The Athenian now embarks on a long series of explanations, preambles and laws on a wide variety of topics. At first sight, his exposition is chaotic, but close examination of the sequence of his thought will show that this is simply the result of letting the subject in hand suggest a fresh one. For instance, at the end of §24, in dealing with the respect due to parents, he provides that a slave should be protected from injury in revenge for giving information against someone who has committed a crime. But this almost casual remark reminds him that he has not yet dealt fully with all types of injury, so he launches into a discussion of injuries inflicted by the use of drugs and charms, in order to fill this gap in his legislation. Sometimes he tries, somewhat laboriously, to justify a transition from one subject to another – as for example that from 'Lunacy' to 'Abuse' (p. 482). Such explanations are not simply literary devices to connect disparate subjects, but (I conjecture) the fruit of systematic analysis and classification carried on in the Academy. But some of his changes of subject are abrupt and quite unexplained, and there are passages that look like a mere series of jottings. However, the next three sections form reasonably coherent wholes and I have called them The Law of Property, Commercial Law and Family Law. Thereafter, no single theme appears to predominate, and I have been forced to call §25 'Miscellaneous Legislation'. Yet even this welter of regulations shows signs of being not entirely unplanned. The passage dealing with the Scrutineers, who investigate the conduct of other officials, comes naturally towards the end of the legislation; the discussion of relations with the outside world seems to have been reserved until this late stage in view of its relevance to the philosophical activities of the Nocturnal Council, which as the supreme power in the state is discussed last of all; and the rules for funerals appropriately round off the section and indeed the entire legal code.

§22. THE LAW OF PROPERTY

There is little in this section that needs special comment. It is concerned not with the inalienable estate, which has been dealt with earlier (§9), but with movable property – of which slaves, of course, are one kind (a point of view that was almost universal in the Greek world). The rules about freedmen are tougher than those of Attic law, noticeably in the provision for the summary arrest of a freedman who fails in his duties to his former master; Attic law permitted only a charge of delinquency under ordinary legal procedure. Plato clearly believes that however much a freedman may have deserved his emancipation, he still needs the rigorous treatment he received when a slave.

RESPECT FOR PROPERTY

ATHENIAN: The next subject needing to be reduced to due order will be our transactions with each other. I suppose something like this will serve as a general rule. Ideally, no one should touch my property or tamper with it, unless I have given him some sort of permission; and if I am sensible I shall treat the property of others with the same respect. BK XI 913

REMOVAL OF BURIED TREASURE

Let's take as our first example treasure which someone who was not one of my ancestors stored away for himself and his family. I should never pray to the gods to come across such a thing; and if I do, I must not disturb it nor tell the diviners, as they are called, who (I shall find) can always invent some reason for advising one to remove something deposited in the ground. The financial benefit I'd get from removing it could never rival what I'd gain by way of virtue and moral rectitude by leaving it alone; by preferring to have justice in my soul rather than money in my pocket, I'd get – treasure for treasure – the better bargain, and for a better part of myself, too.

'Hands off immovables'[1] is aptly applied to a great many situations, and this is one of them. And we should put our trust in the traditional view of such conduct – that it injures our descendants. Suppose a man takes no thought for his children and becomes indifferent to the legislator, and removes what neither he himself nor his father nor any of his fathers before him deposited, without the consent of the depositor; suppose he thus undermines the finest law there is, that simple rule of thumb, formulated as it was by a man of great nobility,[2] 'Don't pick up what you didn't put down' – well, when a man treats these *two* legislators[3] so contemptuously and picks up something he had not put down (and sometimes no bagatelle, either, but a huge treasure trove), what penalty should he suffer? God knows the penalty of heaven; but the first person to notice such an occurrence in the city should report it to the City-Wardens; if somewhere in the city's market, to the Market-Wardens; and if in some place in the
914 country, he should inform the Country-Wardens and their Chiefs. On receiving the information the state should send to Delphi and in submission to the oracles of the god do whatever he ordains about the objects and the person who removed them. If the informant is a free man, he should acquire a reputation for virtue, but

63. (a) if a free man fails to inform,
he must get a reputation for vice.

If the informant is a slave, then as a reward he will deservedly be presented with freedom by the state, which will give his master what he is worth, but

(b) if a slave fails to inform,
he must be punished by death.

REMOVAL OF PROPERTY IN GENERAL

The natural thing to do next is to apply this same rule to all objects, important or trivial. If a man leaves some piece of his own property somewhere, deliberately or inadvertently, any-

1. Cf. pp. 130 and 343. 2. Solon.
3. Solon and the Magnesian legislator.

one who finds it should let it be, on the assumption that such things are under the protection of the goddess of the wayside, to whom they are consecrated by law.

64. If in defiance of this rule someone picks up an object of no great value and takes it home, and

(a) he is a slave,
he should be soundly beaten by any passer-by who is not less than thirty years of age;

(b) if he is a free man,
in addition to being thought ungentlemanly and lawless, he must pay the person who left the article ten times its value.

If one man accuses another of being in possession of some piece of his own property, whether valuable or not, and the accused person admits he has it but denies that it belongs to the complainant, the latter should – if the object has been registered with the authorities according to law[4] – summon the person in possession of it before the authorities, and the possessor must produce it; then if on being presented for inspection it proves to have been recorded in the registers as the property of one of the disputants, the owner must take it and depart; but if it belongs to some other party not present, then whichever disputant furnishes a credit-worthy guarantor should exercise the absent party's right of removal and take the article away on his behalf for delivery into his possession. If on the other hand the article in dispute has not been registered with the authorities, it must be left with the three oldest officials pending settlement of the case; and if it is an animal that is thus kept in safe custody, the loser of the suit must pay the officials for its keep. The officials are to settle the case within three days.

THE TREATMENT OF SLAVES AND FREEDMEN

Anyone who wishes – provided he's in his right mind – may seize his own slave, and (within the permitted limits) treat

4. See p. 226.

him as he likes. He may also arrest a runaway slave, in order to stop him escaping, on behalf of a relative or friend. If anyone demands the release of someone who is being taken for a slave and arrested, the captor must let him go, but the releaser must furnish three credit-worthy sureties. On these terms and on no other the man may be released.

65. If a man secures a release except on these conditions, he must be liable to a charge of violence and if convicted,
915 *he must* pay to the captor twice the damages claimed in the suit.

Freedmen too may be arrested if they fail to perform their services to their manumittor, or perform them inadequately. (The services are these: three times a month a freedman must proceed to the home of his manumittor and offer to do anything lawful and practicable; and as regards marrying he must do whatever his former master thinks right.) He must not grow more wealthy than his manumittor; if he does, the excess must become the property of the master. The freedman must not stay in the state longer than twenty years, but like the other aliens[5] he must then take all his property and leave, unless he has gained permission from the authorities and his manumittor to remain. If a freedman or one of the other aliens acquires property in excess of the limit allowed the third property-class,[6] then within thirty days of this event he must pack up and be off, without any right to ask the authorities to extend his stay.

66. If a freedman disobeys these regulations and is taken to court and convicted,
he must be punished by death and his property confiscated by the state.

Such cases should be tried in the tribal courts, unless the litigants have previously settled their charges against each other before their neighbours – that is, judges they have chosen themselves.

5. See p. 354. 6. See pp. 214–15 and 226.

§23. COMMERCIAL LAW

Plato's trading regulations are all of a piece with what we have already learned of the economy of Magnesia (§§9, 15). *Commerce is to be reduced to the smallest possible compass; credit trading is to be discouraged by the rule that defaulters may not be prosecuted. The purpose of trade should be the redistribution of goods, not the maximization of the trader's profits. It looks as if Plato had at some time been stung by inn-keepers, and his indignant tirade against them sounds like a* cri de coeur.

THE LAW OF SALE AND EXCHANGE

If a man formally seizes as his own any animal or some other piece of property of any other man, the person in possession must return it to the warrantor or donor, provided the latter is suable and solvent, or to the person who validly transferred it to him by some other procedure. If he received it from a citizen or a resident alien, he must do so within thirty days; but if he took delivery from a complete alien, he must return it within the five months of which the third shall be the month in which the summer solstice occurs.

When one person makes an exchange with another by buying or selling, the transfer must be made by handing over the article in the appointed part of the market-place (and nowhere else), and by receiving the price on the nail; no payment for delivery later or sale on credit is to be allowed. If a man exchanges one thing for another in any other place or under any other arrangement, trusting to the honesty of the other party to the exchange, he must do so on the understanding that when sales are made other than under the rules now stated the law does not permit him to sue. (Anyone may collect contributions to clubs on a friendly basis, but if some disagreement arises over the collection he must do so on the understanding that in this business no one under any circumstances will be allowed to go to law.)

A seller of an article who receives a price of fifty drachmas or more must be obliged to remain in the state for ten days,
916 and the buyer (in view of the complaints that people are apt to make in this connexion, and so that, if necessary, restitution may be made according to law) must be informed of his address. Here are the rules under which legal restitution may be demanded or refused. If someone sells a slave suffering from consumption or stone or strangury or the so-called 'sacred' disease[1] or some other mental or physical complaint that is chronic and difficult to cure and which the ordinary man could not diagnose, and if the purchase was made by a doctor or trainer, or if the facts were pointed out before the time of sale, the buyer shall have no right to return him to the vendor. But if a layman is sold such a slave by a professional, the purchaser may return him within six months, except in the case of the 'sacred' disease, when the period for restitution is to be extended to a year. The case should be heard before a bench of three doctors appointed by joint nomination of the parties, and if the vendor loses he must pay twice the selling price. If a layman sells to a layman there should be a right of restitution and a hearing as in the previous instance, but the loser should pay only the simple price. If the slave is a murderer, and both buyer and seller are aware of the fact, there shall be no right of restitution for the purchase; but if the buyer acted in ignorance he shall have a right of restitution as soon as he realizes the situation, and the case should be tried before the five youngest Guardians of the Laws; if the vendor is judged to have known the facts, he must purify the house of the buyer under the Expounders' rules and pay him three times the price.

Anyone exchanging money for money or for anything else, animate or inanimate, should always give and receive full value as the law directs. Let's do as we did in other parts of our legislation and allow ourselves a preface dealing with the whole range of crimes that arise in this connexion.

Everyone should think of adulteration as essentially the same sort of thing as lying and deceit – which in fact people

1. Epilepsy.

commonly describe as quite respectable. But they are wrong to defend this sort of conduct as 'frequently justified, on appropriate occasions', because what they mean by the 'appropriate' place and occasion they leave vague and indefinite, and their dictum does nothing but harm both to themselves and to others. Now a legislator cannot afford to leave this vague: he must always lay down precise limits, however wide or narrow they may be. So let's define some limits now: a man must tell no lie, commit no deceit, and do no fraud in word or deed when he calls upon the gods, unless he wants to be thoroughly loathed by them – as 917
anyone is who snaps his fingers at them and swears false oaths, or (though they find this less offensive) tells lies in the presence of his superior. Now the 'superiors' of bad men are the good, and of the young their elders (usually) – which means that parents are the superiors of their offspring, men are (of course) the superiors of women and children, and rulers of their subjects. All these people in positions of authority deserve the respect of us all, and the authorities of the state deserve it in particular. This is in fact what prompted these remarks. Anyone who is so lacking in respect for men and reverence for the gods as to pull off some swindle of the market-place by swearing oaths and calling heaven to witness (even though the rules and warnings of the Market-Wardens stare him in the face), is a liar and a cheat. So in view of the low level of religious purity and holiness most of us generally achieve, let me emphasize what a good habit it is to think twice before taking the names of the gods in vain.

If any cases of disobedience arise, the following law should be invoked: the seller of any article in the market must never name two prices for his goods, but only one, and if he doesn't get it, he will (quite rightly) remove his wares without raising or lowering his price that day; and he must not push anything he has for sale, or take an oath on its quality.

67. If a man disobeys these regulations,
any citizen passing by, provided he is not less than thirty

years of age, should punish the taker of the oath and beat him with impunity.

68. If the passer-by ignores these instructions and disobeys them,

he must be liable to the reproach of having betrayed the laws.

If a man proves to be beyond persuasion by our present address and sells a faulty article, the passer-by who has the knowledge and ability to expose him should prove his case before the authorities, and, if a slave or resident alien, may then take the faulty article for himself; a citizen, however, should dedicate it to the gods of the market-place.

69. If a citizen fails to expose the offender,

he should be pronounced a rogue, as he has cheated the gods.

70. Anyone discovered selling such adulterated merchandise,

apart from being deprived of it, must be whipped (one lash for every drachma of the asking price of the object he was selling), after a herald has announced in the market-place the reason why the culprit is going to be flogged.

The Market-Wardens and the Guardians of the Laws, having ascertained from experts the details of the adulterations and malpractices of sellers, should record in writing rules which specify what vendors must and must not do; these regulations should then be inscribed on a pillar and displayed in front of the Market-Wardens' office for the information of those
918 who transact business in the market-place. (As for the City-Wardens, we have already given an adequate description of their duties,[2] but if it seems some additional rules are needed, the wardens should consult the Guardians of the Laws, write out what they think missing, and record both the new and the old rules of their office on a pillar in front of their quarters.)

RETAIL TRADE

Hard on the heels of tricks of adulteration come the practices of retail trade. First we should give a word of advice on the

2. See pp. 237–8.

whole subject, then lay down legislation for it. The natural function in the state of retail trading in general is not to do harm, but quite the opposite. When goods of any kind are distributed disproportionately and unequally, anyone who makes the distribution equal and even cannot fail to do good. It needs to be stated that this redistribution, in which money too plays an effective role, is precisely the purpose the trader is meant to serve. Hired labourers, inn-keepers and other workmen of varying degrees of respectability all perform the function of satisfying the needs of the community by ensuring an even distribution of goods. Why then is trading thought to be such a low and disreputable occupation? Why has it come to be so abused? Let's see if we can discover the reason, so that we can use our legislation to reform at any rate some branches of commerce, even if not the whole institution. This looks like an important task that calls for exceptional resource.

CLEINIAS: How do you mean?

ATHENIAN: My dear Cleinias, only a small part of mankind – a few highly-educated men of rare natural talent – is able to steel itself to moderation when assailed by various needs and desires; given the chance to get a lot of money, it's a rare bird that's sober enough to prefer a modest competence to wealth. Most people's inclinations are at the opposite pole: their demands are always violent demands, and they brush aside the opportunity of modest gain in favour of insatiable profiteering. That's why all branches of retailing, trade and inn-keeping suffer from abuse and extreme unpopularity. Now here's something I'm determined to mention, ludicrous though it is; it'll never happen, and Heaven help us if it did. But just picture to yourselves some eminently virtuous men forced for a time to go in for inn-keeping or retailing or some similar occupation, or some eminently virtuous women similarly forced by some stroke of fate to take up that kind of life. We'd soon realize how desirable and pleasing each of these trades really is, and if they were carried on according to honest standards we'd value them all as highly as we do our mother or our nurse. But what happens? A man goes off to some remote point on a road running through the middle of

919 nowhere and sets up his establishment to sell provisions; he receives the weary traveller with welcome lodging – peace and quiet for the victim of violent storms, cool refreshment for the sufferer from stifling heat – but then instead of greeting them as friends and offering them in addition to his hospitality some gifts as a token of good-will, he treats them like so many enemy prisoners that have fallen into his hands, and holds them up to ransom for a monstrously steep and iniquitous sum. It's these and similar swindles, which are practised in all branches of the trade, that have given the occupation of helping the worn-out traveller such a bad name, and in every case the legislator has to find a remedy. The old saying is quite right: it's difficult to fight against two enemies, especially when they are fundamentally different (as with diseases, for instance, and there are a lot of other examples). Our present battle is a case in point: it is a battle against two foes, wealth and poverty – wealth that corrupts our souls by luxury, poverty that drives us by distress into losing all sense of shame. So what remedy for this disease will be open to an enlightened community? First, it should keep its trading class as small as possible; second, trade should be made over to a class of people whose corruption will not harm the state unduly; third, some means must be found to prevent those engaging in such activities from slipping too easily into an utterly shameless and small-minded way of life.

After these remarks, our law on the subject should run like this, with Heaven's blessing: God is now re-establishing and re-founding Magnesia, and no inhabitant who holds one of the 5040 hearths must ever, willingly or otherwise, become a retailer or a wholesaler, or perform any service whatever for private individuals who are not his equals in status, with the exception of those services that a free man will naturally render to his father and mother and remoter ancestors, and to all free persons older than himself. Of course, it is not easy to lay down in a law precisely what is consistent with the dignity of a free man and what is not, and the point will have to be determined by those who have won distinctions for their aversion to the latter and devotion to the former. Anyone

who by some trick goes in for retail trading in a way forbidden to a gentleman[3] should be indicted by anyone who wishes before a court of judges with a high reputation for virtue, on a charge of disgracing his clan.

71. If he is judged to be sullying his paternal hearth by following an unworthy calling,

he must be imprisoned for a year and so be taught to refrain from such conduct.

72. If he does not then refrain, 920

he must be imprisoned for two years, and the period of imprisonment must be doubled indefinitely on each subsequent conviction.

Now for a second law: anyone who intends to go in for retail trading must be either a resident alien or a temporary visitor. Thirdly, as a third law, such people must behave with as much virtue and as little vice as possible while they share in the life of the state. To that end, the Guardians of the Laws must not simply be regarded as guardians of those whom it is easy to keep from wickedness and crime thanks to their good birth and education. There are those who do not enjoy such advantages, and need more careful supervision, because they engage in pursuits which are very powerful inducements to vice. So since retail trading is an occupation of great variety and embraces many cognate activities, the Guardians of the Laws must hold a meeting about it, or at any rate about such branches of it as they have concluded are unavoidable and essential to the state, after the others have been eliminated; and just as we ordered in the case of adulteration – a closely connected matter – experts in each branch should be in attendance. The meeting must see what ratio of expenditure to receipts will give the retailer a decent profit, and the ratio arrived at must be recorded in writing, put on display, and then imposed on the various traders by the Market-Wardens, City-Wardens and Country-Wardens. Perhaps thus retail trade will benefit the population at large and do minimum harm to those members of society who engage in it.

3. That is, I take it, a gentleman may sell wholesale to, and buy retail from, a trader; but he may not *be* a retail trader himself.

CONTRACTS

If a man fails to fulfil an agreed contract – unless he had contracted to do something forbidden by law or decree, or gave his consent under some iniquitous pressure, or was involuntarily prevented from fulfilling his contract because of some unlooked-for accident – an action for such an unfulfilled agreement should be brought in the tribal courts, if the parties have not previously been able to reconcile their differences before arbitrators (their neighbours, that is).

DEALINGS WITH CRAFTSMEN

The class of craftsmen who have enriched our lives by their arts and skills will have Athena and Hephaestus as its patrons, while Ares and Athena will be patrons of those who protect the products of these craftsmen by skills of a different order – the techniques of defence. (The consecration of this latter class to these gods is perfectly justified, in that both classes are in the continuous service of land and people, the latter by taking the lead in the struggles of war, the former by producing tools and goods in return for pay.) So if they respect their divine ancestors, they will think it a disgrace to break their word in a professional matter.

921 73. If one of the craftsmen culpably fails to complete his work within the stipulated time, out of disrespect for the god from whom he wins his bread, fondly thinking that he can count on the indulgence of the divinity with whom he has some personal relationship,

(a) *first he* will pay a penalty to the god,

(b) *and secondly*, under the provisions of the law applicable to his case, he must owe the price of the works of which he has cheated his employer, and perform his task all over again within the stipulated period, free of charge.

And the law will give the contractor for a work the same advice as it gave a seller,[4] not to take advantage by setting too

4. See p. 459.

high a price on his services, but to name their actual value without further ado. The contractor has precisely the same duty, because as a craftsman he knows what the job is worth. In a state of gentlemen a workman must never use his craft, which is at bottom accurate and straightforward, to take 'crafty' advantage of laymen, and anyone who is thus imposed upon shall be able to sue the culprit. But if anyone lets a contract to a workman and fails to pay him the price stipulated in a valid legal agreement, and snaps his fingers at those partners in our social framework, Zeus the patron of the state, and Athena, so that his delight at being in pocket wrecks the fundamental bonds of society, then the following law, with the backing of the gods, must reinforce the cohesion of the state:

74. (a) If a man takes delivery of a piece of work and fails to pay for it within the agreed time,

he must be charged double;

(b) if a whole year elapses,

then notwithstanding the rule that loans in general do not bear interest, he must pay an obol per drachma[5] for every month in arrear.

Actions in these cases should be brought before the tribal courts.

MILITARY 'CRAFTSMEN'

Now that we have broached the subject of craftsmen in general, we ought in all fairness to glance at those whose job it is to keep us safe in war, such as generals and other experts in military techniques. These persons are just as much craftsmen as ordinary workmen, though of a different kind, so when one of them undertakes some public task, voluntarily or under orders, and performs it well, the law will never tire of praising anyone who pays him the honour he deserves – honour being in effect a military man's pay. But if anyone receives the benefit of some splendid military action and fails to pay that price, the law will censure him. For the benefit of the military,

5. I.e. 200 per cent per annum (6 obols = 1 drachma). Contrast p. 211.

then, let us enact the following regulation-cum-commendation, by way of advising rather than compelling the people at
922 large. Those fine men who safeguard the whole state either by exploits of valour or by military expertise must be accorded honour – but honour of the second rank, because the highest honour should be given first and foremost to those who have proved conspicuously conscientious in respecting the written regulations of the good legislator.

§24. FAMILY LAW

Plato's law of the family is mostly taken from Attic law, with interesting and significant modifications dictated by the peculiar conditions of Magnesia: for a handy summary, see G. R. Morrow, Plato's Cretan City, *120–21, 202–3. The polemic against freedom of testamentary disposition is a good example of Plato's desire to regulate the life of the individual in its most intimate details.*

MAKING A WILL

ATHENIAN: We've now pretty well completed our provisions for the most important agreements that men make with each other, with the exception of those relating to orphans and the care and attention due to them from their guardians. So now we've more or less provided for the first topic, here's the next thing on which we are obliged to impose some sort of order. All our regulations must start from two basic facts: (a) people at the point of death like to settle their affairs by a will, (b) sometimes, by chance, they die intestate. What a difficult and contentious business it is, Cleinias! That's what I had in mind when I said we were 'obliged' to deal with it: to leave it unregulated is quite out of the question. If you allow a will unchallengeable validity whatever condition a man near the end of his life may have been in when he drew it up, he might make any number of mutually inconsistent provisions that contradicted not only the spirit of the laws but also the inclinations of those who survive him, and indeed his own earlier intentions before he set out to make his will. After all, most of us, when we think death is at hand, just go to pieces and can't think straight.

CLEINIAS: How do you mean, sir?

ATHENIAN: When a man is about to die, Cleinias, he becomes refractory, and keeps harping on a principle that spreads alarm and despondency among legislators.