



Laws

— BOOK XI —

913 a ATHENIAN: What is needed after all this is proper regulation of our dealings with one another. The simple rule, I believe, is this: as far as possible, no one should touch my personal property, nor indeed disturb it in the slightest unless he has my full consent. And I, if I have any sense, would act on the same basis in relation to the property of others. Let us speak, in the first place, of treasure which someone who is not an ancestor of mine has set aside as a hoard for himself and his own people. I must never pray to the gods that I may discover such treasure, nor if I find it should I disturb it, nor indeed should I take advice from the so-called prophets who are certain to advise me to “take up what has been deposited in the earth”. For I would never gain as much benefit in terms of wealth by taking it up as I would increase the store of my soul’s virtue and justice by letting it lie. For by acquiring one possession instead of another, the better one in my better part, I prefer to acquire justice in my soul rather than riches in my estate. This is one of the many cases where it is well said that “the immovable is not to be moved”. And we should also heed the stories that are told about these matters whereby nothing of this sort is advantageous to future generations. And whoever pays no heed to children disregards the one who enacted the law, and takes up, without the permission of the person who put it there, what neither himself nor his ancestors put down. He thus subverts the most sublime of all laws, the simplest one, enacted by a truly noble man,¹ which states, “don’t take up what you have not put down.” But what should happen to someone who despises these two lawgivers² and takes up what he himself has not put down, a treasure of some significance, often quite enormous? What the gods will do to him, God knows, but the first person to become aware of the offence is to report it. If this sort of thing happens in the city, he informs the city police, or the market police if it happens in a city marketplace, and if it occurs elsewhere in the country, the rural police and those in charge of them are to be informed. Once they have been informed, the city is to send a delegation to Delphi, and whatever the god ordains in relation to the treasure or the person who disturbed it is to be enacted by the city in subservience of the pronouncements of the god. If the person who disclosed the offence be a free-born citizen, let him be famed for his excellence, or indeed for his depravity if he does not disclose the offence. If a slave discloses the crime, it would be right for the city to give him his freedom, having compensated his master, but he should be sentenced to death for failure to do so.

914 a Following on from this, there would be a related rule concerning major and minor matters alike. If someone leaves behind anything of his own, anywhere, either intentionally or unintentionally, whoever comes across the item should let it lie in the belief that anything of this sort is under the protection of the goddess of the wayside, the goddess to whom such items are consecrated by the law. If anyone, acting contrary to these precepts, takes the items up and takes them home, and the offender be a slave and the items of little value,

whoever comes across him shall, if over thirty years of age, whip the fellow thoroughly. If the offender be a free-born citizen, he is to be regarded as someone unworthy of freedom who has no involvement with the laws, and he should pay the owner ten times the value of whatever goods he disturbed. If one person accuses another of being in possession of some of his property and the accused admits that he has the property but denies that it belongs to the accuser, then, if the property be legally registered with the officials, the possessor is to be called before the court and he is to produce the item there. Once it is on display, if it has been duly recorded in the register and it is obvious which of the disputants it belongs to, let him take it and depart. If it belongs to someone else who is not present, whoever provides the most acceptable surety should take it away, by his legitimate right of removal on behalf of the absent person, in order to return the item to that person. If the disputed item has not been registered with the officials, let it remain with three of the oldest officials until the case is decided. And if the pledged item be a beast, whoever loses the relevant case shall compensate the officials for its upkeep. The officials shall decide the case within three days. 914 c 914 d 914 e

Anyone may handle his own slave as he pleases, provided he is sensible, using him as he wishes for any legitimate purposes. And he may also handle a runaway slave for safe-keeping on behalf of someone else from among his own family or friends. If someone is being led away as a slave and someone else removes him to freedom, whoever is leading him should let him go, while the person removing him should put three acceptable sureties in place and remove him to freedom on these terms, but not otherwise. And if anyone removes the person contrary to these conditions, he may be charged with assault, and, on conviction, shall pay double the registered damages to the deprived party. One may also lay hands upon a freed slave if he does not attend to those who freed him or does so inadequately. The attention involves visiting the home of those who freed him three times a month, and offering to do whatever needs to be done, provided it is fair and within his capacity. When it comes to marriage he should do whatever his former master consents to. He is not allowed to become more wealthy than the man who freed him, and any excess is to belong to the former master. The freed slave may not remain in the country for more than twenty years. Rather, just like the other foreigners, he too must depart, taking all of his own property unless he persuades the officials and the person who freed him, to let him stay. If the freed slave, or indeed any other foreigners, come to have more wealth than the size of the third property valuation, let them depart, taking their own property, within thirty days of the day on which this threshold is reached. And in this case no application to remain is to be granted by the officials. If some foreigner disobeys these precepts and is brought to court and convicted, let him be put to death and let all his wealth become public property. These cases are to be tried before the tribal courts unless the charges against one another have been resolved previously before their neighbours or specially selected jurors. 915 a 915 b 915 c

If anyone claims another person's animal as his own, or some other item of the person's property, the person who has the item should refer the matter to the person who, as its deserving and rightful owner, sold it to him or gave it to him or conveyed it to him in some other legitimate way. In the case of a citizen, or a foreigner residing in the city, this should happen within thirty days, or in the case of a foreign delivery, five months, the middle month of which is to include the summer solstice. Whatever one citizen exchanges with another through sale or purchase is to be handed over in the location specified for each item in the marketplace, and nowhere else. It must be paid for there and then, upon receipt, and 915 d 915 e

¹ The reference here is to Solon.

² The two are Solon and the lawgiver for the society they are establishing in Magnesia.

no purchase or sale is to be conducted on credit. This is the process of exchange. If someone carries out any exchange at all with someone else, in a different way or in a different place, because he trusts the person he is dealing with, let him do so on the understanding that no legal redress is available in relation to anything that is not sold in conformity with the regulations just described. In the case of private associations, anyone who wishes may subscribe as a friend to fellow friends, but if any dispute arises about the subscription payment, they must proceed on the basis that no legal redress is to be available in relation to these matters. Whoever sells something and receives a price of more than fifty drachmas must remain in the city for ten days, and the purchaser is to be told where the vendor lives because of the accusations that tend to be made in relation to such transactions and on account of legal rights to return goods. Let the legal rights to return goods or not be as follows. If someone sells a slave suffering from consumption or stone or strangury or the so-called ‘sacred disease’⁷³ or some other disease, physical or mental, that goes unnoticed by most people and is long-lasting and hard to cure, then if the sale is to a physician or to a trainer, let there be no right of return in such circumstances, nor if the purchaser was told the truth at the time of the sale. If such a practitioner makes such a sale to an ordinary person, the purchaser has a right of return for six months except in the case of the sacred disease, where he is allowed to return the sick slave within twelve months. The case is to be judged by a panel of physicians proposed and selected jointly by the two parties, and, on conviction, a seller shall pay double the selling price. If one private citizen sells to another, let there be a right of return and a procedure for trial as previously described, and let a vendor, on conviction, pay the mere selling price. If someone sells a murderer and both parties know this, let there be no right to return such a purchase. But if the buyer did not know, then he has a right of return once he becomes aware of the fact. The case is to be decided before five of the youngest guardians of the law, and if it is decided that the seller knew about the murder, let him purify the purchaser’s household according to the prescription of the interpreters of the divine law, and pay him three times the selling price.

When someone exchanges money in return for money or for anything else, animate or inanimate, then in conformity with the law, what is given or received must not be counterfeited in any way. And as we did with the other laws, let us also allow a prelude concerning this general malaise. Everyone needs to appreciate that counterfeiting, lying and deception, constitute a single kind, which most people are inclined, mistakenly, to regard as the right thing to do on many occasions, once the action is opportune, but the how and the when of what is opportune they leave unspecified and undefined. For this precept they themselves pay a high price and they impose the same upon others. But the lawgiver is not allowed to leave this matter undefined; rather, upper or lower limits should always be spelled out, and indeed these should be specified now. No one, calling upon the gods, is to engage in any falsehood, deceit, or counterfeiting either in word or in deed, if he is to avoid being detested by the gods as someone who swears false oaths, with no regard for the gods, or, less so, as someone who lies to those who are his own superiors. Now, the better people are superiors of the worse, the older are generally superiors of the younger, and so, parents are superiors of children, men of women and children, and rulers of those who are ruled. It would be appropriate for everyone to revere all these people, those who hold any position of authority, and especially those who hold office in the state, and this is what our present argument has been dealing with. For anyone who engages in counterfeiting of the commodities of the market place is lying and deceiving, and, calling upon the gods, he swears an oath in the face of the market police and their protections, showing neither reverence for his fellow man, nor piety towards the gods. It is certainly a good practice not to have free recourse to

the names of the gods, and hold to the purity and scrupulousness that most of us generally and consistently adhere to in anything concerning them. If this is not heeded, the law is as follows. Anyone selling anything in the marketplace should never state two prices for what he is selling; he is simply to state one price, and if he does not get this price, it is only right that he take the goods away again and not increase or decrease the price on the same day; and he is to refrain from singing the praises of wares, and swearing oaths about them. If anyone disobeys these regulations, any townsman over thirty years of age who comes across him is to punish the oath taker by beating him, with impunity, but if he ignores the offence and disregards this requirement, he is liable to censure for betraying the laws. Someone who sells anything counterfeit and is not amenable to influence by our present argument is to be challenged before the officials by whatever knowledgeable person comes across him and is able to mount a challenge, and if he be a slave or a resident foreigner, let him keep the counterfeit item. A citizen who does not challenge him is to be proclaimed a criminal for defrauding the gods, but if he does issue a challenge, he is to dedicate the item to the gods of the market place. Whoever is caught selling something of this sort, as well as being deprived of the counterfeit item, is to be scourged with one lash for each drachma of the selling price, and a herald is to proclaim in the market place the reason why the fellow is about to be beaten. The market police and the guardians of the law, having found out about the various counterfeits and malpractices from those who have the relevant experience of each craft, are to write up the details of what a seller should and should not do, and inscribe this on a tablet placed before the office of the market police as clear legal information for those doing business in the market place.

The duties of the market police have been sufficiently explained previously, but if anything more is thought necessary, they are to confer with the guardians of the law, write down the required details, and place on a tablet in front of the office of the city police the initial and subsequent regulations governing their responsibility.

After counterfeit activities, the business of retailing trade follows directly. We shall first offer advice and argument concerning this matter as a whole, and then put a law in place. Indeed, the natural purpose for which there is retailing within a city is not to do harm, but the very opposite. For how could someone who brings about a balanced and measured distribution of goods, which had previously been unbalanced and out of measure, be anything but a benefactor? The power of money, we must declare, brings this about, and we should say that this is also the role assigned to the merchant. And, indeed, the hireling, the innkeeper and others, some well regarded, some held in low esteem, all have the ability to provide satisfaction of everyone's needs and an even distribution of wealth. So, why exactly is this regarded as ignoble and unseemly, and why has it come to be disparaged? Let us look at this so that we provide a legal remedy, for parts of it at least, if not for all of it. This, it seems, is no ordinary undertaking and requires a significant degree of excellence.

CLINIAS: How so?

ATHENIAN: Dear Clinias, some small section of humanity, naturally few in number, trained to the utmost, is able to hold fast to measure whenever they are afflicted by various needs and desires, and are sober when they are in a position to acquire great wealth, choosing measure in preference to excess. The broad mass of humanity is in the opposite situation to these people: when they have needs they know no bounds, and when they are able to make measured gains, they choose greed instead. That is why all those involved in retailing, merchant trading and inn-keeping are disparaged and subject to shameful criticism. But there

³ Epilepsy was known as the 'sacred disease' on account of its presumed connection with the divine.

is something which I pray may never happen and surely never will, something which sounds ridiculous and which I propose to speak of nevertheless. What if someone were to compel the very best men, for a time, to do inn-keeping or retailing or engage in some other activity of that sort, or indeed compel the women by force of necessity to get involved in some such occupation? We would then realise that each of these occupations is a welcome friend, and provided they are conducted on incorruptible principles, all such occupations are to be respected as a mother and a nurse. But nowadays someone sets up his dwelling in an isolated place, a long way from anywhere, in order to conduct retail trade. There he receives into his welcoming abode the distressed travellers and refugees from fierce and violent storms, providing them with quiet shelter or cool respite from extreme heat. But then, rather than receiving them as companions and providing them with friendly hospitality as well as entertainment, he treats them as captured enemies to be released in return for an enormous, unjust and heinous ransom. These transgressions and the like, in all occupations of this sort, provide proper grounds for criticism of this care for the distressed. For these the lawgiver must consistently find a remedy. Indeed, it has rightly been said of old that it is hard to fight against two foes and from opposite sides, as is the case with various diseases and in many other situations too. And now, in particular, our battle against these transgressions is a battle against twin foes, poverty and wealth. One corrupts the soul of humanity with luxury, while the other drives it to shamelessness out of sheer pain. What remedy might there be for this disease in a city possessed of reason? The remedy is, firstly, to make the least possible use of retailers as a class; secondly, to assign the role to those whose corruption would not constitute a major outrage for the city; and thirdly, some means must be found whereby those involved in these roles do not end up too easily with a character possessed of unchecked shamelessness and meanness of soul. After these preliminaries, by good fortune we may have a law as follows. Of the Magnesians whom the god is restoring and settling anew, none of the 5,040 landholders who belong to the associated households shall become a retailer, either intentionally or under compulsion, nor a trader either, nor shall he provide a service of any kind to private individuals who do not render an equal service to himself, except to his father and mother, to prior generations, and to all his elders, free citizens whom he freely serves. It is not easy to determine precisely by law what constitutes free service and its opposite, so this should be decided by those who have acquired a peerless reputation for their detestation of the one and their love of the other. Whoever gets involved, by any device, in retailing that is not free, may be prosecuted by anyone who wishes before those with the foremost reputation for excellence. And if he is adjudged to have sullied his own ancestral hearth by an unworthy occupation, he is to be imprisoned for one year to discourage such activity. If he repeats the offence he is to be imprisoned for two years, and the term of imprisonment is to be doubled for each repetition thereafter. There is to be a second law whereby the person who intends to engage in retailing must be a resident alien or a foreigner, and thirdly, let there be a third law to ensure that such a person, dwelling among us in our city shall be as good as possible, or evil to the least possible extent. To this end, the guardians of the law should bear in mind that they are guardians not only of those people whom it is easy to guard from lawlessness and evil ways, of those who have been well educated by their family and upbringing; rather they should exercise even more guardianship of those who are not like this and engage in activities which have a strong tendency to turn people to evil ways. Accordingly, retailing, which is quite extensive, and the numerous debasing activities it includes, those whose continuance in the city is regarded as absolutely necessary, shall be the subject of a meeting of the guardians of the law with those who are experienced in the particulars of the relevant area of retailing. This is similar to the proce-

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dures prescribed earlier in the case of counterfeiting – a closely related matter. When they meet, they are to see what rate of income and expenditure makes a moderate profit for the retailer, and the resulting rates of income and expenditure are to be set down in writing and enforced by the police of the market, the city and the country. In this way, retailing might be of benefit to everyone, while doing the least harm to those who practise it in our cities. 920 d

If someone agrees to a contract and fails to act in accordance with the agreement, except in cases where the laws or a decree prevent its fulfilment, or an agreement is made under unfair compulsion or force, or when someone is hindered, despite his intentions, by unforeseen circumstances, let there be for all other unfulfilled agreements a trial before the tribal courts, unless they are able to settle the matter in advance before arbitrators or their neighbours. The class of craftsmen who help in providing for our daily life with their skills are sacred to Hephaestus and Athena, while others who safeguard the products of the craftsmen using different, defensive skills are sacred to Ares and Athena, and it is only right that these people as a class are also sacred to these gods. Indeed, they all continuously look after the country and its people, one group by taking charge of military conflicts, while the others produce, for a wage, various tools and wares. And out of reverence for their ancestral gods, it would be improper for such people to be deceitful in respect of such activities. So, if any craftsman malevolently fails to complete his work within a specified time because he does not revere the god who provides his livelihood, and believes, blindly, that the god is forgiving because of their kinship, he shall firstly pay a penalty to the god, and secondly an associated law is to be put in place. He is to owe the value of the works which were the subject of his falsehood towards his employer, and he must do the work again, from the beginning, within the specified time, free of charge. The law will advise the contractor undertaking the work in the same way as it directed the vendors. They were told not to take advantage by setting a higher price, but to ask simply for what the item is worth, and the contractor is told to do the same since a craftsman is aware of the real value. So, in a city of the free, the craftsman should never use his skill, which, by nature, is pure and free of deception, to impose craftily upon private individuals, and there is to be a legal remedy available for the victim against the wrongdoer in such cases. If, on the other hand, someone engages a craftsman and does not pay him his due wages according to their legal agreement – all for love of petty profit, dishonouring Zeus, protector of the city, and Athena, and their joint role in civic affairs – he thereby weakens our vital communal spirit. So, let there be a law to preserve this divinely ordained civic bond, as follows. Someone who has received goods and has not paid the contractor within the agreed time shall be liable for double the amount. And if a year should elapse, although all other money lending is to be interest-free, this person shall pay one obol on the drachma for each month of arrears.⁴ Actions in such cases are to be heard before the tribal courts. 920 e 921 a 921 b 921 c 921 d

As we have dealt with craftsmen in general, it is only right to speak in passing of the craftsmen responsible for our safety in war, such as generals and those possessed of skills in the area. Whatever applies to these also applies to those who are craftsmen of a different sort. So if any of them undertakes public service, either as a volunteer or as a conscript, and he does a good job, the law will never tire in its praise of the citizen who recompenses him with the soldiers' wages, namely honour. But if he receives some noble military service but offers no recompense, the law will censure him. So, let there be a law associated with our praise of these people which gives advice to the broad mass of citizens rather than 921 e

⁴ One drachma was equivalent to six obols, thus making the interest on the arrears in a case such as this equal to 200% per year.

922 a compelling them. They are to honour, in second place, those good men who act as saviours of the entire city, either by their courageous deeds or military exploits, for the greatest respect is due to those in the first rank, those who are pre-eminently capable of honouring the enactments of the good lawgivers.

We have now, more or less, made regulations concerning the most important contracts that people enter into, except for those relating to orphans and the care of orphans by their guardians. So after all we have said so far, we need somehow or other to regulate these matters too. The origins of all these contracts lie in the desires of those who are about to die to put their affairs in order and the vagaries of those who make no such arrangements at all. And I used the word ‘need’, Clinias, because I had noted the complexity and difficulty of such situations. We cannot leave this area unregulated either. Indeed, if unquestioned authority were granted to any will that anyone makes, regardless of his disposition as his life draws to a close, people might make arrangements that were self-contradictory, or contrary to the laws, or to the ways of their fellow men, or to their own ways prior to the making of their will. For most of us, when we believe that our end is nigh, become unreasonable or broken in spirit.

CLINIAS: What of it, stranger?

ATHENIAN: A person who is about to die presents a challenge and is gripped by an alarming notion, difficult for the lawgiver to deal with.

CLINIAS: In what way?

922 d ATHENIAN: In seeking supreme authority over everything, he is inclined to speak in anger.

CLINIAS: What sort of things does he say?

ATHENIAN: Ye Gods! He will say, “What a terrible thing it is if I am not allowed to bestow or withhold my own property from whomsoever I please, giving more to one and less to another who has proven to be good to me, or not so good, when sufficiently tested in sickness, old age, and the various other circumstances of life.”

CLINIAS: Yes, stranger, but don’t you think they have a point?

922 e ATHENIAN: I think that the ancient lawgivers were too soft, Clinias, and passed laws based upon a narrow view of human affairs and a partial understanding.

CLINIAS: How so?

ATHENIAN: For fear of this argument, my good man, they enacted the law allowing anyone to make any arrangement he pleases in relation to his own property, without restriction. But you and I will respond more suitably to those in your city who are about to die. “Friends,” we shall say, “veritable creatures of a day, it is difficult for you now to know your own possessions, and also, in accord with the Delphic maxim, to know your own selves too. So I, as your lawgiver, decree that neither yourselves nor this property belongs to you, but to your kinfolk as a whole that was and will be hereafter, and, even more so, that all of your kindred and its property belong to the city. And this being the case, I shall not willingly give my consent if someone persuades you, when you are distressed by sickness or old age, to make a will that is contrary to what’s best by stealing upon you with flatteries. I shall legislate from the overall perspective of what is best for the city and the people, justly assigning less importance to a single individual. So you should proceed with us in tranquillity and goodwill, continuing along this journey, the natural course of mankind. Everything else of yours will be looked after by ourselves, exercising the very best care, without any exceptions or omissions. These shall be our consolations and preliminaries, Clinias, addressed to the living and to those who are about to die, and let the law be as follows: Whoever is making a will disposing of his own property should, if he is the father of children, first indicate which of his sons he deems worthy to be his heir, and he should also include the name of any of his

other children whom he gives in adoption to someone else. If there is, besides, any other son who has not been adopted as heir to some holding who hopes to be sent legally to a colony, the father is allowed to give him as much as he wishes from the rest of his wealth, apart from the family holding and its associated provision. If there are a number of them, the father may allocate to them anything he owns, over and above the holding, in any proportion he wishes. Nothing is to be allocated to a son who already owns a house, and likewise he shall make no allocation to a daughter who is already betrothed to a man, but he is to make an allocation if she is not betrothed. If it turns out, after the will has been made, that a son or a daughter has come into possession of a local holding, they are to leave it in the hands of the heir of the person who made the will. If there is no male issue but there is female issue, the testator is to bequeath a man as husband to any daughter he chooses, and as a son to himself as his designated heir. In case a son, begotten or adopted, dies as a child before he can attain manhood, a provision is to be included to meet such a situation whereby the will is to specify the child who is to succeed this son, with better fortune. If someone completely childless makes a will, he may set aside one tenth of his excess wealth, and if he wishes to gift it to anyone, he may do so, having given everything else over to the adopted heir whom he shall make his son, legally, with integrity on one side and acceptance on the other.

When the children require guardians and the person dies having made a will specifying whom he wants as guardians and their number, and they willingly agree to act in that capacity, the choice of guardians, documented in this way, shall be final. If someone dies without having made any will at all, or the selection of guardians is omitted, the official guardians are to be the closest relatives on the father's and mother's side, two from each side, plus one friend of the deceased person, and these are to be appointed by the guardians of the law for any orphan who needs them. All aspects of guardianship and orphans should always be looked after by fifteen guardians of the law, the most senior of all, who are to divide themselves into three groups according to their age. Three are to act for one year, and another three for the next, until five periods of office have completed their cycle, and as far as possible there are to be no exceptions to this procedure.

If anyone dies without having made a will at all, and he leaves children requiring guardians, his needy children shall avail themselves of these same laws. If a man meets with an unexpected misfortune, leaving daughters behind him, he must be forgiving towards the lawgiver who arranges the betrothal of the daughters if he observes only two of three important precepts – namely, close family kinship and the preservation of the family holding – and neglects the third one which a father would look to, which is to find, by assessing the entire citizen body, someone suited in character and manners as a son to himself and a bridegroom to his daughter. This the lawgiver abandons as an impossible task.

Let's do our best, then, to have the following law enacted in relation to such matters. If someone with no will dies, leaving daughters behind, a brother of the deceased, having the same father or the same mother, who does not have a holding, shall take responsibility for the daughter and the holding of the deceased. If there is no brother but there is a brother's child, the same arrangement applies, provided they are the right age for one another. If neither of these is available but there is a sister's child, then the same arrangement applies. The fourth option is a father's brother, fifth is his child, and sixth the offspring of his father's sister. And so, the line always proceeds, based upon proximity of kinship, through brothers, brothers' children, first the males then the females, in a single family, whenever someone leaves female children behind. A judge is to decide, by inspection, upon the match or mismatch of their ages for marriage, by looking at the males naked and the females naked from

the waist up. If there is a deficit of relatives within the family as far as brothers' grandchildren on the one hand, or grandfather's children on the other, then whichever willing citizen the girl with her guardians willingly chooses from among the citizen body shall become the heir of the deceased and the bridegroom of his daughter.

But circumstances vary, and there may come a time when there are even fewer eligible males in the city itself. If a young lady, at a loss for a husband locally, sees someone who had been previously sent to a colony and has in mind that the man become heir to her father's property, then if he is related to her he may proceed to the holding in accordance with the direction of the law. If he is from outside her family, and no one in the city is her near relative, then based upon the selection of the deceased's daughter and her guardians, he is authorised to marry her and return home to take over the holding of the intestate man. If someone dies without issue, male or female, and without a will, let the law in such a situation be, in general, the same as the previous one, and let a male and female family member occupy the deserted home as consorts, so to speak, in each case, and let their claim to the lot be ratified. The order of succession shall be sister first, brother's daughter second, a sister's child third, a father's sister fourth, the daughter of a father's brother fifth, and the daughter of a father's sister sixth. These shall reside with the male kinsmen according to their closeness of kinship and their right as decreed in our earlier legislation. Now, we should not overlook the burden associated with laws of this sort since they sometimes harshly direct a relative of the deceased to marry a close relation, while seeming to take no account of countless impediments which make someone reluctant to comply with such commands, and prefer to suffer any other fate at all. This happens when there are physical or mental diseases or defects in either of the parties to the proposed marriage. The lawgiver might seem to show no regard for these factors, but this is not the case. So, let there be a statement in the interests of the lawgiver and whoever is subject to the law, a sort of general preamble, asking those who are given directions to be forgiving towards the lawgiver, because in his care for public interests he may not always be able, at the same time, to manage the particular difficulties of private individuals. And those who are subject to the laws should, in turn, be forgiven if they are sometimes naturally unable to fulfil the directions of the lawgiver, directions he gave in ignorance of those difficulties.

CLINIAS: Well, stranger, what would be the most reasonable course of action under such circumstances?

ATHENIAN: Arbitrators need to be selected, Clinias, for these laws, and for those who are subject to them.

CLINIAS: How do you mean?

ATHENIAN: Sometimes a nephew with a rich father might be unwilling to take his uncle's daughter in marriage, giving himself airs, with his mind set upon a more significant match. There are times, too, when the lawgiver gives a direction that presents enormous difficulty, and a person is compelled to disobey the law because, for instance, he is being forced to marry into a family where there is madness or various other terrible difficulties of body or soul which make life unbearable. So let our statement on the matters be a law, as follows. If anyone finds fault with the laws in place concerning a will or anything else at all, especially if it concerns marriages, and insists that the lawgiver himself, were he alive and present, would never have insisted upon such a course of action and forced the couple to marry, as is now proposed, while some relative or guardian, on the other hand, says otherwise, then we declare that the lawgiver has left the fifteen guardians of the law as arbitrators and fathers to the orphans, male and female, and the disputants are to go to these people and submit to their judgement, and their pronouncements are to be final. If someone believes that too

much power has been entrusted to these guardians of the law, he may take them to court, the court of selected judges, and submit to their judgement regarding the points in dispute. If he loses the case, he must accept censure and disgrace from the lawgiver, a penalty more grievous to a man of reason than any large fine.

So the orphaned children would now undergo a kind of second birth. How they are all to be reared and educated after their first birth has already been described. After their second birth, being bereft of parents, some means must be devised by which their orphan plight will give the least cause for pity at the misfortune of those who have been orphaned. Firstly, we say that they are to be given, by law, guardians of the law in place of their natural fathers, and every bit as good, and, what is more, we direct these people to look after them, year by year, as if they were their own. And we now add a preamble on the rearing of orphans, appropriate to these people themselves and to the guardians. I now see that there was something opportune in what we mentioned earlier about the souls of the departed, even after death, possessing a certain power whereby they still care about human affairs. Although the accounts dealing with this are true, they are quite lengthy, but we should believe the general tradition concerning these matters, varied and most ancient as they are. What is more, we should also believe the lawgivers who maintain that this is the case, unless we see them as utter fools. If this is the natural state of affairs, there should be fear, first and foremost, of the gods above, who are aware of the loneliness of orphans; secondly of the souls of the departed, which naturally care greatly for their own offspring, honour those who are kind to them and have no respect for those who are unkind. Finally, there should be fear of those who are still alive but well advanced in years and much respected. Where a city flourishes and has good laws, our children's children live happily in tender love for such people who have sharp eyes and keen ears for these matters and are kind to those who act justly in this area, while they get exceedingly angry with those who mistreat a lonely orphan whom they regard as a mighty and sacred responsibility. A guardian or official with any sense should pay attention to all these people and take care of the upbringing and education of orphans as if he were providing sustenance to himself and his own kindred, and do his very best to benefit them in every possible way. Whoever heeds the message of our preamble to the law and does not mistreat a single orphan shall not unleash the unbridled wrath of the lawgiver against such crimes, but whoever heeds it not and wrongs someone who has no father or mother, shall pay twice the total compensation payable by a person who behaves badly towards someone with two living parents.

When it comes to general legislation for guardians in relation to orphans, and for officials in relation to their responsibility for guardians, if, on the one hand, they had never come across a model for the rearing of free-born children themselves in rearing their own children and looking after their own property, and if they did not have laws setting out the relevant details properly, it would make sense to have a law of guardianship framed specifically for this purpose, distinguishing the life of orphans from that of others by certain specific features. But nowadays, among ourselves, although the status of an orphan is not much different in all these respects from someone under paternal care, they do tend to differ greatly in terms of the level of respect they are shown and the level of care they bestow. For this very reason our law has been quite serious about encouragement and threats in its legislation concerning orphans. But a threat of the following kind would still be most timely. Whoever acts as a guardian to a girl or a boy, and any guardian of the law who has been put in charge of a guardian, is to be just as affectionate to an orphan as to his own offspring, and shall look after the property of someone under his care just as zealously as he looks after his own property, or even better. Anyone acting as a guardian shall adhere to this single

law about orphans. If anyone acts otherwise in such matters, contrary to the law, then in the case of a guardian, the official is to fine him, and in the case of an official, the guardian is to take him before the court of selected judges and fine him twice the penalty adjudged by the court. If a guardian is deemed by the child's relatives, or any of the other citizens, to have neglected his duty or acted badly, he is to be brought to the same court. And on conviction, he is to pay four times the assessed damages, one half being payable to the child and the other half to whoever brought the case. Once an orphan has come of age, he may take legal action in relation to his guardianship within a five-year period from its termination, if he believes the guardian behaved badly. And if the guardian is found guilty, the court is to impose the appropriate penalty or fine. If, however, one of the officials is deemed to have harmed an orphan through neglect, the court is to decide the amount he is to pay to the child, but if he harmed him through an unjust act, then in addition to the fine, he is to be removed from office as a guardian of the law, and the civic authority is to appoint another in his place for the country and the city.

Disputes can arise between fathers and their own sons, and between sons and their fathers, that are more serious than they should be. In such cases, the fathers are inclined to the view that the lawgiver should grant them the legal right, if they wish, to proclaim publicly through the herald that their son is no longer legally their son, while sons, in turn, expect to be allowed to take legal action claiming insanity on the part of their fathers because they are laid low by sickness or old age. Such situations tend to arise from the thoroughly bad characters of the people involved, since if the badness was on one side only, the son being bad but not the father, or vice versa, the difficulties would not give rise to such a degree of hostility. Now, under another civic arrangement, a disinherited child would not necessarily lose the right of citizenship, but in our society, for which these laws are proposed, someone who has been disowned by his father needs to resettle in another country, for the addition of one more household to our 5,040 holdings is not permitted. Therefore, whoever is to suffer this fate legally must be disowned, not alone by his father, but by the entire family. Such matters should be dealt with based upon a law, somewhat, as follows. If anyone, with justification or without, beset by accursed anger, wishes to expel from his own family someone whom he has begotten and reared, he should not be allowed to do so there and then without due process. He shall first gather his own kindred together, as far as cousins and his son's kindred on his mother's side in like manner, and lay his accusation before these people, explaining that his son deserves formal expulsion from the family by everyone. The son is to be given equal speaking time to argue that he does not deserve to suffer such a fate at all. If the father prevails and secures the votes of more than half of all the family members, excluding the votes of the father himself, the mother, the defendant, and any male or female who has not yet come of age, then in this way and upon these terms the father is permitted to disown his son, but not otherwise. If some citizen wants to adopt the disowned son as his own, no law should stand in the way, for the characters of the young naturally undergo numerous changes during their lives. But if within ten years no one offers to adopt the dispossessed son, those responsible for excess offspring who are about to be resettled elsewhere shall be responsible for such cases too, so that they may be duly included in the same resettlement. It may happen that sickness, old age, difficult behaviour, or indeed a combination of them all, makes someone exceptionally deranged and this goes unnoticed by everyone except those who live with him, and he squanders his own wealth as he has the authority to do so. His son, too, may be at a loss and be reluctant to take legal proceedings on grounds of insanity. In this case, let there be a law that decrees that the son should first go to the most senior guardians of the law and describe the father's affliction. Having

looked into the matter sufficiently, they are to advise him either to take legal action or not. If they advise him to proceed, they shall act both as witnesses and advocates for the prosecution, and if the father loses the case he is no longer to have the slightest authority to administer his own property, and he shall live out the rest of his life just like a child.

If a husband and wife are no longer getting along with one another at all because their behaviour is so bad, ten of the guardians of the law, in middle age, should take constant charge of such people, along with ten of the women responsible for marriages. If they are able to bring about a reconciliation, such arrangements shall be binding, but if feelings are running too high, they shall do their best to find suitable alternative partners for each of them. Such people are unlikely to have gentle dispositions, and so they should try to match them with partners of a more sedate and gentle character. Disputants who are childless or who have very few children are to make the fresh match with a view to producing children, while those who have sufficient children should separate and form fresh unions for the sake of companionship and mutual care in their old age.

If a wife dies leaving behind both male and female children, there shall be a law, advisory rather than prescriptive, that the father is to bring up the existing children without introducing a stepmother. If there are no children, the widower must remarry until such time as he has begotten sufficient children for his household and the city. If the husband dies leaving sufficient children behind, the mother of the children is to remain there and bring them up. But if she seems too youthful to live healthily without a husband, the relatives shall confer with the women responsible for marriage and do whatever seems best to themselves and the women. If there are not enough children, then children should be considered, and, by law, one boy and one girl shall constitute a specified minimum. When the question of parentage is undisputed but a decision is required as to which parent a child should cleave to, the law is to be as follows; if a female slave lies with another slave or with a free man or a freedman, the offspring shall belong in every case to her master. If a free woman lies with a slave, the offspring is to belong to the slave's master; if a man has a child by his own slave or a woman by hers, and the facts are beyond dispute, then the women are to send the woman's child away to another country, along with its father, while the guardians of the law are to send the man's child away, along with the woman who bore it.

No god or man with any sense would ever advise anyone to neglect parents, and we need to recognise that the following preamble concerning the worship of the gods would fit well with the subject of parental respect and disrespect. The ancient laws concerning the gods are, in every case, twofold. Some of the gods whom we honour are in plain sight, whereas we set up statues of others as images which we worship even though they are lifeless, believing that those living gods, because of these images, are well disposed to us and grateful. So if anyone has a father or mother, or fathers and mothers, of such people, laid up like treasures in his home, infirm with old age, he should never presume that any statue could be more potent when he has a living image like this at home by his hearth, provided its possessor worships it in the right way.

CLINIAS: What do you mean by the right way?

ATHENIAN: I shall tell you, for this sort of thing, my friends, deserves to be heard.

CLINIAS: Speak on.

ATHENIAN: Oedipus, we say, having been dishonoured, called down curses upon his own children which by all accounts were heard by the gods, and fulfilled. Amyntor, in a fit of anger, cursed his own son Phoenix, Theseus cursed Hippolytus, and countless other fathers cursed just as many sons. These curses of parents upon their children are obviously heard by the gods, for it is only right that a parent's curse upon their offspring be unlike any other curse

upon anyone else. Let's not suppose then that it is natural for a god to give a special hearing to the imprecations of a father or mother when they have been dishonoured by their children, yet when they are actually honoured and are very pleased about this and pray earnestly to the gods that good will befall their children, let's not believe that they do not pay just as much heed to prayers like these, and respond accordingly. No, if that were the case they would never be just in dispensing their blessings, and for gods that would really be most inappropriate.

CLINIAS: Indeed.

ATHENIAN: And so, we should be of the view, as we said a little earlier, that we can possess no statue that is more honourable in the eyes of the gods than a father or grandfather laid low by old age, or a mother with the same capacity. When these people are exalted with honours, God rejoices, otherwise he would not hear their prayers. Indeed, for us, an ancestor is a wondrous image, more so than anything lifeless. For those that are alive always join in our prayers when we serve them, and pray against us when we do not, whereas the lifeless images do neither. And so, provided we treat fathers, grandfathers and anyone else of that sort in the right way, we would have images that are unsurpassed in securing a portion of divine favour.

CLINIAS: You expressed that very well.

ATHENIAN: Anyone with any intelligence, then, fears and honours the prayers of parents, knowing that in many cases these have so often proved effective. And since this is the natural order of things, to good people aged ancestors are a boon to the very end of their lives and are deeply mourned by the young when they depart, while they are truly a source of fear to bad people. So, let everyone, in obedience to these precepts, honour their own parents with all the honours ordained by law, but in case someone is, by all accounts, deaf to such preliminaries, it is only right the following law should apply. If anyone in this city does not care for his parents as much as he should, and does not look after all their interests and comply with their wishes more so than his own sons, his own offspring and even himself, whoever suffers such neglect is to report this in person to the three most senior guardians of the law, and similarly to the three eldest women responsible for marriages. They shall take charge and punish the offenders with beating and imprisonment if they are young, up to the age of thirty for men and up to forty for women, who are to receive the same punishment. If they persist in this parental abuse or mistreatment when they are older than this, they should be brought before a court of 101 citizens, the most senior of all, and, if convicted, the court shall assess what the fine or punishment should be, without restriction, up to the limit of what a person is able to suffer or pay. If a victim is unable to speak on his own behalf, any free-born citizen who discovers the neglect is to report the matter to the officials or else be regarded as an evildoer and be liable to an action for damages by anyone who wishes. If a slave informs them, let him be set free. If the slave belongs to the victim or the perpetrator, he is to be freed by the court. If he belongs to some other citizen, the public treasury shall pay compensation for the slave to the owner, and the officials are to take care that no one wrongs the slave in revenge for acting as an informer.

Cases where one person harms another with poison with fatal consequences have already been dealt with, but other cases of injury where someone does harm using potions, foodstuffs or ointments, intentionally with premeditation, have not been dealt with so far. The fact that poisonings are of two kinds because of the nature of human beings is something we must pause to consider. One kind has just been described explicitly where bodies naturally injure other bodies. The other uses magic, enchantments and spells, not only to convince those who are intent upon doing harm that these measures are effective, but to

convince their victims, above all, that they really are being harmed by these people who are able to bewitch others. Now, in relation to all such matters, in general it is not easy to understand what precisely the natural state of affairs actually is, nor, having understood this, is it easy to convince others. But when people are suspicious of one another in their souls, there is no value in trying to convince them about this sort of thing and encourage 933 b them to think nothing of it if they behold some imitation moulded in wax in a doorway, or where three roads meet, or on a parent's grave, because they have no clear appreciation of these matters. So, having made a twofold division in our law about poisoning depending upon how the person attempts to do it, we shall first request, exhort and counsel that such a deed never be attempted. Nor should anyone scare the general population like frightened 933 c children, nor indeed compel the lawgiver and judge to cure our people of such fears, because to begin with, the person trying to administer poison does not know what he is doing in the case of the body, unless he happens to be a knowledgeable physician, nor indeed in the case of magic, unless he happens to be a prophet or diviner. So, let the law about poisoning be 933 d stated as follows: whoever poisons someone so as to do harm, not fatally, either to that person himself or to his people, or harms his cattle or his hives, with or without fatal consequences, shall, if found guilty of poisoning, be put to death if he happens to be a physician, or if he be an ordinary citizen, the court shall impose the appropriate fine or penalty. If it is suspected that someone is apparently causing injury using spells, enchantments or charms, 933 e or any other poisonings of this sort, he is to be executed if he happens to be a prophet or diviner, but if he is convicted of poisoning with no knowledge of magic, then, as in the previous case, the court shall impose in this case too whatever fine or penalty it thinks he should suffer.

In cases where one person injures another through theft or violence, the greater the injury, the greater the compensation payable to the injured party, and the smaller the injury, the lesser the compensation, but, above all, the compensation payable in every case is to be sufficient to make good the harm done. In addition, each offender shall pay the penalty associated with that particular crime to teach him self-control. When someone acts badly 934 a because of the folly of another person, being unduly influenced because of his youth or for some other reason, then the penalty should be lighter. However, when that bad deed is due to the person's own folly because of a lack of control over pleasure and pain, or due to incurable desires, envy or anger, then the penalty should be heavier. The penalty is not imposed because of the wrongdoing, for what has been done will never be undone, but with an eye to the future so that the wrongdoer himself, and those who see him being punished, 934 b will utterly detest the injustice, or at least recover to a large extent from such a dreadful affliction. For all these reasons, and with a view to everything of this sort, the laws, like a good archer, should aim to estimate the extent of the punishment in each case, and, above all, the amount of the compensation. The judge must lend assistance to the lawgiver whenever, in executing the same task, the law entrusts him with assessing the punishment the defendant is to suffer or the compensation he is to pay. The lawgiver, on the other hand, is 934 c to outline some actions that illustrate conformity to the written law. That, indeed, is what we must do now, Megillus and Clinias, as best and beautifully as we can. We should state what the penalty should be for any acts of theft or violence, insofar as the gods or their children allow us to enact such laws.

Someone who is insane is not to be at large in the city, and the relatives of such people are to keep them indoors by any means at their disposal, or else be subject to a fine, 934 d which, for the highest property class, shall be one hundred drachmas whether it is a slave or a free citizen that is being supervised. A member of the second class shall pay four fifths

of a mina, the third class shall pay three fifths and the fourth class two fifths. Now, many people are insane and in many different ways. In the cases we are referring to now, the madness is due to diseases, but there are other cases where there is a bad innate tendency to anger which is actually fostered. Such people, in minor disputes, raise their voices to speak abusively and slanderously to one another, behaviour that is completely and utterly inappropriate in a well-regulated city. So, let there be a single law applicable to all cases of abusive speech, as follows: no one is to verbally abuse anyone else. Any party to a verbal dispute is to instruct and learn from his adversary and the company, refraining entirely from all verbal abuse. Indeed, when people call down curses upon one another and employ disgraceful language in a shrewish tone, firstly, although the words are as light as air, from these spring deeds that are heavy with hatred and hostility. For the speaker is embracing anger, an unkind trait, feeding this urge to the full with a noxious banquet, and his soul, once made gentle through education, is made wild again, and he becomes a beast who lives in discontent, reaping the bitter harvest of his anger. What's more, all those involved in such encounters are inclined all too often to resort, somehow or other, to mocking their opponent. And no one has ever adopted this habit without completely failing to retain their own dignity or, in large part, losing their mental power. For these reasons, no one in a sacred place is to express themselves in this way at all, nor at a public sacrifice, at the games, in the marketplace, in court, or at any public gathering. And every transgression is to be punished by the official in charge on pain of being debarred from all public distinctions, as someone who neither cares about the laws nor heeds the injunctions of the lawgiver. In other situations, if someone either initiating the criticism or retaliating does not refrain from such language, anyone older who comes across him is to defend the law by driving out with blows those who are so fond of that evil companion, anger, or else be liable himself to the appointed penalty. So, we are now saying that when someone is involved in criticism, he cannot help attempting to resort to mockery, and this, when it is born of anger, is what we are criticising.

But what about the comic writers who are keen on mocking people? Are we to accept this provided they resort to this sort of mockery of our citizens without any anger? Or are we to make a distinction between mockery in jest and mockery that is serious, and allow anyone to mock anyone else without anger, but not allow them, as we have said, to do so in earnest and in anger? This stipulation must not be retracted, but we must pass laws stating who may do this and who may not. No composer of a comedy or any iambic or lyric song should be allowed to mock any of our citizens, either in word or through imitation, whether or not this is done in anger. If any of them disobeys this law, the officials in charge of the competition are to expel him from the area entirely, on that very day, or be fined three minae, dedicated to the god in whose honour the competition is being held. Those with permission, as we said earlier, to compose works about one another are allowed to engage in mockery in jest, but not in earnest or in a spirit of anger. Determination in this matter is to be left to the person responsible for the overall education of the young, and the composer shall be allowed to publicly present whatever that person approves, but whatever he rejects must not be shown to anyone else, nor should he ever be found teaching it to any other person, slave or free born, on pain of being regarded as a rogue who does not heed the laws.

It is not the person who is hungry or who suffers a similar misfortune who deserves to be pitied, but the person who is sound-minded or possessed of some excellence, even in part, who comes by misfortune in addition. So it would be surprising if someone like this, slave or free, were to be totally neglected and reduced to utter beggary in a society or city that was even moderately well managed. Therefore, there will be no threat to such people

if the lawgiver enacts a law somewhat as follows. There is to be no begging in our city, and if someone attempts to engage in such behaviour, scraping a life together through incessant entreaties, the market police are to expel him from the marketplace, and the board of city police are to expel him from the city, and the rural police from the rest of the country, driving him beyond the border so that our land may be entirely purged of such creatures. 936 c

If a slave, male or female, damages anything at all that belongs to other people, and the injured party himself is not partly responsible through ineptitude or some other irresponsible actions, the owner of the slave that did the damage shall either make good the damage in full, or hand that slave over to the victim. But if the slave's owner issues a counter claim that the charge involves collusion between the injured party and the culprit slave in order to deprive him of that slave, he may take an action for conspiracy against the person who claims to have suffered the damage, and if he is successful he is to receive twice the value that the court sets upon the slave, but if he loses he is to pay for the damage and hand over the slave. And if a draught animal, a horse or a dog, or some other beast, damages anything belonging to a neighbour, compensation is to be paid on the same basis. If someone won't of his own volition act as a witness, the person who needs his evidence shall summon him as a witness, and once summoned he shall appear in court, and if he has information and is willing to give evidence, he should do so. But if he claims to have no information, let him swear an oath to Zeus, Apollo and Themis, denying any knowledge, and be excused from the case. But a person called as a witness who does not show up in court in response is liable by law to an action for damages. If someone calls one of the judges at this trial to act as a witness, then, having given evidence, the judge must not vote in that case. A free woman is allowed to act as a witness or to support someone's case provided she is over forty, and she may initiate a legal action herself if she has no husband, but if she has a husband who is alive, she may only act as a witness. A slave, male or female, or a child, is permitted to act as a witness or a support only in a murder trial, provided that individual furnishes a trustworthy guarantor to ensure that the witness will remain and await trial in case the evidence is challenged as false. Either side in a case may challenge all or part of the evidence before the verdict has been decided if he maintains that he is a victim of false witness. The officials shall keep the challenges by both parties safely sealed up, and shall produce them at the trial for false witness. If a person is twice convicted of false witness, no law shall compel him to act as a witness thereafter. If it happens three times, he shall no longer be permitted to act as a witness, and if he dares to give evidence having been convicted three times, anyone who wishes may report him to the authorities, who shall bring him to court, and, if convicted, he shall be sentenced to death. In cases where evidence is condemned by a court and it is adjudged that someone gave false evidence and ensured that the victorious party won the case, then if more than half his evidence is condemned, the case that was lost on that basis should be subject to review, and there should be argument and an adjudication as to whether or not the original case was decided by the false evidence, and this adjudication, whatever the outcome, shall determine how the previous cases conclude. 936 d 936 e 937 a 937 b 937 c 937 d

Although there are many fine things in human life, most of them are beset by a sort of plague that pollutes and defiles them. And, indeed, justice among us humans is undeniably something fine which has civilised the life of man, and since this is fine, how could judicial advocacy not be fine too? But a pernicious skill hiding behind a noble name brings these fine things into disrepute. It begins by claiming that there is a certain contrivance for dealing with judicial proceedings, which itself constitutes a means of conducting a case and advocating on behalf of someone else, being capable of ensuring victory regardless of 937 e

938 a whether the behaviour of the defendant in the case had been just or not. It also claims that this skill and the arguments it produces may be had as a gift to anyone who hands over money. Now, regardless of whether this skill is indeed a skill or just a knack based upon practice devoid of skill, it should never, if possible, take root in our city. The lawgiver asks for obedience, that they don't speak contrary to justice, or that they depart to another country, and if they comply, he has no more to say. If they do not comply, then the voice of the law is as follows. Anyone suspected of attempting to turn the force of justice in the souls of the jurors to the very opposite course, or of taking multiple legal actions opportunistically, or advocating for others in such actions, is liable to prosecution by anyone who wishes, for perversion of justice or supporting others in such perversion. The case should be tried by the court of selected judges, and, on conviction, the court is to determine whether the defendant was acting out of greed or out of ambition. If ambition was the motive, the court is to decide for how long such a person is to be debarred from taking a legal action against anyone else, or from advocacy in a legal action. If the motive was greed, a foreigner is to be banished from the country, never to return, on pain of death, while a native, because he was motivated by such out and out greed, is to be put to death. Someone who is convicted of doing this sort of thing out of ambition, for a second time, is to be put to death.

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