth and the sun and the stars and the universe in general; look at the wonderful procession of the seasons and its articulation into years and months! Anyway, you know that all Greeks and all foreigners are unanimous in recognizing the existence of gods.

ATHENIAN: My dear sir, when I think of the contempt these scoundrels will probably feel for us, I'm overcome with embarrassment—no, I withdraw that word: let's say they 'alarm' me—because you don't appreciate the real grounds of their opposition to you. You think it's just because they can't resist temptation and desire that they are attracted to the godless life.

CLINIAS: What other reason could there be, sir?

ATHENIAN: A reason which you two, living rather off the beaten track as you do, simply wouldn't appreciate. It will have completely passed you by.

CLINIAS: What are you talking about now?

ATHENIAN: A form of ignorance that causes no end of trouble, but which passes for the height of wisdom.

CLINIAS: How do you mean?

ATHENIAN: In Athens a number of written works are current which are not found in your states (which are, I understand, too well run to tolerate them). The subject of these writings (some of which are in verse, others in prose) is theology. The most ancient accounts, after relating how the primitive substances—the sky and so on—came into being, pass rapidly