and absolutely no fine or penalty that a man can pay must be excluded from consideration.

If ill-treatment prevents a parent from complaining, any free man who discovers the situation should alert the authorities.

82. If he does not,
he must be regarded as a scoundrel and be liable to a suit for damage at the hands of anyone who wishes.

If the informant is a slave, he should be given his freedom; if he belongs to the criminal or his victim, he must be released by the authorities; and if he belongs to some other citizen, the public treasury is to see that the owner is reimbursed. Official action must be taken to stop anyone injuring him in revenge for giving information.

§25. MISCELLANEOUS LEGISLATION

It is difficult to say anything useful about this section as a whole, though the individual topics are full of interest. (For the structure of the section, see my discussion on p. 448.) Perhaps the most important topic is the Scrutineers, who investigate and if necessary punish the conduct of an official at the end of his term. Scrutineers were known in the Athenian democracy, but Plato considerably extends the dignity and powers of the office (see G. R. Morrow, Plato's Cretan City, *219 ff). They form a vital part of his system of constitutional checks and balances.*

NON-FATAL INJURIES BY DRUGS AND CHARMS

We have already dealt with *fatal* injuries inflicted by the use of drugs,[1] but we have not yet discussed any of the less harmful cases of voluntary and premeditated injury, inflicted by giving food or drink or by applying ointments. Full treatment of the question is hindered by the fact that so far as human beings are concerned, poisoning is of two kinds. First there is the sort we have just explicitly mentioned: the injury a body suffers from some physical substance by natural 933
processes. The other kind is a matter of spells and charms and 'enchantments': not only are the victims persuaded that they are being seriously injured by people with magic influence, but even the perpetrators themselves are convinced that it really is in their power to inflict injury by these methods. It is not easy to know the truth about these and similar practices, and even if one were to find out, it would be difficult to convince others; and it is just not worth the effort to try to persuade people whose heads are full of mutual suspicion, that even if they do sometimes catch sight of a moulded waxen figure in a doorway or at a junction of three

1. See p. 378.

roads or on their parent's grave, they should ignore it every time, because they cannot be sure these things work. All this means that our law about drugs must be a double law, reflecting the two methods by which poisoning may be attempted. But first, by entreaty, exhortation and advice, we'll explain that no such thing should ever be attempted, that one should not alarm and terrify the common man, like an impressionable child, and that legislators and judges should not be put to the necessity of curing men of such fears. We shall point out for a start that unless the person who tries to use poison happens to be a diviner or soothsayer, he acts in ignorance of how his spells will turn out, and unless he happens to be an expert in medicine, he acts in ignorance of the effect he will have on the body. So the wording of our law about the use of poisons should be as follows:

83. (a) If a doctor poisons a man without doing either him or any member of his household fatal injury, or injures his cattle or bees (fatally or otherwise), and is found guilty on a charge of poisoning,

he must be punished by death.

(b) If the culprit is a layman,

the court is to decide the proper penalty or fine to be inflicted in his case.

84. (a) If a diviner or soothsayer is deemed to be in effect injuring someone, by spells or incantations or charms or any other poison of that kind whatever,

he must die.

(b) If someone with no knowledge of divination is found guilty of this kind of poisoning,

the same procedure is to be followed as with the other laymen [83.(b)] – that is, the court is to decide what it thinks is the appropriate penalty or fine for him to pay.

THE PURPOSE OF PUNISHMENT

When one man harms another by theft or violence and the damage is extensive, the indemnity he pays to the injured

party should be large, but smaller if the damage is comparatively trivial. The cardinal rule should be that in every case the sum is to vary in proportion to the damage done, so that the loss is made good. And each offender is to pay an additional penalty appropriate to his crime, to encourage him to reform. Thus if a man has been led to do wrong by the 934
folly of someone else, being over-persuaded because of his youth or some similar reason, his penalty should tend to be light; but it is to be heavier when his offence is due to his own folly and inability to control his feelings of pleasure and pain – as when he has fallen victim to cowardice and fear, or some deep-rooted jealousy or lust or fury. This additional penalty is to be inflicted not because of the crime (what's done can't be undone), but for the sake of the future: we hope that the offender himself and those that observe his punishment will either be brought to loathe injustice unreservedly or at any rate recover appreciably from this disastrous disease.[2] All these reasons and considerations make it necessary for the law to aim, like a good archer, at a penalty that will both reflect the magnitude of the crime and fully indemnify the victim. The judge has the same aim, and when he is faced by his legal duty of assessing what penalty or fine the defendant must pay, he must follow closely in the legislator's footsteps; and the latter must turn himself into a sort of artist and sketch some specimen measures consistent with his written prescriptions. That, Cleinias and Megillus, is the job to which we must now devote our best efforts; we have to describe what type of penalty is called for in all categories of theft and violence – granted, of course, that the gods and children of gods are prepared to see us legislate in this field.

LUNACY

Lunatics must not be allowed to appear in public; their relations must keep them in custody in private houses by whatever means they can improvise.

2. Cf. p. 357 for the medical terminology.

85. If they fail to do so,
they must pay a fine: 100 drachmas for a member of the highest property-class (whether it is a slave or a free man that he fails to keep an eye on), eighty for a member of the second class, sixty for the third, and forty for the lowest.

ABUSE

There are several kinds of madness, brought on by several causes. The cases we have just mentioned are the result of illness, but there are some people with an unfortunate natural irritability, made worse by poor discipline, who in any trivial quarrel will shout their heads off in mutual abuse. Such a thing is highly improper in a well-run state. So this single law should apply to all cases of defamation: no one is to defame anybody. If you are having an argument you should listen to your opponent's case, and put your own to him and the audience, without making any defamatory remarks at all. When men take to damning and cursing each other and to calling one another rude names in the shrill tones of women,
935 these mere words, empty though they are, soon lead to real hatreds and quarrels of the most serious kind. In gratifying his ugly emotion, anger, and in thus disgracefully stoking the fires of his fury, the speaker drives back into primitive savagery a side of his character that was once civilized by education, and such a splenetic life makes him no better than a wild beast; bitter indeed, he finds, are the pleasures of anger. Besides, on such occasions all men are usually quick to resort to ridicule of their opponents, and no one who has indulged that habit has ever acquired the slightest sense of responsibility or remained faithful to many of his principles. That is why no one must ever breathe a word of ridicule in a temple or at a public sacrifice or at the games or in the market-place or in court or in any public gathering, and the relevant official must always punish such offences.

86. If he fails to do so,
he must be disqualified from competing for awards of merit,

as being a man who disregards the laws and fails to perform the duties imposed upon him by the legislator.

87. If in other localities someone fails to refrain from abusive language, whether he resorts to it first or by way of reply,
the passer-by, provided he is older than the offender, should lend his support to the law and eject by force this fellow who has shown such indulgence to anger, that bad companion.

88. If the passer-by fails to do so,
he must be liable to the appointed penalty.

THE CENSORSHIP OF COMEDIES

The view we are putting forward now is that when a man is enbroiled in a slanging-match he is incapable of carrying on the dispute without trying to make funny remarks, and when such conduct is motivated by anger we censure it. Well then, what does this imply? That we are prepared to tolerate a comedian's eagerness to raise a laugh against people, provided that when he sets about ridiculing our citizens in his comedies, he is not inspired by anger? Or shall we divide comedy into two kinds, according to whether it is *good-natured* or not? Then we could allow the playful comedian to joke about something, without anger, but forbid, as we've indicated, anyone whatever to do so if he is in deadly earnest and shows animosity. We must certainly insist on this stipulation about anger; but we still have to lay down by law who ought to receive permission for ridicule and who not. No composer of comedies, or of songs or iambic verse, must ever be allowed to ridicule either by description or by impersonation any citizen whatever, with or without rancour. Anyone who disobeys this rule must be ejected from the country that same day by the presidents of the games.

89. If the latter fail to take this action, 936
they must be fined 300 drachmas, to be dedicated to the god in whose honour the festival is being held.

Those who have earlier[3] been licensed to compose verse against each other should be allowed to poke fun at people, not in savage earnest, but in a playful spirit and without rancour. The distinction between the two kinds must be left to the minister with overall responsibility for the education of the young; an author may put before the public anything the minister approves of, but if it is censored, the author must not perform it to anyone personally nor be found to have trained someone else to do so, whether a free man or a slave.

90. If he does,
he must get the reputation of being a scoundrel and an enemy of the laws.

BEGGARS

It is not the starving *tout court* or the similarly afflicted who deserve sympathy, but the man who in spite of his moderation or some other virtue or progress towards it, nevertheless experiences some misfortune. That being so, it will be a matter for surprise if a virtuous person, whether slave or free, even if the state and society he lives in is run with only average skill, is ever so grossly neglected as to be reduced to abject poverty. So the legislator will be quite safe if he lays down a law running more or less like this. No one is to go begging in the state. Anyone who attempts to do so, and scrounges a living by never-ending importunities, must be expelled from the market by the Market-Wardens, from the city by the City-Wardens, and from the surrounding country conducted by the Country-Wardens across the border, so that the land may rid itself completely of such a creature.

DAMAGE BY SLAVES

If a slave man or woman damages any piece of someone else's property, then provided the person who suffers the loss was not himself partly to blame because of inexperience or careless conduct, the slave's owner must either make good the damage

3. See p. 310.

in full, or hand over the actual offender. But if the owner counter-claims that the prosecution has been brought as a result of the injured person and the culprit putting their heads together to rob him of his slave, he must sue the allegedly injured party on a charge of collusion. If he wins the day, he is to receive twice the value of the slave as assessed by the court.

91. If he loses,
he must both make good the damage and hand over the slave.

92. If a beast of burden or a horse or dog or some other animal damages a piece of a neighbour's property,
its owner is to pay for the damage on the same basis.

FURTHER RULES OF LEGAL PROCEDURE

If anyone deliberately refuses to appear as a witness, the person who needs his evidence must serve a summons on him; and on being duly summoned the man is to present himself at the trial. If he knows something and is prepared to testify, he should give evidence accordingly; if he claims he knows nothing, he must swear an oath to three gods, Zeus, Apollo and Themis, to the effect that quite definitely he has no information, and thus be dismissed from the proceedings. 937
If a man is summoned to give evidence and fails to answer the summons, he must be liable by law to a suit for damage. No juryman is to vote in a trial in which he has been put up as a witness and given evidence. A free woman is to be allowed to support a case by giving evidence, provided she is over forty years of age, and to bring prosecutions, provided she has no husband; but if she has a husband living, she must be limited to acting as a witness. Slaves (male and female), and children, should be allowed to support a case by giving evidence, but only in a trial for murder and provided a credit-worthy surety is put up to guarantee their appearance at the trial[4] if their evidence is objected to as false. If either

4. Not the murder trial itself, but one held to determine the truth of a witness's evidence when it has been disputed at an earlier hearing of the case.

disputant claims someone has borne false witness, he should enter an objection to all or part of the testimony before a verdict in the case is decided on. The objections, under the seal of both parties, should be placed in official custody and produced at the trial for perjury. If anyone is convicted twice on this charge, he may not be *compelled* under any law to bear witness again; if he is convicted a third time, he must never be *allowed* to be a witness in the future; and if he does have the face to give testimony on a further occasion after a third conviction, anyone who wishes should report him to the authorities, who should haul him before a court.

93. If he is found guilty,
he must be punished by death.

When a court decides to throw out evidence on the ground that the winning side has triumphed because certain witnesses have perjured themselves, and more than half the evidence is condemned, the suit lost on the strength of it should come up for retrial, and after due inquiry a ruling should be given that the false evidence was, or was not, the decisive influence on the verdict; and this ruling, whichever way it goes, will automatically settle the original action.

UNSCRUPULOUS ADVOCACY

Although human life is graced by many fine institutions, most of them have their own evil genius, so to speak, which pollutes and corrupts them. Take justice, for instance, which has civilized so much of our behaviour: how could it fail to be a blessing to human society? And granted justice is a blessing, can advocacy fail to be a blessing too? But valuable though they are, both these institutions have a bad name. There is a certain kind of immoral practice, grandly masquerading as a 'skill', which proceeds on the assumption that a technique exists – itself, in fact – of conducting one's own suits and pleading those of others, which can win the day regardless of the rights and wrongs of the individual case; and that this
938 skill itself and the speeches composed with its help are

available free – free, that is, to anyone offering a consideration in return.[5] Now it is absolutely vital that this skill – if it really is a skill, and not just a knack born of casual trial and error – should not be allowed to grow up in our state if we can prevent it. The lawgiver will have nothing to say to those who obey his command that one should either listen to justice and not contradict her, or leave for some other country; but if anyone disobeys him, the law shall pronounce as follows: if anyone seems to be trying to misrepresent to the judges where the course of justice lies, and to enter one plea after another in support of either his own or someone else's case, when equity would call a halt, then anyone who wishes should indict him on a charge of perverse pleading or criminal advocacy. He should be tried in the court of select judges and if he is found guilty the court should decide whether it thinks his motive is avarice or pugnacity.

94. (a) If the court believes his motive is pugnacity,
it must determine how long he must refrain from prosecuting anyone or helping someone else to do so.

(b) If the motive appears to be avarice,
(i) *a foreigner* must leave the country and never return, on pain of death;
(ii) *a citizen* must die, for letting a love of money become the obsession of his life.

95. If a man is convicted twice of committing such an offence through pugnacity,
he must die.

OFFENCES COMMITTED BY MEMBERS OF DIPLOMATIC MISSIONS

If a man passes himself off as an ambassador or herald of the BK XII
state and enters into unauthorized negotiations with a foreign 941
power, or, when actually sent on such a mission, delivers a message other than the one with which he was sent – or contrariwise if he is shown to have misreported, in his

5. A sarcastic attack on professional speech-writers.

capacity as an ambassador or herald, the communications which enemy or friendly states have given him, he must be open to prosecution for violating the law by impiety against the pronouncements and instructions of Hermes and Zeus.

96. If he is convicted,
the penalty or fine he must pay will have to be assessed.

THEFT OF PUBLIC PROPERTY

Theft of property is uncivilized, and robbery with violence an act of brazen insolence. The sons of Zeus take no pleasure in fraud and force, and none of them has ever committed either of these crimes. So no one who commits such an offence should be seduced into believing the lies of poets or other story-tellers: the thief or thug mustn't think 'There's no shame in this – after all, the gods do it themselves.' That is neither plausible nor true, and no one who breaks the law by such an act can possibly be a god or child of gods. The lawgiver is in a much better position to understand these things than all the poets in the world. Anyone who is convinced by this doctrine of ours is a happy man, and long may he so continue; but anyone who refuses to listen should have some such law as this to contend with: all theft of public property, great or small, should attract the same punishment. The desire of the pilferer is just the same as any other thief's – it's only the *intensity* of it that's less; whereas anyone who makes off with some valuable object he did not deposit[6] indulges his criminal tendencies to the full. In the eyes of the law, the one deserves a lighter penalty than the other not because of the amount of the theft, but because he is probably curable while the other is not. Thus

97. (a) if anyone successfully prosecutes in court a foreigner or slave on a charge of theft of some piece of public property,
a decision must be reached as to the fine or penalty he should pay in view of the fact that he can probably be cured.

6. Cf. pp. 346 and 450.

(b) If a citizen, in spite of the education he will have 942
enjoyed, is convicted of plundering or attacking his fatherland, whether he is caught in the act or not,
he must be punished by death, as being virtually beyond cure.[7]

MILITARY SERVICE

Military service is a subject on which we need to give a great deal of advice and have a large number of regulations. The vital point is that no one, man or woman, must ever be left without someone in charge of him; nobody must get into the habit of acting alone and independently, either in sham fighting[8] or the real thing, and in peace and war alike we must give our constant attention and obedience to our leader, submitting to his guidance even in tiny details. When the order is given we should stand, march, exercise, wash, feed, stay awake at night on duty as guards or messengers, and even in the midst of dangers not pursue the enemy or yield without a sign from our commander. In short, we must condition ourselves to an instinctive rejection of the very notion of doing anything without our companions; we must live a life in which we never do anything, if possible, except by combined and united action as members of a group. No better or more powerful or efficient weapon exists for ensuring safety and final victory in war, and never will. This is what we must practise in peacetime, right from childhood – the exercise of authority over others and submission to them in turn. Freedom from control must be uncompromisingly eliminated from the life of all men, and of all the animals under their domination.

In particular, all choruses[9] should be calculated to encourage prowess in the field, and for the same reason people must learn to put a brave and cheerful face on it when they have to put up with poor food and drink, extreme cold and heat, and rough bedding. Most importantly, they must not ruin the

7. Cf. pp. 357–8 and 372; contrast p. 362 for the penalty.
8. See pp. 322–5, and especially the 'war-games' on p. 322.
9. On 'choruses' see note on pp. 84–5.

natural powers of head and feet by wrapping them round with artificial protection, so discouraging the spontaneous growth of the cap and shoes that nature provides. When these two extremities are in sound condition they help to keep the whole body at the peak of efficiency, whereas their ruin is its ruin too. The feet are the most willing servants the body has, and the head is the organ of supreme control, the natural seat of all the principal senses of the body.

943 That's the praise of military life that ought, in my view, to ring in a young man's ears. Here are the regulations. When a man is called up, or detailed for some special duty, he is obliged to perform his military service. If he is a coward and fails to present himself, without the permission of his commanders, a prosecution for failure to serve should be brought before the military authorities after return from the field. Such cases must be judged by the soldiers who have fought in the campaign; the various categories (infantry, cavalry and the other branches of the armed forces) should meet separately, infantrymen being brought before infantrymen, cavalrymen before cavalrymen, and the others before their own comrades similarly.

98. If a defendant is found guilty,
  (a) *he must* in future be debarred from
    (i) competing for any kind of military distinction,
    (ii) bringing a charge against anyone else for refusing to perform military service, and
  (b) *the court* must assess the additional penalty or fine he is to pay.

Afterwards, when the charges of refusal to serve have been decided, the commanders must reconvene each arm of the forces and in the presence of the candidates' fellow soldiers seek decisions on those applying for awards of distinction. Supporting statements by eye-witnesses and other evidence adduced by the candidates must not relate to any previous campaign, but only to the one they have just fought. The prize in each case is to be a wreath of olive, which the winner should take to the temple of whichever god of war he pleases

and dedicate it, suitably inscribed, as life-long evidence that the first, second or third prize was awarded to him.

If a man does go on active service, but returns home before the commanders withdraw the troops, he should be prosecuted on a charge of desertion before the same court as is concerned with refusal of service.

99. If he is found guilty,
the same penalties should apply as before [98].

ABANDONMENT OF WEAPONS

Naturally, everyone who brings a prosecution ought to be very wary of inflicting an unjustified punishment, whether in cold blood or by accident. Justice is said[10] – and well said – to be the daughter of Respect, and both are the natural scourges of falsehood. So in general we must be careful not to offend against justice, and particularly as regards the abandonment of weapons in the field: we mustn't reproach an enforced abandonment in mistake for an ignominious one, and so bring prosecutions as undeserved as the accused are undeserving of them. Although it is by no means easy to tell the two cases apart, a rough and ready distinction must be 944 attempted in the legal code. We can explain the point with the help of a story. If Patroclus had pulled round after being carried to his tent without his weapons (as has happened in thousands of other cases) – the weapons which the poet tells us were presented to Peleus by the gods as a dowry when he married Thetis, and which had been taken by Hector – then it would have been open to all the scoundrels of the time to reproach the son of Menoetius for abandoning his arms.[11] Again, sometimes men have lost their weapons because of being thrown down from a height, or when at sea, or when suddenly caught up by a tremendous onrush of water during their struggles in a storm. There are countless similar circum-

10. Hesiod, *Works and Days*, 254 ff., expresses broadly these sentiments.
11. See Homer, *Iliad* XVI *fin.*, XVII 125 ff., XVIII 78 ff. In the Trojan war, Patroclus, son of Menoetius and companion of Achilles, while wearing the armour of Achilles' father Peleus, was killed by Hector.

stances one could plausibly adduce to excuse and palliate a disaster that positively invites denigration. So we must do our best to distinguish the more serious and reprehensible disasters from the other kind, and in a rough and ready way the distinction can be expressed by varying our expressions of rebuke. Thus 'he *abandoned* his shield' can sometimes be properly replaced by 'he *lost* his weapons'. When you are robbed of your shield with some force, you have not 'abandoned' it in the same way as if you had thrown it away deliberately: the two cases are fundamentally different. The distinction should be written into the legal code in the following terms:

If a man finds the enemy at his heels and instead of turning round and defending himself with the weapons he has, deliberately lets them drop or throws them away, preferring a coward's life of shame to the glorious and blessed death of a hero, then there should certainly be a penalty for losing his weapons by abandonment. But when he has lost his weapons in the other way we've described the judge must not fail to take the fact into account. It is the criminal you need to punish, to reform him, not someone who's simply been unlucky – that's useless. So what will be the right penalty when someone has made good his escape by throwing away the weapons that could have protected him? Unfortunately, it's beyond the power of man to do the opposite of what people say some god did to Caeneus of Thessaly – that is, change him from a woman into a man. If only we could inflict the reverse transformation, from man to woman, that would be, in a sense, the most appropriate punishment for a man who has thrown away his shield. But what we *can* do is to reward him for saving his skin by giving him the closest possible approximation to such a penalty: we can make him spend the rest of his days in utter safety, so that he lives with his ghastly disgrace for as long as possible. Here's the law that will deal with such people:

100. If a man is convicted on a charge of shamefully dropping his weapons of war,

(a) *no general* or any other army officer must employ him as a soldier again, or appoint him to any position 945
whatever;

(b) *and in addition* to being thus permitted, like the woman he is by nature, to avoid the risks that only men can run, the guilty man must also pay a sum of money: 1,000 drachmas if he belongs to the highest property-class, 500 if to the second, 300 if to the third, and 100 if to the lowest.[12]

101. If an officer disobeys and posts the coward again, *the officer's* Scrutineer is to condemn him to pay the same fine: 1,000 drachmas if he belongs to the highest property-class, 500 if to the second, 300 if to the third, and 100 if to the fourth.

THE NEED FOR SCRUTINEERS

Well then, what will be the proper policy for us to adopt on the subject of Scrutineers? So far, we simply have a corps of officials, some appointed for a single year by the luck of the draw, others chosen from a preliminary slate of selected candidates to serve for several years. What if one of them proves so inadequate to the dignity and weight of his office that he gets 'out of true' and does something crooked? Who will be capable of making a man like that go straight again? It is desperately difficult to find someone of high moral standards to exercise authority over the authorities, so to speak, but try we must. So where are our god-like 'straighteners' to be found? The point is this: a state has many crucial parts that prevent it from disintegrating, just as a ship has its stays and bracing ropes and a body its tendons and associated sinews. (Features of this kind are a very widespread phenomenon, and in spite of the many different names we give them in different contexts, they are basically the same sort of thing.) Now the office of Scrutineer is the single most crucial factor determining whether a state survives or disintegrates. If the Scrutineers are better men than the officials they

12. In Plato's text the regulation I have called 100(b) comes *after* 101.

scrutinize, and display irreproachable impartiality and integrity, the entire state and country flourishes and prospers. But if their investigation of the officials is conducted badly, then the sense of justice that unites all the interests in the state is destroyed, with the result that all the officials go their different ways and refuse to pull together any longer; they fragment the state into lots of smaller states by filling it with the party-strife that so speedily wrecks it. That is why it is absolutely vital that the moral standards of the Scrutineers should be exemplary. So let's try to produce these officials by some such procedure as this:

THE ELECTION AND DUTIES OF THE SCRUTINEERS

Every year after the summer solstice the entire state should congregate in a precinct dedicated jointly to Apollo and the Sun, in order to present to the god three out of their number.
946 Each citizen is to propose that person, apart from himself, whom he believes to be perfect in every way; the candidate is to be at least fifty years of age. This preliminary list should be divided into two halves (on the assumption that the total is an even number; if not, the person with the fewest votes should be excluded before the division is made), and the half consisting of those with the most votes should be selected to proceed to the next stage after the other half with fewer votes have been eliminated. If some names receive the same number of votes, so that the selected candidates are too numerous, the excess should be removed by eliminating the youngest candidates. The selected candidates that remain should be voted for again until only three are left, each with a different number of votes. If two of them, or all three, attract equal support, then the decision should be left to chance and the gods of good luck: the first, second and third choices must be determined by lot, crowned with olive and given the rewards of their success. Next, a public proclamation must be made to the effect that the state of the Magnesians, now by the grace of God securely re-established, presents to the Sun-god her

three best men; and these, her choicest fruits, in accordance with the law of old, she consecrates for the term of their judicial office as a joint gift to Apollo and the Sun. In the first year twelve such Scrutineers are to be appointed, each to retain office till the age of seventy-five; thereafter three more are to be added every year.

The Scrutineers are to divide all the officials into twelve groups and look into their conduct by making all such inquiries as are consistent with the dignity of a gentleman. During their period of office as Scrutineers they are to live in the precinct of Apollo and the Sun where they were elected. When they have sat in judgement, either privately and individually, or in association with colleagues, on those at the end of their term of office in the service of the state, they must make known, by posting written notice in the market-place, what penalty or fine in their opinion each official ought to pay. Any official who refuses to admit that he has been judged impartially should haul the Scrutineers before the Select Judges, and if he is deemed innocent of the accusations he should accuse the Scrutineers themselves, if he so wishes. But

102. if he is convicted, and

(a) the Scrutineers had decided on death as his penalty, *he must* die (a penalty which in the nature of the case cannot be increased); but

(b) if his penalty is one that it is possible to double, *then double* he must pay.

Now we ought to hear about the scrutiny of the Scrutineers themselves. What will it be, and how will it be organized?

During their lifetime these men, whom the whole state has thought fit to dignify with the highest honours, should sit in 947
the front seat at all the festivals; moreover, when the Greeks assemble to perform sacrifices or see spectacles together, or congregate for other sacred purposes, the leaders of the delegations sent by the state should be chosen from the Scrutineers; and the Scrutineers are to be the only citizens whose heads may be graced by a crown of laurel. They should

all be priests of Apollo and the Sun; the chief priesthood should be an annual office, held by the Scrutineer who has come top of the list of those appointed that year – which must be recorded under his name, so as to provide a framework for the calendar for as long as the state endures.

THE FUNERAL OF A SCRUTINEER

After the death of a Scrutineer, his laying-out, his last journey and his tomb must be on a grander scale than for ordinary citizens. All cloth used must be white, dirges and laments must be banned, and a chorus of fifteen girls and another of fifteen youths must stand one on each side of the bier and sing alternately a kind of hymn of praise to the dead priest, celebrating his glory in song throughout the day. As dawn comes up the following day the bier shall be taken to the tomb escorted by 100 of the youths who attend the gymnasia, chosen by the relatives of the dead man. In front must go the young men who are as yet unmarried, each rigged out in his own military equipment; the cavalry should bring their horses, the infantry their weapons, and so on. Around the bier itself, towards the front, will be boys chanting the traditional strains, followed by girls, and women who have finished bearing children. The Priests and Priestesses will bring up the rear; they are of course banned from other funerals, but provided the oracle at Delphi also approves, they shall attend this one, as it will not defile them. The Scrutineer's tomb shall be an oblong crypt built of choice stone of the most indestructible kind obtainable; in this, on benches of stone set side by side, they will lay him who has gone to his reward. On top of the tomb they will pile a circular mound, and plant a sacred grove of trees around it – except on one side, to allow for the indefinite extension of the tomb, where more earth will have to be piled up to cover subsequent burials. Every year the citizens will hold competitions in the Scrutineers' honour, one athletic, one equestrian, and one of the arts. All these honours will be bestowed on Scrutineers whose conduct has borne scrutiny.

PROSECUTIONS OF SCRUTINEERS

If a Scrutineer relies on his election to protect him and goes to the bad, thus showing he's only too human after all, the law will order a charge to be brought against him by anyone who feels inclined to prosecute. The trial should be held in court according to the following procedure. Guardians of the Laws, 948
and all the Scrutineers, active or retired, must sit in conjunction with the court of the Select Judges, and the charge brought by the prosecutor against the defendant must be to the effect that 'so-and-so is a disgrace to his distinctions and his office'.

103. If the defendant is convicted,
he must be ejected from his office, denied the special tomb, and stripped of the honours he has already received.

104. If the prosecutor fails to win one fifth of the votes,
he must pay a fine of 1200 drachmas if he belongs to the highest property-class, 800 if to the second, 300 if to the third, and 200 if to the lowest.

OATHS

Rhadamanthus should be admired for the way in which, according to report, he decided the suits that came before him. He realized that his contemporaries were absolutely convinced of the existence of gods – and not surprisingly, as most people alive then were actually descended from them, and this is traditionally true of Rhadamanthus himself. I suppose it was because he thought that no mere man should be given the task of judging, but only gods, that he managed to make his judgements so swift and straightforward. Whatever the subject of dispute, he let the litigants take an oath,[12a] a device which enabled him to get through his list of cases rapidly and without making mistakes. Nowadays, however, some people (as we remarked) don't believe in gods at all, while others believe they are not concerned about mankind; and there are

12a. One, the guilty, would *decline* it, since gods punish perjurers.