



Laws

— BOOK IX —

853 a ATHENIAN: The next topics in our systematisation of the laws would naturally be the legal procedures associated with all the activities referred to previously. Although some of the matters that give rise to legal proceedings have been dealt with, in the case of farming and related activities the most significant issues have not yet been dealt with. So, explaining this in
853 b detail, stating what offence requires what punishment and before what courts it should be tried, these are the issues that should be dealt with next.

CLINIAS: And rightly so.

ATHENIAN: Now, there is an element of disgrace in actually legislating, as we are proposing to do on all these issues, in a city of this sort, which, according to us is well managed and possessed of all the right conditions for the cultivation of excellence. The very assumption that some citizens might grow up in a city like ours, sharing in the depravities of other cities in their most extreme forms – so that we need to pass laws in anticipation as a deterrent in
853 c case such people arise, and that we have to put laws in place for them, to warn and punish them as if they were going to exist – this, as I said, involves an element of disgrace. But we are not now legislating like the lawgivers of ancient times, who, as we are told, passed laws for heroes and children of the gods, they themselves being descended from gods, imposing laws on others of similar stock. We, rather, are humans, setting laws for those who are
853 d sprung from human stock. So we may be forgiven for being afraid lest any of our citizens prove to have a sort of hard shell, and to be so tough by nature as to be incapable of softening. They could be just like hard-shelled seeds in the heat of the fire, and might prove incapable of softening down when exposed to our laws, strong and all as they are.

It is, then, for the sad sake of these people that I shall begin dealing with the plundering of temples, in case anyone has the audacity to do such a deed. Now we would never wish, nor indeed would we expect in the least, that any citizen who has been properly brought up would ever be infected by this disease. But slaves, foreigners, and the slaves of foreigners might often turn their hands to such misdeeds. So, it is mainly for their sake, but
854 a also out of a wariness of the overall weakness of human nature, that I shall state this law dealing with the plundering of temples, and all the other diseases of this sort that are difficult or impossible to cure. And, on the principle agreed upon previously, we should include preambles to all such laws, keeping them as brief as possible. We might address that person with words of reason and of encouragement, the person whom evil desire exhorts on a daily basis and awakens at night, leading him on to plunder temples. We might say, “Dearest, it
854 b is no human badness, or divine badness either, that sets in train this inclination to go out and plunder temples. It is a madness that springs up in people because of ancient injustices that have not been cleansed, and it is still running its accursed course. This you must guard against with all your strength. Listen to the caution you must exercise. Whenever any

notions of this sort assail you, turn to the sacrifices that banish the evil, go as a suppliant to the temples of the gods who avert evils, seek the company of those among you who are reputed to be good and learn from them, and say this yourself, that everyone should honour what is noble and what is just, and flee headlong from bad company. And if, by such a course, the disease abates, well and good. And if not, then look to death as the better option and take your leave of this life.” 854 c

These are the preambles we are to intone to those who are intent upon all these unholy deeds that undermine our city. For those who are already convinced, the law may remain unspoken. But for those who are not convinced, the law, besides the preamble, must proclaim loudly that whoever is caught plundering a temple, be he a slave or a foreigner, shall have the misfortune written onto his forehead and his hands, and he shall suffer as many lashes of the whip as the judges deem fit, and he is to be cast out beyond the borders of our country, naked. For perhaps having suffered this punishment, he might become a better, more sound-minded person. Indeed, no penalty imposed by law aims to do any harm. In general, it brings about one of two outcomes: it either makes the person who receives the punishment a better person or, failing that, a less degenerate one. 854 d

But if some citizen ever exhibits such behaviour by perpetrating enormous, unspeakable injustices against the gods, his parents or the city, the judges, reckoning that he has not refrained from the most extreme evils in spite of the education and upbringing he has been receiving from his earliest years, are to regard this fellow as already incurable. The penalty in this case is death, the least of evils, serving as an example for the benefit of others, and he is to be buried anonymously beyond the borders of our country. His children and family, if they shun the ways of the father, are to be famous, spoken of with honour as people who have done well and acted courageously in fleeing from evil to good. It would not be appropriate that the property of any such person be forfeited to the state in any city in which the property allocations must always be equal and of the same number. When someone has done an injustice that seems to deserve a financial penalty, the fine may properly be paid only when there is a surplus over and above what is needed to maintain the holding. The fine may not exceed this surplus. In these cases, the guardians of the law are to look at the details in the registers, and consistently convey the exact information to the judges so that none of the holdings ever falls out of use through a deficiency of funds. 855 a

If it is decided that someone deserves a fine of more than this, and it turns out that none of his friends is willing to act as surety by getting together to pay the fine and secure his freedom, he is to be punished with prolonged imprisonment, public disgrace and degrading treatment. No one is ever to lose his citizen's rights completely for any transgressions, not even if he flees the country. Rather, the penalty should be death, imprisonment, beating, or some degrading situations or positions, or placement before temples on the country's borders, or fines subject to the strictures we described earlier. 855 b

In the case of the death penalty, the guardians of the law are to be the judges, along with a court, selected on merit from the officials who held office in the previous year. The bringing of the case, the summons and the like, and how the case is to be conducted, should be dealt with by the junior lawgivers, while it should be our job to legislate for the voting procedure. The vote is to be conducted openly, and before this happens our judges are to take their seats in close formation in order of seniority, face to face with the defendant and the accuser. All citizens who have the time shall attend and pay close attention to such cases. The accuser is to speak first, the defendant second, each making a single speech. After these speeches, the most senior judge shall present his examination of the case, conducting a comprehensive review of what was said in the speeches. After the eldest, they are all, in 855 c

turn, to go through in detail whatever they found lacking or mistaken in any way in the speeches of either side. Any judge who finds nothing lacking should hand over his review time to someone else. Whatever seems relevant in what has been said is to have a seal affixed thereto, the signatures of all the judges are to be attached, and the document is to be placed on the altar of Hestia. They are to meet again the next day in the same place, review the case in the same way, and sign the statements once more. Having done this three times, giving due consideration to the evidence and the witnesses, each judge is to cast a sacred vote, swearing before the altar of Hestia to give just and true judgement as best they can, thus bringing a case like this to a close.

After cases concerning the gods come those dealing with the subversion of the constitution. Whoever attempts to enslave the laws by placing them under human control or making the city subject to some party, and does all this by force and stirs up faction, this person indeed should be thought of as the worst enemy of all to the entire city. And anyone holding any of the most important positions of power in the city who does not take part in such machinations, yet fails to notice all this, or who notices it and, out of cowardice, fails to stand up for his own fatherland, is the sort of citizen who should be regarded as second in the scale of badness. Any man who is worth anything must inform the officials by bringing the plotter to court on a charge of changing the constitution by force and of breaking the law. The judges in these cases are to be the same as for the temple plunderers, and the entire case is to be conducted in the very same way, and their vote may impose the death penalty by majority verdict. But to be brief, in no case is the disgrace or punishment of the father to fall upon the children except where someone's father, grandfather and great-grandfather have all, in turn, incurred the death penalty. The city is to send these children back to their own fatherland and city, along with their personal property, except for the wealth required to equip the holding fully. Ten names are to be chosen by lot from the families of citizens with more than one son under the age of ten, nominated by their father or grandfather on the father's or mother's side. The ten chosen names are to be sent to Delphi, and whomever the god selects is to be installed as the legal holder of the lot that has been vacated, and may better fortune attend it.

CLINIAS: Very good.

ATHENIAN: There is to be one law like the last, a third law prescribing which judges should judge the cases and how the trials are to be conducted when people are brought to court on a charge of treason. And, in like manner, let there be a law about whether the offspring should remain in the country or leave, applicable alike to these three cases of temple-plundering, treason, and the forcible subversion of the laws of the city.

For a thief, regardless of whether the theft is big or small, let there be only one law, and a single legal penalty in all cases. First, he is to pay twice the value of what was stolen once he has been convicted of such a crime, provided he has enough wealth over and above his holding to make the payment. If not, he is to be imprisoned until the fine is paid or he persuades the person who prosecuted him to release him. If someone is convicted of theft of public property, he shall be released from prison once he has persuaded the state to let him out or he has repaid double the value of what was stolen.

CLINIAS: How can we say, stranger, that it makes no difference to the thief's treatment whether he steals something big or small, from a sacred, holy place or from elsewhere, and that none of the other differences between the various kinds of theft matter? Surely the lawgiver should pay heed to the variations, and not impose similar penalties in every case?

ATHENIAN: Very good, Clinias. I was, so to speak, letting myself drift when you clashed with me and woke me up. You have reminded me of something I thought of previously, that the

issues involved in setting down the laws have not been correctly worked out at all, and what has just happened confirms this. What do I mean? We didn't make a bad comparison earlier when we compared all law-making nowadays to medical treatment given by slaves to slaves. For you really need to appreciate that if one of those physicians who set about healing people through experience devoid of reason were to come across a physician who is free, conversing with a patient who is free, using arguments much like those used in philosophic discourse, dealing with the disease from its source, recapitulating in its entirety the nature of human bodies, he would laugh aloud on the spot. He would have nothing else to say on the matter besides the words that always spring so readily to the lips of most so-called physicians, for he would say, "Fool, you are not healing your patient, you are educating him as if he wanted to become a physician instead of becoming healthy." 857 d 857 e

CLINIAS: Would he not be right to say so?

ATHENIAN: Perhaps he would, provided he also appreciated, in addition, that anyone who deals with laws in this way, just as we are now doing, is educating the citizens rather than legislating for them. Wouldn't this observation also apparently be relevant?

CLINIAS: Perhaps.

ATHENIAN: Our present predicament is a fortunate one then.

CLINIAS: In what way?

ATHENIAN: There is no necessity for us to make laws, but only to enter into an enquiry ourselves about political systems in general and attempt to see how what's best and what's essential may be brought about. And what's more, we are now seemingly in a position to consider what is best or what is essential in relation to laws, as we prefer. So we should make our choice. 858 a

CLINIAS: We are presenting a ridiculous choice, stranger. Indeed, we would be behaving like lawgivers who are under pressure to pass laws there and then, by some urgent necessity, because tomorrow will be too late. But we are allowed, if I may say so, to act like stone masons, or anyone else who is starting to construct something. We may accumulate materials at random, from which we shall then choose what's suitable for what we intend to construct and, indeed, we may choose at our leisure. So, let's not put ourselves in the position of those who build under compulsion rather than doing so at their leisure, laying some materials aside for future use while using others to build with. And so we may rightly say that some of our laws are being enacted while others are being laid aside. 858 b 858 c

ATHENIAN: Well, Clinias, at least our review of the laws would be more natural. Indeed, we should look, by heavens, at an issue concerning lawmakers.

CLINIAS: Which is?

ATHENIAN: There are writings and written speeches by lots of people in our cities, and there are writings and written speeches of the lawgivers too.

CLINIAS: Of course.

ATHENIAN: Now, are we to pay serious attention to the writings of the various other authors, who have set down for posterity a written record, in verse or in prose, of their own advice concerning the conduct of life, while ignoring the writings of the lawgivers? Or should we attend to these most of all? 858 d

CLINIAS: Very much so.

ATHENIAN: There are many writers who advise us about what is noble, good and just, teaching us what these are and how they should be pursued by those who are intent upon a happy life. Surely the lawgiver can't be the sole exception.

CLINIAS: Of course not.

ATHENIAN: Well, in that case, is the disgrace greater for Homer, Tyrtaeus and the other authors if they did badly in setting down precepts about life and activities in their writings, but less 858 e

of a disgrace for Lycurgus and Solon and any other lawgivers who have written down laws?¹ Or, more correctly, should all writings in our cities, written on the subject of laws, prove, when the scroll is unfolded, to be by far the most beautiful and excellent writings? Should the writings of others either conform to their standard, or else, if they are discordant with these legal writings, be a laughing stock? And how are we to think about writings dealing with the laws of our cities? Are they to appear in the guise of an affectionate and intelligent father or mother, or should they give orders and issue threats, like a tyrannical despot, who writes his decrees on the walls and that is that? So, this is the question we now should consider. Should we, in thinking about the laws, try to state them in this gentler way, proceeding eagerly at any rate, whether we are up to the task or not? And in adopting this approach, are we to accept whatever predicament we end up in? May all be well, and God willing, all will indeed be well.

CLINIAS: Well said. We should do as you suggest.

ATHENIAN: So, since we have set it in train, we should first conduct a detailed enquiry into the law concerning temple-plundering, theft in general, and injustices of all sorts, and not be discouraged if in the midst of passing our laws we find that we have already enacted some, while others are still under consideration. For we are in the process of becoming lawgivers, but we are not there yet, although we may perhaps succeed. So, if we agree to consider the issues I have spoken of, in the way that I have spoken of them, let's proceed to do so.

CLINIAS: Yes, certainly.

ATHENIAN: There is something we should be clear about in relation to what is noble and just. To what extent do we agree with one another at the moment, and to what extent do we disagree? According to ourselves, we are eager at least to do better than most people, even if we achieve nothing else. But to what extent do the majority themselves disagree, for their part, among themselves?

CLINIAS: What sort of differences between us do you have in mind?

ATHENIAN: I shall try to explain. In relation to justice in general – just people, just deeds and just behaviour – everyone agrees somehow that these are all noble. And so even if someone insists that just people who happen to have ugly bodies are yet utterly noble because their character is so very just, whoever says so would not really be too far wide of the mark it seems.

CLINIAS: Isn't this right?

ATHENIAN: Perhaps. But let us take note that if everything possessed of justice is noble, 'everything' includes what is inflicted on us just as much as what we enact.

CLINIAS: What of it?

ATHENIAN: An action that is just, insofar as it shares in justice, also to that extent participates in nobility.

CLINIAS: Indeed.

ATHENIAN: And in accepting that an infliction that shares in justice is, to that extent, also noble, our language would be consistent, wouldn't it?

CLINIAS: True.

ATHENIAN: But if we accept that a just infliction is ignoble, then what is just and what is noble will be inconsistent because we are then saying that what is just is utterly ignoble.

CLINIAS: What point are you making?

ATHENIAN: Nothing that is hard to understand. Indeed, the laws we set down a little earlier seem to be saying the exact opposite to what's being said now.

CLINIAS: In what sense?

ATHENIAN: We laid it down that the temple-plunderer, and the enemy of our duly enacted laws,

may be put to death, and when we were about to enact many more regulations of this sort we held back. We saw a huge number of severe penalties being inflicted under these regulations, and that all these inflictions were most just, and at the same time ignoble in the extreme. Accordingly what is just and what is noble will look exactly the same to us at one moment, and directly opposite the next. Isn't this so?

CLINIAS: There is that danger.

ATHENIAN: And that is the inconsistent way that most people speak about these matters, setting apart what is just and what is noble. 860 c

CLINIAS: Apparently so, stranger.

ATHENIAN: Well, let us look once more at our own position, Clinias. Where indeed does the consistency lie in relation to these very matters?

CLINIAS: What consistency? In relation to what?

ATHENIAN: In our previous discussions, I think I stated explicitly somehow – or if I didn't say so before, you may take it that I am saying so now...

CLINIAS: Saying what?

ATHENIAN: That all bad people are always bad unintentionally. This being the case, the next point necessarily follows from this. 860 d

CLINIAS: What do you mean?

ATHENIAN: That the unjust person is indeed bad, but the bad person does not intend to be like that. But it makes no sense that an intentional deed is done unintentionally, so for someone who is of the view that injustice is unintentional, the person who acts unjustly does so unintentionally, and this is indeed the view I must now accept. For I agree that everyone does injustice unintentionally. And if someone out of contentiousness or because they want to be famous maintains that although some people are unjust unintentionally, many people intend to act unjustly, well that is not my argument. So how may I be consistent in my own arguments? Suppose you two, Megillus and Clinias, were to ask me, "If this is indeed how matters stand, stranger, what advice are you giving us regarding the legislative process for our city of Magnesia? Are we to enact laws or not?" "By all means," I shall reply. "Now, will you make a distinction for them between intentional and unintentional injustices, and are we to impose greater penalties for the intentional transgressions and injustices, and lesser penalties for the others? Or should the penalties be equal for them all, because there are no intentional injustices whatsoever?" 860 e

CLINIAS: Yes, you are expressing that in the right way, stranger. So, what is the practical application of what you are now saying?

ATHENIAN: Good question. Well, let us apply them first as follows.

CLINIAS: In what way?

ATHENIAN: Let us remind ourselves that we said just now, and rightly so, that we are utterly confused and inconsistent in relation to what is just. Bearing this in mind, let us ask ourselves a further question. Well then, there is a difficulty concerning these two which we have not resolved, nor have we defined what precisely the difference is between these two kinds of injustices, those that are intentional and those that are unintentional. Every legislator who has ever appeared in any city has legislated for these two forms of injustice. And will the proposition we have just advanced say this much and walk away, laying down the law like some divine pronouncement which doesn't provide a supporting argument because it has 861 b

¹ Lycurgus was the legendary lawgiver who is credited with having established the laws of Sparta, introducing equality among the citizens along with the austere regime of fitness and military preparedness for which Sparta was famous. Solon was a poet and the most famous Athenian lawgiver.

861 c spoken the truth? No, before making laws it is necessary to demonstrate that there are these two forms of injustice, and that the difference between them is other than what people imagine, so that whenever someone imposes a penalty in either case, anyone who follows what we are saying would be able, somehow or other, to decide what's appropriate to impose, and what isn't.

CLINIAS: That sounds good to us, stranger. Yes, we need to do one of two things. Either we deny 861 d that all injustices are unintentional, or else, having first made the appropriate distinctions, demonstrate that this is correct.

ATHENIAN: Well, of these two options, there is one that I cannot accept at all. I cannot allow you to deny this because I think that this is where the truth lies, and so a denial would be unlawful and unholy. But how are there to be two, if the two don't differ as unintentional and intentional injustices? In that case, we must try to demonstrate the principle on some other basis.

CLINIAS: Entirely so, stranger. It is not possible for us to approach this issue in any other way.

861 e ATHENIAN: That is what we will do. So come on, then. When citizens are involved in communal activities and various interactions, they harm one another in lots of ways, so it seems, and in these cases there are countless instances of the intentional and the unintentional.

CLINIAS: Inevitably.

ATHENIAN: No one should insist that all the harms are injustices and, accordingly, decide that the injustices involved in these harms are twofold, some being intentional, some unintentional. 862 a For on the whole, there are as many instances of the unintentional harms as there are intentional harms, and they are just as significant. But please consider whether I am making sense or talking utter nonsense in saying what I am about to say. For I am not saying, Megillus and Clinias, that if someone injures someone else unintentionally, without wanting to do so, he is acting unjustly even though he is doing so unintentionally. And I am not going to propose laws on that basis by treating this as an unintended injustice. Rather, I shall not designate this sort of harm as an injustice at all, regardless of whether it is of 862 b greater or lesser significance. But in many cases we shall say, if my opinion prevails, that the person responsible for a benefit that unfolds wrongly is acting unjustly. For, in general, my friends, even if someone gives anything at all to someone else, or indeed takes it from them, such an action should not be referred to in simple terms either as just or as unjust. Rather, the lawgiver needs to consider whether or not the person is benefiting another or harming them, in a just spirit and in a just manner. He must take these two factors into account, the injustice and the harm. He must do the best he can, by the laws, to make good 862 c the harm done. He should restore what has been undone, reconstruct what has fallen down, and make good the slaughter and the deep wounds. And when the harm has been atoned for by awarding compensation, he must constantly endeavour to use the laws to establish friendship in place of discord, among the perpetrators and their victims.

CLINIAS: Yes, very good.

ATHENIAN: As for cases of unjust harm, and profit too, where someone treats another unjustly but causes him to profit from that action, these are diseases of the soul, and when they are curable they are to be cured. And the curing of the injustice, according to us, should proceed as follows.

CLINIAS: How?

862 d ATHENIAN: In such a way that if someone commits an injustice, great or small, the law will teach him and compel him never, intentionally, to dare to do such a deed again at all, or to do so very much less often, and, in addition, to pay for any harm done. The actual function of the most sublime laws is to bring this about with words or deeds, employing pleasures and 862 e pains, honours and dishonours, financial penalties or gifts, or any means at all at the disposal

of the lawgiver to induce a hatred of injustice and a love, rather than hatred, of justice itself. But if the lawgiver realises that someone is beyond cure in these respects, what penalty shall he impose in such cases, and under what law? He would recognise, I presume, in all such cases, that it is not better for the people themselves to continue living, and that their departure from this life benefits others in two ways: by acting as an example to others to avoid injustice, and by ridding the city of bad men. And so, in such cases and no others, the lawgiver needs to impose the death penalty as a punishment for the transgressions. 863 a

CLINIAS: What you have said sounds most reasonable somehow. But it would be nice to hear a clearer account of how the distinction between injustice and harm, and between what's intentional and what's unintentional, have become so mixed up.

ATHENIAN: Then, I must try to do as you ask and explain this. There is something about soul that you have surely discussed with one another, and heard about. There is innate in it one characteristic, or part of its nature, namely passion – a contentious, aggressive quality whose irrational force frequently wreaks havoc. 863 b

CLINIAS: Of course.

ATHENIAN: And, indeed, we do not speak of pleasure as being the same as passion. We maintain that it holds sway by using a power that is the opposite of this, always getting its own way through persuasion combined with deception.

CLINIAS: Very much so.

ATHENIAN: And if someone were to say that ignorance is a third cause of the transgressions, that would not be a lie. Now, it would be better if the lawgiver were to divide this in two, regarding its simple form as the cause of slight transgressions. The complex form of ignorance arises when a person is devoid of understanding, being gripped not only by ignorance, but by a belief that he is wise, as if he was completely knowledgeable about things he knows nothing about at all. This sort of ignorance, when accompanied by strength and power, the lawgiver regards as the cause of major, vile transgressions. But when it is accompanied by weakness, he will see that it is the cause of transgressions belonging to childishness or old age. And although he will indeed regard these as offences, and will pass laws as if these people were transgressors, these will be the most gentle and forgiving laws of all. 863 c

CLINIAS: That sounds reasonable.

ATHENIAN: Now, we all speak generally of one person as being in control of pleasure and passion, and another as controlled by them, and this is indeed how matters stand.

CLINIAS: Entirely so.

ATHENIAN: But we have never heard it said that one person is in control of his ignorance while another is controlled by it.

CLINIAS: Very true. 863 e

ATHENIAN: And yet we say that when his own will is taking him in one direction, all these frequently urge the person in the opposite direction.

CLINIAS: Yes, with great frequency.

ATHENIAN: Well then, I should now define for you, clearly and without complication, what I mean by just and unjust. For I refer to the tyranny in the soul of passion and fear, of pleasure and pain, envy and desire, whether they cause harm or not, as injustice in all cases. But when the opinion as to what's best is dominant in souls, and orders the lives of everyone – whatever a city or some citizens believe this to be – then, even if damage is done, anything that is done in this way, and whatever is obedient to such rule, should be declared just and best, all in all, for the lives of us humans, even though the sort of harm I refer to is regarded by most people as unintended injustice. But our concern at the moment is not with some contentious argument about names. Rather, since it has been demonstrated that there are three 864 a

forms of transgressions, we should first get an even better mental grasp of these. One form is pain, which we call passion and fear.

CLINIAS: Very much so.

ATHENIAN: The second consists of pleasure, and desires too. The third, which is quite different, is the striving for hopes, and true opinion about what is best. And when this one is itself divided in three, we have five forms, as we are now saying.² Different laws in each case should be enacted for these five, in two categories.

CLINIAS: What are these two?

ATHENIAN: One consists of any deeds involving outright violence, the other of deeds done secretly with dark deception. There are also deeds that involve both aspects, and in such a case the laws should be at their harshest if they are to play their proper role.

CLINIAS: Yes, that's reasonable.

ATHENIAN: Next, let's return to the point from which we digressed, and continue the enactment of our laws. We had, I believe, put laws in place about plundering of the gods' property, about treason, and about the subversion of the laws in order to destroy the established constitution. Now, someone might engage in one of these whilst mad or under the influence of disease or extreme old age or out of immaturity, which are not much different from madness. If any of these circumstances comes to the notice of the selected judges, on the report of the offender himself or someone acting on his behalf, and it is adjudged that he broke the law whilst in this condition of madness, he should simply pay in full for any harm he has done to anyone, and any other penalties are to be waived. However, if he has killed someone and his hands have not been cleansed of the murder, he is in that case to be banished to another country, and dwell in that foreign place as an exile. Should he return before the time specified by law, or if he even sets foot in his native land, he is to be imprisoned in the state prison by the guardians of the law, and released only after two years.

Now that we have begun on the subject of murder, let us try to enact laws in full concerning all of its forms, dealing first with cases of unintentional violence. If someone causes the death of a friend in a contest or during public competitions, whether the person dies on the spot or later on from his wounds, or the same thing happens in war or during military training when practising with the body unprotected, or in full armour when imitating actual warfare, he may be pronounced pure once he has been purified in accord with a law received from Delphi concerning these cases. And in the case of physicians, if the patient dies unintentionally at their hands, let the law account the physician pure.

If one person, by his own act, unintentionally kills someone else, either unarmed using his own body or using some implement or missile, or by giving the person food or drink, or by exposing him to heat or cold or suffocating him, whether he does this himself in person or through the agency of others, in any case the act should be treated as if it was his own act in every respect, and penalties should be imposed as follows. If he kills a slave he is to compensate the dead man's master for any damage or loss, treating the matter as if a slave of his own had been done away with. Otherwise, he is to incur a penalty of double the value of the dead slave, as determined by the judges, and undergo purifications that are greater and more numerous than in cases where people cause death during competitions. And interpreters whom the god selects are to be in charge of these purifications. If the slain slave was his own, he is to be acquitted once he has been purified according to the law. If someone unintentionally kills a free man, he is to undergo the same purifications as someone who kills a slave, and he should respect the ancient story, recounted of old. This tells us that someone who has suffered a violent death, having lived his life proud and free, is angry, just after death, with the person who did the deed. He is filled with fear and dread because

of his own violent fate, and when he sees his own murderer frequenting his own familiar haunts, he is maddened, and, being disturbed himself, with memory as his ally, he troubles the perpetrator as much as he possibly can, both the man himself and all his actions. For this reason, the perpetrator should avoid the victim for all the seasons of a single year, by vacating any places that are personal to the man throughout his native land. And if the man who died was foreign, he is also to refrain from visiting that foreign country for the same period of time. If someone complies willingly with this law, the dead man's closest kin, supervising all of these developments, are to forgive him, and in making peace with the offender they would be acting reasonably in every respect. But if someone does not comply, and first has the audacity to enter the sacred places and offer sacrifice without being purified, or again fails to fulfil the period of exile as decreed, the dead man's closest kin are to prosecute the killer for murder, and if he is convicted, all the penalties are to be doubled. And if his closest relative does not pursue the case, anyone who wishes may take a case against him, demanding five years of exile from his own native land as the legal penalty, as if the defilement had come around to the kinsman. If a foreigner unintentionally slays another foreigner, anyone in the city who wishes may prosecute him under the same laws, and if he has alien residency rights he is to be exiled for a year. But if he is an alien in every respect, whether a foreigner, a resident alien or a citizen was slain, in addition to the purification he is to be excluded for his entire life from the country where these laws hold sway. And if he returns illegally, the guardians of the law are to impose the death penalty upon him, and if he has any property this should be handed over to the victim's closest kindred. If he returns unintentionally because of a shipwreck off our coast, he is to encamp where the sea wets his feet, and keep watch for a ship to take him away. If he returns by land because some people have taken him here by force, the first city official who comes across him is to release him, and send him safely across the border.

If someone by his own hand slays a free-born citizen, but the deed is done in passion, we should begin by making a twofold distinction. For such a deed is done out of passion in one case by those who suddenly, and without planning the killing in advance, take someone's life in a spur-of-the-moment attack with blows or the like, and are remorseful as soon as the deed is done. In another case it is done out of passion by those who, having been insulted with words or disrespectful behaviour, pursue their revenge and eventually take someone's life, fully intending to kill, and are not remorseful over what has been done. It seems then we should treat these as two kinds of murder, both born more or less of passion, and it would be only right to say that they fall somewhere between the intentional and the unintentional. Not that they don't bear a resemblance to the two extremes. One resembles the intentional, in that the person nurses his passion and does not take revenge suddenly on the spur of the moment, but later on as part of a plan. The other, while not being entirely unintentional, does resemble the unintentional. The person is out of control, giving vent to his anger suddenly, on the spur of the moment, without advance planning, just like the unintentional murderer. Therefore, it is difficult to decide whether murders done in passion are to be treated by the law as intentional or, in a sense, unintentional. The best and truest course is to treat them both as resemblances, and distinguish them by the presence or absence of premeditation. Those who kill in anger, with premeditation, should be punished more harshly by the law, while those who do so suddenly, on the spur of the moment, should be

² This refers back to 863c-d where ignorance as a cause of transgressions is divided into simple and complex forms. The latter is further subdivided into complex ignorance accompanied by power, and complex ignorance accompanied by weakness. Thus, there are three forms of ignorance leading to transgressive behaviour, which, when added to the first two, yield five.

treated more gently. For the deed that resembles the greater evil should receive the greater punishment, while the deed that resembles the lesser should be punished less. Our laws then must act accordingly.

CLINIAS: Entirely so.

ATHENIAN: Well, returning to our theme once more, let us say this. If someone slays a free-born citizen by his own hand, whoever does so in anger, without premeditation, should suffer in general the fate deserved by someone who kills without passion, but he should be compelled to go into exile for two years, restraining his own passion. Someone who slays out of passion, but with premeditation, is to be treated much the same as the previous person, except that he is to be exiled for three years, rather than the two years in the other case, the greater passion receiving a longer term of punishment. Their return from exile should be dealt with as follows. Now, it is difficult to enact such laws in a precise manner since, of the two, the person treated by the law as more dangerous might, on occasion, be less aggressive, while the person it treats as less aggressive might be more dangerous and have carried out the murder more savagely, while the other was less aggressive. However, for the most part, what happens is in accord with what we have just been saying. So, the guardians of the law are to act as arbiters in all these cases, once the period of exile is over. In either case, they are to send twelve judges from among themselves to the country's borders, judges who have, during the period of exile, looked into the actions of the exiles in even greater detail. They are to act as judges concerning the forgiveness and the return home of these offenders, who are, for their part, to abide by whatever is decided by such officials. If either of the two, having returned home, ever lets anger get the better of him and does the same thing again, let him be exiled, never to return. And if he does return, let him suffer the same fate as a returning foreigner.

If someone kills his own slave, he is to be purified, and if he kills someone else's slave out of passion, he is to pay double damages to the owner. If any killer of any sort disregards this law and defiles the market place, the games or the other sacred places by being impure when he goes there, anyone who wishes may prosecute the responsible member of the dead man's family, and the killer too, and compel them in one case to demand, and in the other case to pay, double the fine and other penalties. And let the fine be payable, by law, to the person who prosecuted them. Should a slave kill his own master out of passion, the relatives of the dead man may treat the killer as they please; except to be pure, they are under no circumstances to leave him alive. If some other slave, out of passion, kills a free citizen, his masters are to hand the slave over to the relatives of the dead man who must put the murderer to death, but may do so in any way they please.

If, as sometimes happens, but not often, a father or mother, out of passion, slays a son or daughter with blows or by some other violent means, let them be purified by the same procedures as in the other cases, and be exiled for a period of three years. When such killers return, a woman is to separate from her husband and a man from his wife, and they are not to have any more children together. Nor may they share a home with those whom they have robbed of a child or a brother, nor may they join in their sacred rituals. Anyone who disrespects and disregards these requirements may be prosecuted for impiety by whoever wishes. If some man in anger kills his own wedded wife, or a woman does the very same thing to her husband in the same way, let them undergo the same purifications and be exiled for three years. On their return, someone who has done such a deed may not join in the sacred rituals of their own children, nor share their table. If either the parent or the child disregards these requirements, they are to be prosecuted for impiety by anyone who pleases.

If, out of passion, brother slays brother or sister, or sister slays brother or sister, they

are to undergo the same purifications and period of exile as decreed for the parents and the offspring. No one may ever share the home or join in the sacred rituals with brothers whom they have deprived of brothers, or parents whom they have deprived of their children. If anyone disregards this precept, it is only right and just that they be prosecuted under the law as stated concerning impiety in such cases.

If someone develops such uncontrolled passion directed against those who gave him life, that in the madness of anger he dares to slay one of his parents, and the victim, just before death, willingly forgives the perpetrator of murder, then let him be accounted pure once he has undergone the same purifications as those who have committed an unintentional murder, and has done everything else that is required in those cases. If he is not forgiven, then whoever has done such a deed must be subject to a number of laws, for he would be liable to penalties in the extreme, for assault, for impiety, and for temple plundering too, because he has stolen the soul of his parent. And so, if it were possible for the same person to die many times, then it would be perfectly just for a patricide or matricide, who did the deed out of passion, to suffer many deaths. Indeed, in this case alone, even in self-defence where his life is under threat from his parents, no law will permit the slaying of a father or mother, the very people who are responsible for his existence. The law will ordain that he put up with anything rather than do such a deed. How else under the law could such a person be punished appropriately? So let the death penalty stand as the punishment for someone who slays his father or mother out of passion.

If, during some civil faction, a brother slays a brother during a fight or the like, while defending himself against someone who started the trouble, let him be accounted pure, just as if he had killed an enemy. The same applies to the killing of a citizen by a citizen, or a foreigner by a foreigner. If a citizen slays a foreigner, or a foreigner a citizen, in self-defence, the procedures for purification are to be the same, and likewise if a slave kills a slave. But if, on the other hand, a slave kills a free-born citizen in self-defence, he is to be subject to the same laws as someone who kills his father. What has been said about the forgiveness of murder on the part of a dying father is also to apply to all forgiveness of such offences. If anyone willingly forgives anyone else for this, as though the murder has been unintentional, the offender is to undergo the purifications, and the period of exile under the law is to be for one year.

Let that stand as a reasonable treatment of murders that are violent, unintentional and born of passion. We must now add to these our treatment of murders that are intentional and born of total injustice, that are premeditated and performed under the dominion of pleasures, desires and jealousies.

CLINIAS: Quite right.

ATHENIAN: Once again, then, let us begin by stating, as best we can, how many such causes there are. The greatest is desire, which dominates a soul made wild by its own longings. Now, this is strongest when the object of the most frequent and powerful yearning that affects most people is present. Because of their bad nature and ill education, the power of wealth is such as to breed countless passions in people for its own insatiable and unchecked acquisition. And the cause of the ill education is the custom, among Greeks and non-Greeks alike, of praising wealth in a perverse manner. For by deciding that it is the foremost of goods, when it really lies third, they do harm to the succeeding generations and to themselves. The most exalted and excellent practice of all, for any city, is to speak the truth about wealth, which is that it exists for the sake of the body, and the body for the sake of the soul. So since there are these goods, and wealth exists for their sake, it would lie in third place after the excellence of body and soul. Now, this precept would teach us that someone intent upon a happy life

should seek not to be wealthy, but to be wealthy in a just and sound-minded manner, and in this way, murders requiring further murders as a purification would not take place in our cities. Nowadays, however, as we said at the outset of these deliberations, this love of wealth is the single most significant factor responsible for the most serious court cases involving intentional murder. Second is the disposition of an ambitious soul, producing jealousies that are particularly difficult even for the jealous person himself to live with, and difficult too for the best people in the city. In third place are the fears born of cowardice and injustice that lead to so many murders in cases where someone is doing, or has done, something they wouldn't want anyone else to know about, so they do away with those who might expose such secret deeds by killing them when they are unable to stop them in any other way.

Let what has been said so far be preludes dealing with all these matters, to which we should add the account, firmly believed by many, who have heard it from those who have concerned themselves with this sort of thing in the sacred mysteries. The account states that in Hades there is retribution for such transgressions, and that on returning to this world once more, the offender must pay the natural penalty, the penalty of experiencing the crime he himself committed, thus ending his present life by suffering that very fate at the hands of another.

There is no need to recount the full law on this matter to someone who is convinced, and totally dreads such a penalty. But for anyone who is not convinced, let the law declare in writing, that whoever by his own hand slays a fellow citizen with premeditation, in an unjust manner, is, in the first place, to be excluded from the lawful assemblies and is not to defile the sacred places, the market, the harbours or any public meeting with his presence, whether someone notifies the offender of these exclusions or not. In fact, the law notifies him on behalf of the entire city, and does so publicly, and will continue to do so. If anyone closely related to the deceased, on his father's or mother's side, as close as a cousin, who should prosecute the killer doesn't do so, or fails to proclaim his exclusion, firstly, the defilement should fall upon that person, and the wrath of the gods too, for the wrath of the law brings infamy with it. Secondly, he is liable to prosecution by anyone who wishes to exact punishment on behalf of the deceased. Whoever is prepared to exact punishment should pay due attention to the relevant ablutions and whatever other requirements the god has ordained in these cases, and give formal notice of the proceedings. He should then go on to compel the offender to submit to the imposition of the penalty, according to law.

Now, the lawgiver may declare, quite easily, that this must all be brought about through certain prayers and sacrifices to the gods who are concerned, that no murders take place in our cities. But who these gods are, and what manner of prosecuting such cases would be most correct in relation to the divine, shall be ordained, in conjunction with interpreters, prophets and the god, by those who make the laws, who should conduct these cases accordingly. And the judges of these cases shall be the same as those who were said to have full authority to try the temple plunderers. Whoever is found guilty is to be sentenced to death, and is not to be buried in the land of his victim, for quite apart from the impiety, such a burial would imply forgiveness. If he flees and is not prepared to submit to judgement, let him flee and be an exile forever. But if any such person sets foot in the land of the murder victim, the first relative or fellow citizen of the deceased that comes across him may kill him with impunity, or else tie him up and hand him over to the officials who tried the case, to be put to death. Whoever is prosecuting a case must, at the outset, secure a guarantee from the person he is accusing, who should provide guarantors, worthy people in the opinion of the court that tries such cases. Three such worthy guarantors are to guarantee to present him for trial. And if the accused is unwilling or unable to make such an arrangement, the

court shall apprehend him, keep him in prison, and present him for trial.

If someone does not commit a murder by his own hand, but nevertheless plots the death of another person, and having killed him through planning and contrivance continues to dwell in the city, responsible for murder but with his soul unpurified, let him be subject to the same judicial procedures as the previous case except in the matter of the guarantee, and let's allow him be buried in his own native land. In all other respects the procedure in his case is to be the same as in the previous case.³ These same procedures apply, apart from the guarantee, to killings in person or through contrivance, involving foreigners against foreigners, citizens and foreigners against one another, or, indeed, slaves against slaves. The guarantee, as we said, is to be obtained by those who kill in person, and so whoever makes the accusation of murder must demand a guarantee in these cases too. 872 a 872 b

But if a slave intentionally slays a free citizen, either in person or through contrivance, and he is found guilty of the crime, the public executioner is to drag him towards the burial place of the deceased, to a place where the tomb is visible, and lash him as many times as the accuser ordained. And if he is still alive after being whipped, he is to be put to death. If someone kills a slave who has done no wrong, fearing that he might expose the man's own disgraceful, evil deeds, or from some similar motivation, let him stand trial for the murder of such a slave in just the same way as if he had slain a fellow citizen. 872 c

Now, there are cases for which the framing of laws is a dreadful and utterly distasteful task, yet it is impossible to avoid enacting them. I am referring to murders of close relatives, either in person or through contrivance, that are intentional and unjust in every way. These occur for the most part in cities that are badly governed, where people are badly brought up, but something like this may happen even in a country where you might least expect it. So we should repeat the account we gave a moment ago in the hope that someone who hears us may be better able under such guidance, to refrain of their own accord from murders that contravene every sacred precept. For the story or account, or whatever it should be called, comes from priests of old, and declares plainly that justice, the avenger of the blood of kinfolk, keeps watch using the law we have just stated, and decrees that whoever does such a deed must of necessity suffer that very same fate himself. If someone ever kills his father, he himself must submit to suffering the same violent death sometime at the hands of his own offspring. If he slays his mother, he himself must be born with a female nature, and in due course lose his life at the hands of those to whom he gave birth. For once the shared blood has been defiled, there is no other purification besides this, and the stain of pollution will refuse to be washed away until the offending soul has paid the price, murder for murder, like for like, and has brought the anger of all the kinfolk to rest by appeasing them. So, dreading such vengeance from the gods, a person should show restraint. If, however, any people are overtaken by such wretched misfortune as to deprive a father or mother, siblings or offspring, of their human body, with premeditation and full intent, the law enacted by the mortal lawgiver should decree the following. The proclamations of their exclusion from lawful assemblies, and the guarantees, are to be the same as described in the previous cases. And if someone is found guilty of such a murder, having slain one of these kinfolk, the judges' assistants and the officials are to put him to death and throw his body at a place outside the city where three roads meet. There all the officials, on behalf of the entire city, each bearing a stone, are to throw it at the head of the corpse to sanctify the whole city. Afterwards, by law, the body is to be carried beyond the boundaries of the country, and cast out unburied. 872 d 872 e 873 a 873 b 873 c

³ That is, in the case of one who kills by his own hand.

But what is to happen to someone who slays the closest kindred of all, the dearest of all, so called? I am referring to someone who kills himself, violently depriving fate of its destined course without the city's just decree, without being compelled to do so because he has been afflicted by huge, inescapable pain, without being involved in some desperate disgrace that he cannot live with; someone who, out of idleness and unmanly cowardice, passes an unjust sentence upon himself. In this case then, in general, god knows the observances that are required in relation to purification and burial. The closest kindred should make enquiry about these from the interpreters, and from the relevant laws, and act in accordance with their injunctions. The graves of those who have met their end in this way are firstly to be solitary. There must be no shared tombs. And they are to be buried ignominiously, with no headstones or names visible on their graves, on unnamed waste land between the borders of the twelve regions.

Now, if a beast of burden or some other animal murders someone – except when it does something like this while competing in the public games – the relatives shall prosecute the killer for murder and the case is to be judged by those rural commissioners, in whatever number, whom the relatives appoint. The guilty animal is to be killed and cast out beyond the country's borders. What if something lifeless deprives a human being of life? Except in the case of lightning or some such dart from god, any other object that kills someone by falling on him, or because he falls against it, is to be tried by the man's nearest neighbour at the behest of his closest relative, who is thus purified, himself and the whole family. The offending item is then to be cast out beyond the boundaries, just as we described in the case of animals.

If someone has obviously been slain and it is not apparent who killed him, and this is not discovered even after a careful investigation, the same notices of trial are to be served, just as in the other cases, but the prosecutor should make his public address to “the person who committed the murder”, and having established his right to prosecute, shall announce in the market place that “whoever killed so and so’ is guilty of murder and is not to enter the sacred places, nor anywhere in the country of his victim. And if he does make an appearance and is recognised, he shall be put to death and cast out, unburied, outside the country of his victim. So let this stand as one of our established laws, one dealing with murder.

So far we have dealt with cases of this sort, in this way. But the cases and circumstances where a killer may properly be accounted pure are as follows. If someone slays a thief whom he catches entering his house by night to steal his property, let him be accounted pure. If someone kills a robber in self-defence, let him be pure. If someone is doing violence to a free-born woman or boy, sexually, he may be slain with impunity by those who are being forcibly violated, or by their father, brothers or sons. If a man finds his wedded wife being violated and he kills the perpetrator, let him be pure in the eyes of the law. And if anyone slays someone while defending his father's life when his father is doing nothing improper, or indeed when defending his mother or children or brothers or the mother of his children, let him be accounted pure, entirely so.

Let us take it, then, that laws are in place for punishments in cases of violent death and for the upbringing and education of the living soul, which makes life liveable when present, and the very opposite when absent. And although the laws that deal with the nature and education of bodies have been described, what follows from these – the violent actions against one another that occur intentionally or unintentionally – must be distinguished as best we can, stating what they are and how many there are, and what the appropriate punishments are in each case. It seems only right to legislate for these matters as well as the others. Now, even the most incompetent practitioner of the law would place cases of injuring

and consequent maiming next, after cases involving death. Injuries must be distinguished in the same way that murders were distinguished, some being unintentional, born of passion or fear, others being intentional and premeditated. But everything of this sort requires a prefatory statement explaining that it is, indeed, necessary for us humans to enact laws, and to live according to those laws, or else be no different from the wildest of wild beasts. The reason for this is that there is no human being whose nature is so fully developed as to recognise what is beneficial to humanity in civic terms, and having recognised this be capable of doing what is best, always and willingly. Indeed, it is difficult to recognise, firstly, that the true science of politics needs to care not for the private but for the common interest, for what's common unites the cities, while the private tears them asunder. And it is hard to recognise too that it is beneficial, both to the community and to the individual, that the common be given priority over the private. Secondly, even someone who arrives at an adequate recognition that this is the natural state of affairs in theory, and afterwards rules the city unchecked, answering to none but himself, would never be able to abide by that precept, and spend his time fostering common interests in the city while placing his personal interests second. Rather, his mortal nature will drive him to greed and self-interest, fleeing from pain and pursuing pleasure in an irrational manner, giving higher priority to these two than to justice and goodness, producing its own darkness, and finally filling itself and the entire city with all sorts of evils. Of course, if any person was ever born, by divine providence naturally equipped with the ability to appreciate these truths, no laws would be needed to govern him. For no law or command is more authoritative than knowledge, nor is it ordained that reason be subservient to anything, or be its slave. Reason should have authority over everything, if it really is as it naturally is, true and free.

But nowadays this appreciation is nowhere to be found, or is quite rare, so we must take the second-best course – command and law. These two can discern a great deal, and attend to a great deal, but not to everything. All this has been said because we are now deciding what should happen to the person who injures or harms someone else, and what the penalty should be. At this stage, anyone might quite rightly interject, and ask in general, “What injury does this person do, to whom, how, and when?” For there are countless possibilities here, and they differ enormously from one another. Now, it is impossible to entrust all these issues to the law courts for judgement, or to entrust none of them. Indeed, in all cases one issue that must be entrusted to them for judgement is the question of whether each of these events happened or did not happen. And it is well-nigh impossible to avoid entrusting them with the further decision on the penalty for the wrongdoers, and what they must suffer in any of these cases. And it is impossible too for the lawgiver to enact laws for all these cases, great and small, himself.

CLINIAS: After this, what precept comes next?

ATHENIAN: That some matters should be entrusted to the courts, while others should rather be legislated for by the lawgiver.

CLINIAS: Which matters should be legislated for, and which should be handed over to the law courts for judgement?

ATHENIAN: It would be more correct to make the following point next. Consider a city where the law courts are degenerate and inarticulate, where they don't disclose their members' opinions, where judgements are given secretly, and to make matters worse are made not in silent proceedings but amidst tumult, as if in a theatre, with shouts of approval or disapproval of each of the speakers in turn. All this tends to be a difficult predicament for the entire city. To take on the task of enacting laws for courts of this sort, under pressure of necessity, is a most unfortunate position to be in. Nevertheless, having taken on the task out of necessity,

we should trust the courts to assign penalties in the insignificant cases, while most cases are dealt with explicitly by formal legislation, if that is, one would ever legislate for such a society at all. But in a city where, to the best of its ability, the courts have been properly established, and the people who are to act as judges have been well trained and tested in every detail, it would be right and sensible to trust judges of this sort, for the most part, to decide what is to happen to offenders, and what penalties they should incur. No one should blame us then, in the present case, if we do not prescribe for them by law the various important principles which even less educated judges would be well able to discern, and then impose upon each of the transgressors the deserved penalty for the injury suffered and the crime committed. That is because the judges for whom we are making laws are, in our view, more than capable of deciding such matters for themselves, and should be trusted to do so in most cases. Of course, we cannot avoid the approach stated and acted upon so often previously in the implementation of our laws by providing an outline and giving samples of the punishments as examples to the judges, so that they do not transgress the bounds of justice. That was the right thing to do then, and that's what should be done now, as I return once more to consideration of laws.

Let our enactment about wounding be as follows. If someone plans and intends to slay a friendly party, apart from those whom the law opposes, and he fails to kill him but wounds him instead, the person who planned the murder and inflicted the injury deserves no mercy. And there should be no concern about treating him just as if he had killed someone, and making him stand trial for murder. But we should show respect for the fact that his misfortune was not total, and respect too for the daimon who took pity on him and on the person he injured by acting as their saviour so that the injury did not prove fatal in one case, and that the misfortune did not turn into a curse in the other case. So, out of gratitude and submission to the daimon, the offender should be spared the death penalty, and exiled instead to a neighbouring state to live out his life there, enjoying all of his own possessions in full. If he has damaged the injured party, let him make payment to the person he has damaged, and let the amount be assessed by the court that judges the case, a court consisting of the judges who would have decided the murder case if the victim had died of his wounds. If a son intentionally wounds a parent, or a slave his master, let the penalty be death. And if a brother wounds a brother or sister, or a sister does the same, and they are found guilty of wounding with intent, let the penalty be death. If a man wounds his own wife, or a woman her husband, while intending to kill them, they are to be exiled in perpetuity. If they have any sons or daughters who are still children, their property is to be entrusted to trustees who should look after the children as orphans. If the children are adults, they should be under no obligation to support the exiled parent, and the property should belong to them.

If such disasters befall someone who is childless, there should be a meeting of relatives on both sides, the male and the female, extending as far as children of cousins, to decide upon an inheritor for this holding – a 5,040th part of the city – in conjunction with the guardians of the law and the priests. They are to bear in mind the general principle that of the 5,040 holdings, none belongs to the occupier or even to his entire family as much as it belongs, as public and as private property, to the city itself. And the city must, as best it can, preserve the sanctity and good fortune of its own holdings. So, whenever a household suffers such misfortune and ignominy at the same time, to such an extent that the possessor, unwed or married, without offspring, dies, having been sentenced to death for wilful murder or some other such offence against the gods or the community, for which the death penalty has been expressly prescribed by law, or when a man with no children is in exile in perpetuity, this holding must first be purified and exorcised in accordance with the law. Then the

members of his household are to meet together, as we described just now, along with the guardians of the law, to discover the family in the city that is held in the highest esteem for its excellence, and is fortunate too, and in which there are a number of children. From this family they shall give one child up for adoption to succeed the father of the dead person and his lineage, naming him after one of them as an omen, praying that by so doing he may become a source of offspring for them, a guardian of the hearth, who cares for everything holy and sacred, enjoying better fortune than his adoptive father. This person is to be installed by law as the heir to the holding, while the offender, when such misfortunes befall him, is allowed to lie nameless, childless and portionless. 878 a

It is not the case it seems, under all circumstances, that one boundary line is always adjacent to another boundary line. In some cases there is an intervening space between the boundaries, touching either of the two first, as it lies midway between them. And, indeed, we said that a deed done in anger is like this, as it lies between the intentional and the unintentional. So our law about wounding in anger should be as follows. If someone is found guilty, he is to pay double damages if the injury turns out to be curable, and quadruple damages if it is incurable. And if, although it is curable, the wounded party suffers enormous shame and embarrassment, quadruple damages are to be paid. When someone inflicts injuries that not only harm the victim, but the city too, by rendering the victim incapable of defending his fatherland in time of war, he is to compensate the city for the damage, in addition to the other penalties. For as well as his own military service, he should also do service on behalf of the incapacitated person, and take on the military duties in his place. If he fails to do so, anyone who wishes may take a legal action against him for evasion of military service. The amount of any damages, whether they are to be double, triple, or quadruple, should be determined by the judges who found him guilty in the first place. 878 b

If kindred in like manner injures kindred, then the parents and the relatives, as far as the children of cousins, on both the male and female side, are all to meet together, men and women alike, and having judged the case are to entrust the decision on the penalty to the natural parents. If the penalty is disputed, the male relatives are authorised to decide the penalty, and if they are unable to do so themselves, they should finally entrust the decision to the guardians of the law. In cases where such injuries are inflicted on parents by their offspring, the judges need to be over sixty years of age, with natural children of their own, not adopted. If the defendant is found guilty, they are to decide whether such a person should be put to death, or suffer some more severe, or even slightly less severe, punishment. None of the relatives of the offender are to judge the case, not even if they have reached the age stipulated by the law. 878 c

If a slave wounds a free citizen in anger, the owner is to hand the slave over to the injured party to do with him as he pleases, and if he doesn't hand him over, he himself is to make good the damage. If someone alleges that what happened was a conspiracy hatched by the slave and the injured party, he must sustain that allegation in court. If he fails he shall pay triple damages, but if he succeeds he shall secure an action for kidnapping, against whoever devised the conspiracy in conjunction with the slave. If someone injures someone else unintentionally, let him pay the simple damage, for no lawgiver is up to the task of controlling the operation of chance, and the judges shall be those prescribed for cases where children injure their parents, and they shall assess the value of the damages payable. 879 a

All the cases we have just spoken of involve violence, and assault too, as a general category, also involves violence. Now, in relation to such behaviour, every man, woman and child must always bear in mind that the elder is revered much more than the younger, among the gods, and among people who intend to live a safe and happy life. So, an assault 879 b

perpetrated in public by the younger on the elder is a disgraceful act to behold, and one detested by the gods. So, it is most becoming for a younger person who is struck by an older person to endure the anger with equanimity, thus storing up such respect himself for his own old age. Let our principle be that everyone is to revere everyone older than himself, in word and in deed. Any man or woman more than twenty years his senior is to be regarded as his father or mother and treated with care. All, who because of their age are capable of having begotten him or given him birth, are to be shown restraint for the sake of the gods of birth. In like manner, restraint should be exercised with a foreigner, whether he is a long-term resident or newly arrived. Indeed, neither as the aggressor nor in self-defence, under any circumstances, should a citizen dare to chastise such a person with blows. And if he himself has been assaulted outrageously and audaciously by a foreigner, who he believes should be punished, he is not to retaliate, but to apprehend the foreigner and bring him before a court of city commissioners so that he may learn never to be so bold as to assault a native citizen. The commissioners, having taken the foreigner in hand and cross-examined him with due respect for the god of strangers, are, if the foreigner proves to have unjustly beaten the native, to lash him just as many times as he himself struck the native to put a stop to this foreign audacity. If he has not acted unjustly, they shall warn and censure the man who brought him in, and send both on their way. If someone assaults someone of the same age as himself, or someone who is older but childless, whether elder strikes elder or younger strikes younger, natural self-defence with bare hands, devoid of weapons, may be employed. If someone over forty years of age dares to engage in a fight, either as the aggressor or in self-defence, the degrading punishment of being regarded as wild, unworthy of freedom, and little better than a slave, is no more than he deserves.

Someone who readily accepts such exhortation will be easy to deal with, while someone who resists and thinks nothing of our prelude should readily accept the following law. If anyone assaults someone who is twenty years older than himself, or more, firstly, whoever comes across them and is not the same age, or younger, is to separate them or else be an evildoer in the eyes of the law. And if he is the same age, or even younger, let him come to the defence of the victim, as if he were his brother or father or elder relative. Furthermore, whoever dares to attack an elder, as described, is to be tried for assault, and if he is found guilty he is to be imprisoned for at least a year, and if the judges impose a longer sentence that penalty is binding. If a foreigner or a resident alien strikes someone who is twenty years older than himself or more, the same laws relating to assistance from bystanders shall have the same force. For anyone who is convicted of such an offence, who is a foreigner without residency rights, the penalty should be two years imprisonment. A resident alien who disobeys these laws should be imprisoned for three years, unless the court decides to impose a longer sentence upon him. A bystander who doesn't render assistance in such cases, as prescribed by law, is to be fined one mina for those of the highest property class, fifty drachmas for the second highest, thirty for the third, and twenty for the fourth. And the court in such cases should consist of generals, army commanders, cavalry officers and cavalry commanders.

Some laws it seems are aimed at worthy folk, to teach them a manner of dealing with one another that will ensure that they live wisely. Other laws are aimed at people who reject education, who are hard by nature and devoid of the softness required to avoid going the way of total evil. These people are responsible for whatever we are about to state, since the lawgiver needs to enact certain laws for them, wishing all the while that they were not needed. Whoever dares to lay hands upon father or mother or their progenitors in a violent assault, fearing neither the wrath of the gods above nor the punishments reported in the

world below, acting as if he knows when he does not know at all about these matters, who transgresses the law out of contempt for the ancient and universal traditions, is someone who requires the ultimate deterrent. Now, death is not the ultimate deterrent. The travails described for such offences in Hades are much more extreme than those in this world, but although they are recounted in great detail, they do not act as a deterrent for souls like these, for if they did, these unholy, flagrant assaults upon mothers and ancestors would never occur. So, the punishments of these people for such offences in this life, should, if possible, not fall short of those in Hades. 881 b

Let our next pronouncement, then, be as follows. If someone who is not in the grip of madness dares to strike their father or mother, their grandfather or grandmother, firstly, as in the previous cases, any bystander must render assistance. A foreigner with residency rights who helps shall be called to the seats of honour at the public games, or shall be exiled from the country in perpetuity for not doing so. A foreigner without residency rights who helps is to be praised, and if he does not help he is to be reprimanded. A slave who helps is to be given his freedom, or if he does not help, let him receive one hundred lashes of the whip from the market commissioners if the assault took place in the market place. If it took place in the city, but outside the market, the resident urban commissioner should administer the punishment. If it happened in some rural area, those in charge of the rural commissioners should see to it. If the bystander is a native-born man, woman or child, they should, in every case, ward off the attack and denounce the outrageous act. If they fail to do so they are liable by law to the curse of Zeus, the god of kindred and parentage. If any of them are found guilty of assaulting their parents, first let them be exiled from the city to some other region in perpetuity, and excluded from all sacred places. If they ignore the exclusion, the rural commissioners should punish them with whipping, or in any way they please, and if they return to the city they should be condemned to death. If any free-born person eats or drinks or has a similar interaction with such an offender, or even meets up with him and makes physical contact, he should enter no holy place or the marketplace, or anywhere else in the city, before he has been purified, as though he had been involved in an abominable crime. And if he disregards the law and defiles the city illegally, any official who is aware of this and does not prosecute such a person shall, at his audit, face this omission as one of the most serious allegations made against him.⁴ Should a slave strike a free citizen or a foreigner, any bystander should come to their assistance or else be subject to the fine previously specified for their property evaluation. The bystanders shall help the victim to bind the slave, and then turn him over to the wronged party who shall take charge of him, bind him in fetters, whip him as many times as he wishes without detriment to his master, and finally hand him over to that master and rightful owner. 881 c
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So, let the law be that when any slave strikes a free person without being directed to do so by the officials, his owner is to receive him, in bonds, from the person he assaulted, and is not to release him until the slave persuades his victim that he deserves to be released and continue with his life. In all such cases, the same regulations should apply whether women are dealing with women, men with women, or women with men.

⁴ City officials were to be assessed for their conduct at the end of their terms in office.