A summer day in Crete
in the middle of the fourth century B.C.
Participants in the discussion:

An Athenian Stranger

CLEINIAS, *a Cretan*

MEGILLUS, *a Spartan*

§1. THE INADEQUACY OF SPARTAN AND CRETAN LEGISLATION

The main purpose of this first section is to put Spartan and Cretan laws into proper perspective. The Athenian, while politely deferential about the divine origin claimed for them, makes two criticisms: they over-develop one side of virtue (courage), and are useless for the internal government of a country. When Cleinias and Megillus have been thus brought to see the deficiencies of the laws of their own states, they will be more ready to accept the Athenian's later suggestions about the nature and purpose of legislation.

Part of the Athenian's argument hinges on the ambiguity of the Greek words kreittôn *and* hēttôn, *which were ordinarily used to denote both physical and moral superiority and inferiority – 'stronger/weaker', 'better/worse'. The Athenian's point is that the first pair of terms does not necessarily imply the second: we may be physically stronger than our enemies, but inferior morally; we should strive to be 'stronger' than ourselves, i.e. our base instincts and desires, to achieve self-control. This is one of the central moral themes of the dialogue.*

INTRODUCTORY CONVERSATION

ATHENIAN: Tell me, gentlemen, to whom do you give the credit for establishing your codes of law? Is it a god, or a man? BK I 624

CLEINIAS: A god, sir, a god – and that's the honest truth. Among us Cretans it is Zeus; in Sparta – which is where our friend here hails from – they say it is Apollo, I believe. Isn't that right?

MEGILLUS: Yes, that's right.

ATHENIAN: You follow Homer, presumably, and say that every ninth year Minos used to go to a consultation with his father Zeus,[1] and laid down laws for your cities on the basis of the god's pronouncements?

CLEINIAS: Yes, that's our Cretan version, and we add that

1. *Odyssey* XIX, 178–9.

Minos' brother, Rhadamanthus – doubtless you know the
625 name – was an absolute paragon of justice. We Cretans would say that he won this reputation because of the scrupulously fair way in which he settled the judicial problems of his day.

ATHENIAN: A distinguished reputation indeed, and one particularly appropriate for a son of Zeus. Well then, since you and your companion have been raised under laws with such a splendid ancestry, I expect you will be quite happy if we spend our time together today in a discussion about constitutions and laws, and occupy our journey in a mutual exchange of views. I've heard it said that from Cnossos to Zeus' cave and shrine is quite a long way, and the tall trees along the route provide shady resting-places which will be more than welcome in this stiflingly hot weather. At our age, there is every excuse for having frequent rests in them, so as to refresh ourselves by conversation. In this way we shall come to the end of the whole journey without having tired ourselves out.

CLEINIAS: And as you go on, sir, you find tremendously tall and graceful cypress trees in the sacred groves; there are also meadows in which we can pause and rest.

ATHENIAN: That sounds a good idea.

CLEINIAS: It is indeed, and it'll sound even better when we see them. Well then, shall we wish ourselves *bon voyage*, and be off?

THE AIM OF SPARTAN AND CRETAN LAWS

ATHENIAN: Certainly. Now, answer me this. You have meals which you eat communally; you have a system of physical training, and a special type of military equipment. Why is it that you give all this the force of law?

CLEINIAS: Well, sir, I think that these customs are quite easy for anyone to understand, at any rate in our case. You see the Cretan terrain in general does not have the flatness of Thessaly: hence we usually train by running (whereas the Thessalians mostly use horses), because our land is hilly and more suited to exercise by racing on foot. In this sort of

country we have to keep our armour light so that we can run without being weighed down, and bows and arrows seem appropriate because of their lightness. All these Cretan practices have been developed for fighting wars, and that's precisely the purpose I think the legislator intended them to serve when he instituted them. Likely enough, this is why he organized the common meals, too: he observed that when men are on military service they are all obliged by the pressure of events, for their own protection, to eat together throughout the campaign. In this, I think, he censured the stupidity of ordinary men, who do not understand that they are all engaged in a never-ending lifelong war against all other states. So, if you grant the necessity of eating together for self-protection in war-time, and of appointing officers and men in turn to 626
act as guards, the same thing should be done in peace-time too. The legislator's position would be that what most men call 'peace' is really only a fiction, and that in cold fact all states are by nature fighting an undeclared war against every other state. If you see things in this light, you are pretty sure to find that the Cretan legislator established every one of our institutions, both in the public sphere and the private, with an eye on war, and that this was the spirit in which he gave us his laws for us to keep up. He was convinced that if we don't come out on top in war, nothing that we possess or do in peace-time is of the slightest use, because all the goods of the conquered fall into the possession of the victors.

ATHENIAN: You certainly have had a splendid training, sir! It has, I think, enabled you to make a most penetrating analysis of Cretan institutions. But explain this point to me rather more precisely: the definition you gave of a well-run state seems to me to demand that its organization and administration should be such as to ensure victory in war over other states. Correct?

CLEINIAS: Of course, and I think our companion supports my definition.

MEGILLUS: My dear sir, what other answer could one possibly make, if one is a Spartan?

ATHENIAN: But if this is the right criterion as between

states, what about as between villages? Is the criterion different?

CLEINIAS: Certainly not.

ATHENIAN: It is the same, then?

CLEINIAS: Yes.

ATHENIAN: Well now, what about relations between the village's separate households? And between individual and individual? Is the same true?

CLEINIAS: The same is true.

ATHENIAN: What of a man's relations with himself – should he think of *himself* as his own enemy? What's our answer now?

CLEINIAS: Well done, my Athenian friend! (I'd rather not call you 'Attic', because I think it is better to call you after the goddess,[2] as you deserve.) You have made the argument clearer by expressing it in its most elementary form. Now you will find it that much easier to realize that the position we took up a moment ago is correct: not only is everyone an enemy of everyone else in the public sphere, but each man fights a private war against himself.

ATHENIAN: You *do* surprise me, my friend. What do you mean?

CLEINIAS: This, sir, is where a man wins the first and best of victories – over himself. Conversely, to fall a victim to oneself is the worst and most shocking thing that can be imagined. This way of speaking points to a war against ourselves within each one of us.

ATHENIAN: Now let's reverse the argument. You hold that each one of us is either 'conqueror of' or 'conquered by'
627 himself: are we to say that the same holds good of household, village and state? Or not?

CLEINIAS: You mean that they are individually either 'conquerors of' or 'conquered by' themselves?

ATHENIAN: Yes.

CLEINIAS: This again is a good question to have asked. Your suggestion is most emphatically true, particularly in the

2. I.e. Athena, goddess of wisdom and 'patron saint' of Athens in Attica.

case of states. Wherever the better people subdue their inferiors, the state may rightly be said to be 'conqueror of' itself, and we should be entirely justified in praising it for its victory. Where the opposite happens, we must give the opposite verdict.

ATHENIAN: It would take too long a discussion to decide whether in fact there *is* a sense in which the worse element could be superior to the better, so let's leave that aside. For the moment, I understand your position to amount to this: sometimes evil citizens will come together in large numbers and forcibly try to enslave the virtuous minority, although both sides are members of the same race and the same state. When they prevail, the state may properly be said to be 'inferior to' itself and to be an evil one; but when they are defeated, we can say it is 'superior to' itself and that it is a good state.

CLEINIAS: That's a paradoxical way of putting it, sir, but it is impossible to disagree.[3]

ATHENIAN: But now wait a minute. Let's look at this point again: suppose a father and mother had several sons – should we be surprised if the majority of these brothers were unjust, and the minority just?

CLEINIAS: By no means.

ATHENIAN: We could say that if the wicked brothers prevail the whole household and family may be called 'inferior to' itself, and 'superior to' itself if they are subdued – but it would be irrelevant to our purpose to labour the point. The reason why we're now examining the usage of the common man is not to pass judgement on whether he uses language properly or improperly, but to determine what is essentially right and wrong in a given law.

CLEINIAS: Very true, sir.

MEGILLUS: I agree – it's been nicely put, so far.

ATHENIAN: Let's look at the next point. Those brothers I've just mentioned – they'd have a judge, I suppose?

3. Cleinias is struck by the paradox that when 'inferior' numbers conquer, the state is morally 'superior', and when 'superior' numbers conquer, it is morally 'inferior'. See introductory note, p. 45.

CLEINIAS: Of course.

ATHENIAN: Which of these judges would be the better, the one who put all the bad brothers to death and told the better ones to run their own lives, or the one who put the virtuous brothers in command, but let the scoundrels go on living in willing obedience to them? And we can probably add a third and even better judge – the one who will take this single quarrelling family in hand and *reconcile* its members,
628 without killing any of them; by laying down regulations to guide them in the future, he will be able to ensure that they remain on friendly terms with each other.

CLEINIAS: Yes, this judge – the legislator – would be incomparably better.

ATHENIAN: But in framing these regulations he would have his eye on the exact opposite of war.

CLEINIAS: True enough.

ATHENIAN: But what about the man who brings harmony to the state? In regulating its life, will he pay more attention to external war, or internal? This 'civil' war, as we call it, does break out on occasion, and is the last thing a man would want to see in his own country; but if it did flare up, he would wish to have it over and done with as quickly as possible.

CLEINIAS: He'll obviously pay more attention to the second kind.

ATHENIAN: One side might be destroyed through the victory of the other, and then peace would follow the civil war; or, alternatively, peace and friendship might be the result of reconciliation. Now, which of these results would you prefer, supposing the city then had to turn its attention to a foreign enemy?

CLEINIAS: Everybody would prefer the second situation to the first, so far as his own state was concerned.

ATHENIAN: And wouldn't a legislator have the same preference?

CLEINIAS: He certainly would.

ATHENIAN: Now surely, every legislator will enact his every law with the aim of achieving the greatest good?

CLEINIAS: Of course.

ATHENIAN: The greatest good, however, is neither war nor civil war (God forbid we should ever need to resort to either of them), but peace and goodwill among men. And so the victory of a state over itself, it seems, does not after all come into the category of ideals; it is just one of those things in which we've no choice. You might just as well suppose that the sick body which has been purged by the doctor was therefore in the pink of condition, and disregard the body that never had any such need. Similarly, anyone who takes this sort of view of the happiness of a state or even an individual will never make a true statesman in the true sense – if, that is, he adopts foreign warfare as his first and only concern; he'll become a *genuine* lawgiver only if he designs his legislation about war as a tool for peace, rather than his legislation for peace as an instrument of war.

CLEINIAS: What you say, sir, has the air of having been correctly argued. Even so, I shall be surprised if our Cretan institutions, and the Spartan ones as well, have not been wholly orientated towards warfare.

ATHENIAN: Well, that's as may be. At the moment, how- 629
ever, there's no call for a stubborn dispute on the point. What we need to do is to conduct our inquiry into these institutions dispassionately, seeing that we share this common interest with their authors. So keep me company in the conversation I'm going to have. Let's put up Tyrtaeus,[4] for example, an Athenian by birth who became a citizen of Sparta. He, of all men, was particularly concerned with what we are discussing. He said:

'I'd not mention a man, I'd take no account of him,

no matter' (he goes on) 'if he were the richest of men, no matter if he had a huge number of good things' (he enumer-

4. Tyrtaeus composed about the middle of the seventh century, and was noted for his poems in praise of courage in war. The Athenian quotes the first line of the poem verbatim and then summarizes the next nine; on p. 52 he gives a somewhat adapted quotation of lines 11 and 12. For the text and a translation of the whole poem see J. M. Edmonds, *Elegy and Iambus* (London and New York, 1931; Loeb edition), vol. I, pp. 74–7.

ated pretty nearly all of them) 'unless his prowess in war were beyond compare.' Doubtless you too have heard the lines; Megillus here knows them backwards, I expect.

MEGILLUS: I certainly do.

CLEINIAS: And they have certainly got as far as Crete: they were brought across from Sparta.

ATHENIAN: Now then, let's jointly ask our poet some such question as this: 'Tyrtaeus, you are a poet, and divinely inspired. We are quite sure of your wisdom and virtue, from the special commendation you have bestowed on those who have particularly distinguished themselves in active service. On this point we – Megillus here, Cleinias of Cnossos and I – find ourselves, we think, emphatically in agreement with you; but we want to be quite clear that we are talking about the same people. Tell us: do you clearly distinguish, as we do, two sorts of war? Or what?' I fancy that in reply to this even a man far less gifted than Tyrtaeus would state the facts of the case and say 'Two'. The first would be what we all call 'civil' war, and as we were saying just now, this is the most bitterly fought of all; and we shall all agree, I think, in making the other type of war the one we fight when we quarrel with our foreign enemies from outside the state, which is a much less vicious sort of war than the other.

CLEINIAS: I agree.

ATHENIAN: 'Well now, Tyrtaeus, which category of soldiers did you shower with your praises and which did you censure? Which was the type of war they were fighting, that led you to speak so highly of them? The war fought against foreign enemies, it would seem – at any rate, you have told us in your verses that you have no time for men who cannot "stand the sight of bloody butchery

and do not attack in close combat with the foe".'

So here is the next thing we'd say: 'It looks as if you reserve your special praise, Tyrtaeus, for those who fight with conspicuous gallantry in external war against a foreign enemy.' I suppose he'd agree to this, and say 'Yes'?

CLEINIAS: Surely.

ATHENIAN: However, while not denying the courage of those soldiers, we still maintain that those who display conspicuous gallantry in *total* war[5] are very much more courageous. 630
We have a poet to bear witness to this, Theognis,[6] a citizen of Megara in Sicily, who says:

'Cyrnus, find a man you can trust in deadly feuding:
He is worth his weight in silver and gold.'

Such a man, in our view, who fights in a tougher war, is far superior to the other – to just about the same degree as the combination of justice, self-control and good judgement, reinforced by courage, is superior to courage alone. In civil war a man will never prove sound and loyal unless he has every virtue; but in the war Tyrtaeus mentions there are hordes of mercenaries who are ready to dig their heels in and die fighting,[7] most of whom, apart from a very small minority, are reckless and insolent rogues, and just about the most witless people you could find. Now, what conclusion does my argument lead to? What is the point I am trying to make clear in saying all this? Simply that in laying down his laws every legislator who is any use at all – and especially your legislator here in Crete, duly instructed by Zeus – will never have anything in view except the highest virtue. This means, in Theognis' terms, 'loyalty in a crisis'; one might call it 'complete justice'. The virtue that Tyrtaeus praised so highly is indeed a noble one, and has been appropriately celebrated by the poet, but strictly speaking, in order of merit it comes only fourth.

5. I.e. in civil war.

6. Theognis lived about the end of the sixth century, and was a member of the landed gentry of Megara (probably the Megara near Athens, in spite of what is said here). He wrote lively, indignant poems from a conservative point of view about the social and political changes of his day. Some 1400 lines of his work survive: see J. M. Edmonds, *Elegy and Iambus* (London and New York, 1931; Loeb edition), vol. I, pp. 216–401. The Athenian quotes lines 77–8.

7. A glancing reference to lines 16–18 of Tyrtaeus' poem (see note on p. 51).

CLEINIAS: And that, sir, is to reduce our Cretan legislator to the status of a failure.

ATHENIAN: No, my dear fellow, it is not. The failure was entirely on our part. We were quite wrong to imagine that when Lycurgus[8] and Minos established the institutions of Sparta and this country the primary end they had in view was invariably warfare.

CLEINIAS: But what ought we to have said?

ATHENIAN: We had no particular axes to grind in our discussion, and I think we ought to have told the honest truth. We ought not to have said that the legislator laid down his rules with an eye on only a part of virtue, and the most trivial part at that. We should have said that he aimed at virtue in its entirety, and that the various separate headings under which he tried to frame the laws of his time were quite different from those employed by modern legal draftsmen.[9] Each of these invents any category he feels he wants, and adds it to his code. For instance, one will come up with a category on 'Inheritances and Heiresses', another with 'Assault', and others will suggest other categories *ad infinitum*. But we insist that the correct procedure for framing laws,
631 which is followed by those who do the job properly, is precisely the one we have just embarked upon. I am delighted at the way you set about explaining your laws: you rightly started with *virtue*, and explained that this was the aim of the laws the legislator laid down. However, you did say that he legislated entirely by reference to only one part of virtue, and the most inconsiderable part at that. Now there I thought you were wrong: hence all these additional remarks. So what is this distinction I could have wished to hear you draw in your argument? Shall I tell you?

CLEINIAS: Certainly.

ATHENIAN: 'Now, Sir,' you ought to have said, 'it is no accident that the laws of the Cretans have such a high repu-

8. Traditional founder of the Spartan constitution.

9. The Athenian's point is that modern legislators group laws according to subject-matter, whereas the proper classification is a more philosophical one – presumably the particular virtue or virtues promoted by each law.

tation in the entire Greek world. They are sound laws, and achieve the happiness of those who observe them, by producing for them a great number of benefits. These benefits fall into two classes, "human" and "divine". The former depend on the latter, and if a city receives the one sort, it wins the other too – the greater include the lesser; if not, it goes without both. Health heads the list of the lesser benefits, followed by beauty; third comes strength, for racing and other physical exercises. Wealth is fourth – not "blind" wealth,[10] but the clear-sighted kind whose companion is good judgement – and good judgement itself is the leading "divine" benefit; second comes the habitual self-control of a soul that uses reason. If you combine these two with courage, you get (thirdly) justice; courage itself lies in fourth place. All these take a natural precedence over the others, and the lawgiver must of course rank them in the same order. Then he must inform the citizens that the other instructions they receive have these benefits in view: the "human" benefits have the "divine" in view, and all these in turn look towards reason, which is supreme. The citizens join in marriage; then children, male and female, are born and reared; they pass through childhood and later life, and finally reach old age. At every stage the lawgiver should supervise his people, and confer suitable marks of honour or disgrace. Whenever they associate with each other, he should observe their pains, pleasures and desires, and watch their passions in all their intensity; he 632
must use the laws themselves as instruments for the proper distribution of praise and blame. Again, the citizens are angry or afraid; they suffer from emotional disturbances brought on by misfortune, and recover from them when life is going well; they have all the feelings that men usually experience in illness, war, poverty or their opposites. In all these instances the lawgiver's duty is to isolate and explain what is good and what is bad in the way each individual reacts. Next, the lawgiver must supervise the way the citizens acquire money and spend it; he must keep a sharp eye on the

10. Plutus, the god of wealth, was traditionally represented as blind.

various methods they all employ to make and dissolve (voluntarily or under duress) their associations[11] with one another, noting which methods are proper and which are not; honours should be conferred upon those who comply with the laws, and specified penalties imposed on the disobedient. When the lawgiver comes to the final stages of organizing the entire life of the state, he must decide what honours should be accorded the dead and how the manner of burial should be varied.[12] His survey completed, the author of the legal code will appoint guardians (some of whom will have rational grounds for their actions, while others rely on "true opinion"),[13] so that all these regulations may be welded into a rational whole, demonstrably inspired by considerations of justice and self-restraint, not of wealth and ambition.' That is the sort of explanation, gentlemen, that I should have liked you to give, and still want now – an explanation of how all these conditions are met in the laws attributed to Zeus and the Pythian Apollo, which Minos and Lycurgus laid down. I wish you could have told me why the system on which they are arranged is obvious to someone with an expert technical – or even empirical – knowledge of law, while to laymen like ourselves it is entirely obscure.

CLEINIAS: Well then, sir, where do we go from here?

COURAGE AND PLEASURE

ATHENIAN: I think we ought to go back and start again. As before, we should consider first the activities that promote courage; then, if you like, we'll work through the other kinds of virtue, one by one. We'll take the way we deal with the first as a model, and try to while away the journey by discussing the others in the same way. Then after dealing with virtue

11. Social and political clubs of various kinds seem to be meant: see pp. 359–60, 453.

12. I.e. according to property-class: see p. 513.

13. A man with 'true opinion' cannot justify his (perfectly correct) actions on philosophical grounds. To do this a man needs 'knowledge' or 'wisdom' or 'reason'.

as a whole, we shall show, God willing, that the regulations we have just listed had this in view.

MEGILLUS: A splendid idea! Our friend here is an admirer 633
of Zeus, so try examining him, to start with.

ATHENIAN: I'll try to examine not only him, but you and myself as well – we all have a stake in the discussion. Tell me, then, you two: do we maintain that the common meals and gymnastic exercises have been invented by your legislator for the purpose of war?

MEGILLUS: Yes.

ATHENIAN: What about a third such institution, and a fourth? To make a full list like this will probably be the right procedure in the case of the other 'parts'[14] of virtue, too (or whatever the right terminology is: no matter, so long as one's meaning is clear).

MEGILLUS: I – and any Spartan, for that matter – would mention the legislator's invention of hunting as the third item.

ATHENIAN: Let's have a shot at adding a fourth, and a fifth too, if we can.

MEGILLUS: Well, I might try to add a fourth: the endurance of pain. This is a very conspicuous feature of Spartan life. You find it in our boxing matches, and also in our 'raids', which invariably lead to a severe whipping. There is also the 'Secret Service',[15] as it is called, which involves a great deal of hard work, and is a splendid exercise in endurance. In winter, its members go barefoot and sleep without bedclothes. They dispense with orderlies and look after themselves, ranging night and day over the whole country. Next, in the 'Naked Games', men display fantastic endurance, contending as they do with the full heat of summer. There are a great many other practices of the same kind, but if you produced a detailed list it would go on pretty well for ever.

ATHENIAN: You've put it all very well, my Spartan friend. But what is to be our *definition* of courage? Are we to define it simply in terms of a fight against fears and pains only, or

14. I.e. self-control, justice, good judgement.

15. An official organization of young Spartans, who had the job of keeping the Spartan slave class (helots) in subjection.