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.

others – the worst and most numerous category – who hold that in return for a miserable sacrifice here and a little flattery there, the gods will help them to steal enormous sums of money and rescue them from all sorts of heavy penalties. So in the modern world the legal procedure used by Rhadamanthus will hardly do. The climate of opinion about the gods has changed, so the law must change too, and a legislator who knows his business ought to abolish the oaths sworn by each side in a law-suit. When a man brings a charge against someone, he should put his accusations in writing without taking an oath; the defendant should similarly write out his denial and hand it to the officials unsworn. It would be dreadful, you see, to know quite well, in view of the frequent law-suits that occur in the state, that although pretty nearly half our citizens[13] have perjured themselves, they go on mixing with each other at common meals and other public and private gatherings without the slightest qualms.

There should therefore be a law requiring a juryman to take an oath before setting about his job. The law should also apply to anyone who votes in the election of officials to public positions: he must do so either under oath or with a ballot-
949 pebble he has obtained from a temple; so too should the judge of a chorus or any other artistic performance, and also the supervisor or umpire of any athletic or equestrian competition – and indeed the judge in any matter where there is nothing to 'gain' (as it seems to human eyes[14]) from perjury. But whenever there is clearly much to be 'gained' from denials and oaths to back them up, then the question at issue between the disputants must be judged at a trial in which oaths are *not* taken.

And more generally, the presiding officials at a trial are not to give a man a hearing if he tries to win belief by swearing oaths, or imprecating himself or his family, or by grovelling appeals for clemency, or effeminate wailing, but only if he states his lawful claims, and listens to those of the other side, with decency and decorum. Otherwise, the officials will

13. Or perhaps 'half the litigants'.
14. I.e. injustice is not really 'gain' at all. Cf. p. 449.

ignore his remarks as irrelevant and instruct him to return to the issue before the court.

However, aliens should be entitled, as at present, to offer and accept binding oaths from each other, if they so wish – after all, they're not going to grow old in the state, nor, as a rule, build a nest in it to produce others entitled to live in the country and behave in the same way as themselves. And whenever an alien prosecutes an alien, the trial should be held under the same rules.[15]

REFUSAL TO CONTRIBUTE TO PUBLIC EXPENSES

Sometimes a free man may defy the state in something not serious enough to deserve a whipping or imprisonment or death – by refusing to take part in a chorus or procession, for instance, or some public ceremony, or to pay some contribution for such communal purposes as a sacrifice in time of peace, or a special levy in war. The first thing to be done in all these cases is to assess the damages; then the culprit is to give a pledge to those officials who have the duty of exacting it under the law of the land. If he still refuses to obey even after the seizure of the pledge, it should be sold and the proceeds confiscated by the state. If a more severe punishment is called for, the official concerned shall impose the appropriate fine on this stubborn fellow and haul him through the courts until he's prepared to do as he's told.

RELATIONS WITH THE OUTSIDE WORLD

A state which does not go in for trading and whose only source of wealth is the soil is obliged to have some settled policy regarding the foreign travel of its own citizens and the admission of aliens from abroad. The legislator, who has to give advice on these problems, must start by being as persuasive as he can.

In the nature of the case, contact between state and state

15. The same general rules as in citizens' trials, I take it.

produces a medley of all sorts of characters, because the
950 unfamiliar customs of the visitors rub off on to their hosts –
and this, in a healthy society living under sound laws, is an
absolute disaster. Most states, however, are not well run at
all, so it makes no difference to them if their citizens fraternize
with foreigners by welcoming them into the state and by going
for trips abroad themselves whenever they feel like it and
wherever their wanderlust takes them, whatever their age. On
the other hand a policy of complete exclusion and complete
refusal to go abroad is just not feasible, and in any case the rest
of the world would think us churlish and uncivilized: we'd
get the reputation of being a truculent and surly people who
have 'Deportations of Aliens', as the term is – and a brutal one
it is, too. Whether the figure you cut in the eyes of others is
good or bad, you should never underestimate its importance.
You see, people in general don't fall so far short of real good-
ness that they can't recognize virtue and vice when they see it
in others; even wicked people have an uncanny instinct that
usually enables even an absolute villain to understand and
describe accurately enough what distinguishes a good man
from a bad. That is why most states find it an excellent precept
to value their good standing with the rest of the world. But
the soundest and most important rule is this: if you mean to
be perfect, you should seek to live in good repute only if you
are really good in the first place, but not otherwise. And so it
will be entirely right and proper if the state we are now found-
ing in Crete wins among men a brilliant and glorious repu-
tation for virtue, and if things go according to plan there is
every reason to expect that, out of all the states and countries
which look upon the Sun and the other gods, Magnesia will
be one of the few that are well administered.

FOREIGN TRAVEL

So what should we do about the admission of aliens and our
own journeys to places in foreign countries? First of all, no
young person under forty is ever to be allowed to travel
abroad under any circumstances; nor is anyone to be allowed

to go for private reasons, but only on some public business, as
a herald or ambassador or as an observer of one sort or
another. (Of course, absence abroad on military service in
wartime doesn't deserve to be mentioned in the same breath:
it's not one of those journeys which are 'for diplomatic
reasons'!) We must send representatives to take part in the
sacrifices and games held at Delphi in honour of Apollo and
at Olympia in honour of Zeus, and to Nemea and the Isthmus;[16]
and we must send as many representatives as we can, the
finest and noblest of our citizens, who will do credit to our
state in these sacred gatherings of peace, and win it renown to 951
match that of her armies on the field of battle. And when they
return, they will tell the younger generation that the social
and political customs of the rest of the world don't measure
up to their own.

THE OBSERVERS

But there are other kinds of observers who should be dis-
patched, provided the Guardians of the Laws give permission.
If any citizen would like to spend rather longer surveying at
his leisure the life lived by foreigners, no law should prevent
him, because no state will ever be able to live at a properly
advanced level of civilization if it keeps itself to itself and never
comes into contact with all the vices and virtues of mankind;
nor will it be able to preserve its laws intact if it just gets used
to them without grasping their *raison d'être*. In the mass of
mankind you'll invariably find a number – though only a
small number – of geniuses with whom it is worth anything to
associate, and they crop up just as often in badly-ruled states as
in the well-ruled. So the citizen of a well-run state, provided
he's incorruptible, should go out and range over land and sea
to track them down, so that he can see to the strengthening of
the customs of his country that are soundly based, and the

16. The Athenian names the four major centres at which panhellenic festivals were held. For the site of Delphi, see note on p. 206; Olympia was in Elis in the western Peloponnese; Nemea was a valley in the eastern; the Isthmian games were held near Corinth.

refurbishing of any that are defective. Without this observation and research a state will never stay at the peak of perfection; nor will it if the observers are incompetent.

CLEINIAS: So how can we ensure that both these requirements are met?

ATHENIAN: Like this. In the first place, anyone who goes observing for us in this fashion must be over fifty; and since the Guardians of the Laws are going to send him abroad as a specimen Magnesian, he must be one of those citizens who have gained a good reputation generally, and particularly in war; and on passing sixty he must go off observing no longer. When he has spent as many of his ten years as he pleases making his observations, he should come home and present himself before the council which muses on legislation. This council,[17] which should consist partly of young men and partly of old, must have a strict rule to meet daily from dawn until the sun is well up in the sky. Its membership is to be: (1) those Priests who have won high distinction, (2) the ten Guardians of the Laws who are currently the most senior, (3) the Minister of Education for the time being, together with his predecessors in office. No member should attend alone: each is to bring a young man of his own choice, aged between thirty and forty. The discussion at their meetings must always centre round their own state, the problems of
952 legislation, and any other important point relevant to such topics that they may discover from external sources. They must be particularly concerned with those studies which promise, if pursued, to further their researches by throwing light on legislative problems that would otherwise remain difficult and obscure. Whichever of these studies are sanctioned by the older members should be pursued with all diligence by the younger. If one of the protégés invited to attend is judged to be inadequate, the whole council is to censure the man who invited him; but any that get a good name should be fostered and watched with particular care by the state at large, and if they do what's wanted of them, they are to be specially honoured, but if they turn out worse than most other young

17. The 'Nocturnal' council: see pp. 515 ff.

men they should suffer correspondingly worse disgrace. To this council, then, the observer of foreign customs must proceed as soon as he gets back. If he has come across people who were able to give him some information about any problems of legislation or teaching or education, or if he actually comes back with some discoveries of his own, he should make his report to a full meeting of the council. If he seems to be not a whit better or worse for his journey, he should be congratulated at any rate for his energy; if he is thought to have become appreciably better, even higher recognition should be given him during his lifetime, and after his death he must be paid appropriate honours by authority of the assembled council. But if it seems that he has returned corrupted, this self-styled 'expert' must talk to no one, young or old, and provided he obeys the authorities he may live as a private person; but if not, and

105. he is convicted in court of meddling in some educational or legal question,

he must die.

106. If none of the authorities takes him to court when that is what he deserves,

it should count as a black mark against them when distinctions are awarded.

FOREIGN VISITORS

So much for the way foreign travel should be undertaken and the sort of persons who should venture on it. But what about our duty to welcome foreign visitors? There are four categories of them worth discussing. Those in the first turn up every year without fail, usually in summer, with the regularity of migrating birds. Most of them are on business trips in search of profit, and throughout the summer they 'wing' their way like so many birds across the sea to foreign parts. They must be received at trading posts and harbours and in public buildings outside but not far from the state by officials appointed for the purpose, who should (a) take good care that none of this category of visitor introduces any novel custom,

953 (b) handle with proper impartiality the law-suits that affect them, and (c) keep intercourse with them down to the unavoidable minimum. The second type are 'observers' in the most basic sense: they come to see the sights, and to listen, too, at festivals of the arts. All such visitors should be received in hospitable lodgings near temples, by whose priests and custodians they are to be looked after and attended to. Then, when they have stayed for a reasonable length of time, and seen and heard what they came to see and hear, they should take their leave without having inflicted or suffered any harm. If anyone injures them, or they injure anyone else, the Priests are to act as judges, provided no more than fifty drachmas are involved. If the claim is for a greater sum, the trial must be held before the Market-Wardens.

The third type of visitor, who arrives from another country on some matter of state, should be received at public expense, and by no one except Generals, Cavalry-Commanders and Company-Commanders. Together with the executive for the time being, the official by whom he is put up and entertained should have the sole responsibility for him.

Sometimes, though rarely, a fourth kind of visitor arrives. If ever a counterpart to our own observers comes from a foreign country, we shall first of all require that he should be not less than fifty years old, and in addition he should profess to be coming to view something whose excellence surpasses that of anything in the rest of the world, or to report on some such feature to another state. Such a man may dispense with invitations, and present himself at the doors of the wise and rich, because that is the class of man he is himself. In the full confidence that he is the right sort of guest for such a distinguished host, he should go to the home of (say) the Minister of Education, or of someone who has won an award for virtue. He should spend his time in the company of one or other of these, and after an exchange of information take his leave, duly honoured as a friend by friends with fitting presents and tokens of esteem.

These are the laws that should govern the reception of all our visitors from abroad, of either sex, and the dispatch of our

own people to other countries. We must show respect for Zeus the God of Strangers, and not keep aliens at arm's length by uncongenial food and offensive sacrifices (like the sons of Old Father Nile[18] do nowadays), or by uncivilized proclamations.

SURETIES

Anyone who stands surety should do so in precise terms, by specifying all the details of the agreement in a written contract, before not less than three witnesses if the sum involved is less than 1,000 drachmas, and not less than five in the case of greater sums. (Also, a warrantor[19] is surety for a vendor who 954 is insolvent or cannot be sued, and is to have the same liability in law.)

SEARCHING A HOUSE

When a man wants to search someone else's premises, he should do so clad in only his tunic, without a belt, and after swearing to the gods specified by law that he really does expect to find what he's looking for. The other party is to open up his home, including all its sealed and unsealed property, to be searched; if he refuses permission to search to anyone requesting it, the party thus hindered must go to law, giving his estimate of the value of the object he is looking for.

107. If the defendant is convicted,
he must pay double the estimated value as damages.

If the owner of the house happens to be away, the residents must make unsealed property available for search; sealed property should be counter-sealed by the searcher, who should then post anyone he likes to guard it for a period of five days. If the householder stays away for longer than that, the other party should fetch the City-Wardens and make the search, opening up sealed property as well and sealing it up

18. Literally 'offspring of the Nile': I take this to be an irreverent circumlocution for 'Egyptians'. Plato shows considerable knowledge of Egypt (cf. pp. 91–2, 313), and it is more than likely that he visited the country and knows what he is talking about.

19. The vendor from whom the vendor bought the object in question.

again afterwards in the same way in the presence of the household and the City-Wardens.

TIME LIMITS FOR DISPUTING TITLE

Now for cases when title is in dispute. After a certain period has elapsed, it must be no longer possible to challenge the rights of the person in possession. In Magnesia, of course, dispute about land or houses is out of the question. But as for other possessions, if a man has used something openly in town or market-place or temple, and no one has tried to recover it and claimed to have been looking for it all the time the other man has obviously made no attempt at concealment, then provided the ownership of the one party and the search of the other have continued for a year, after the expiry of that period no claim for recovery is to be permitted. If a man uses an object openly, not indeed in town or market-place, but in the countryside, and no one confronts him with a claim to it for five years, then on the expiry of that period no one is to be allowed to attempt repossession. If the article is used in a man's town house, the time limit is to be three years; if it is kept in a building in the country, ten years; and if it is used abroad, then there is to be no time limit for recovery at all, however long the claimant may take to find it.

PREVENTION OF ATTENDANCE AT COURT

Sometimes a man may forcibly prevent a litigant or witness from appearing at a trial. If he prevents a slave, his own or another's, the suit should be null and void.

108. If he prevents a free man,
955 *he must* be imprisoned for a year and be liable to a suit for kidnapping at the hands of anyone who cares to prosecute, and the suit will be null in any case.

PREVENTION OF PARTICIPATION IN CONTESTS

If a man forcibly prevents a rival competitor from participating in an athletic or cultural or any other contest, anyone

who wishes should report the fact to the supervisors of the games, who should set the would-be contestant free to enter the competition. If they prove unable to do so, and the man responsible for the competitor's absence wins, the prize should be awarded to the person prevented from competing, and he should be recorded as the winner in any temple he pleases.

109. The person who has hindered him must not be allowed to make any dedication or record relating to that contest, and he must be liable to a prosecution for damages whether he wins or loses.

RECEIVING STOLEN GOODS

110. If a man receives stolen goods, knowing them to be stolen,
he must suffer the same penalty as the thief.

HARBOURING AN EXILE

111. The penalty for harbouring an exile should be death.

WAGING PRIVATE WAR

Everyone is to have the same friends and enemies as the state.

112. (a) If a man makes a private peace or wages private war with anyone without the backing of the state,
he too must be punished by death.

If any sectional interest in the state makes peace or war with any parties on its own account, the Generals must haul those responsible for the affairs before a court.

(b) If the defendants are convicted,
death should be the penalty.

BRIBES

Members of the public service should perform their duties without taking bribes. Such a practice must never be extenu-

ated by an approving reference to maxims like 'One good turn deserves another'. It is not easy for an official to reach his decisions impartially and stick to them, and the safest thing he can do is to listen to the law and obey its command to take no gifts for his services.

113. If a man disobeys and is convicted in court,
the only penalty permitted is to be death.

TAXATION

Now to deal with payments to the public treasury. For a variety of reasons, an assessment must be made of each man's property, and the members of the tribes must make a written return of the year's produce to the Country-Wardens. The treasury will thus be able to use whichever of the two methods of exacting payment it finds convenient – that is, every year the authorities will decide to levy a proportion *either* of the sum total of the individual assessments *or* of the revenues accruing that particular year. (Payment for the common meals should be excluded from the calculations.)

OFFERINGS TO THE GODS

The offerings a reasonable man makes to the gods should be on a correspondingly reasonable scale. As the earth and every household's hearth are already sacred to all the gods, no one should consecrate them a second time.[20] The gold and silver that you find in temples and private houses in other states
956 encourage jealousy; ivory, taken as it is from a lifeless body, is an unclean offering; and iron and bronze are instruments of war. A man may offer at the public temples any object he likes made of wood or stone, provided that in either case it consists of no more than a single piece; if he offers woven material, it should not exceed what one woman can produce in a month. In general, and particularly in the case of woven material, white is the colour appropriate to the gods; dyes must not be

20. I take it this is a reaffirmation of the rule against private shrines (see pp. 446–7 and G. R. Morrow, *Plato's Cretan City*, 412, note 42).

employed, except for military decorations. The gifts the gods find most acceptable are birds and pictures, provided they do not take a painter more than a single day to complete. All this should serve as a pattern for all our other offerings.

THE THREE GRADES OF COURT

Now that we have described the nature and number of the parts into which the whole state is divided, and done what we can to frame laws for all the most important agreements men make, we're left with the question of legal procedure. The court of first resort will consist of judges – arbitrators, in fact, but 'judges' is really a more appropriate title – chosen by agreement between prosecutor and defendant. If the case is not settled in the first court, the litigants should go and contest it again before the second (composed of villagers and tribesmen, duly divided into twelve groups),[21] but at the risk of an enhanced penalty: if the defendant loses for the second time, he must be mulcted an additional fifth of the penalty previously assessed and recorded. If he is still aggrieved with his judges and wants to fight the case for the third time, he must take it to the Select Judges, and if he is defeated again, he is to pay one and a half times the original penalty. As for the prosecutor, if he is not prepared to lie down under defeat in the first court, and goes before the second, he should be awarded the extra fifth of the penalty if he wins, but be fined that amount if he loses. If the litigants refuse to acquiesce in the earlier decision and go before the third court, and the defendant loses, he must pay one and a half times the penalty as already stated; if the prosecutor loses, he must be fined one half of it.

THE MINOR POINTS OF LEGAL PROCEDURE, AND THE IMPORTANCE OF LEGAL STUDIES

But what about the balloting for jurors, and the procedure for making up the juries? What about the appointment of

21. On this detail and the character of the court, see G. R. Morrow, *Plato's Cretan City*, 260–61.

attendants for the various officials, the fixing of times at which the various formalities should be completed, voting methods, adjournments, and all the other similar inescapable details of legal procedure, such as putting cases early or late in the calendar, the enforcement of attendance and of replies to interrogation, and suchlike? Well, we've made the point before,[22] but the truth is all the better for being stated two or
957 even three times. All these minor rules are perfectly easy to invent, and the senior legislator may skip them and leave it to his young successor to fill in the gaps. But although that will be reasonable enough in the case of the courts that are appointed privately,[23] the common public courts, and those that the various officials need to use in the performance of their duties, need a rather different approach. Sensible people in several states have framed a good many decent regulations which our Guardians of the Laws should adapt for the state that we are now founding. The Guardians should examine them and touch them up after trying them out in practice, until they think they have licked each single one into shape; then they should finalize them, ratify them as immutable, and render them lifelong obedience. Then there is the question of the silence of the judges, and the restraint or otherwise of their language, as well as all the other details in which our standards of justice and goodness and decorum differ from those you find in such variety in other states. We've already had something to say on this topic,[24] and we shall have more to say towards the end. The judge who wants to act with proper judicial impartiality should bear all these points in mind and get hold of books in which to study the subject. The study of laws, provided they are good laws, is unsurpassed for its power to improve the student. (It can't be an accident that the name of this god-given and wonderful institution, law, is so suggestive of reason.[25]) And other compositions, such as eulogies or censures in verse or prose, in the latter case either taking written form or being simply spoken during our day-to-day contacts when we indulge in contentious argument or (some-

22. See for example pp. 348–9. 23. See pp. 242 and 509.
24. See pp. 498–9. 25. Cf. p. 171: *nomos* = 'law', *nous* = 'reason'.

times thoughtlessly) express our agreement – all these will be measured against a clear criterion: the writings of the legislator, which the good judge will treasure as a kind of antidote against the others, so as to ensure his own moral health and that of the state. He will confirm and strengthen the virtuous in the paths of righteousness, and do his best to banish ignorance and incontinence and cowardice and indeed every sort of injustice from the hearts of those criminals whose outlook can be cured. However – and this is a point that deserves constant repetition – when a man's soul is unalterably fixed in that condition by decree of fate, our erudite judges and 958
their advisers will deserve the commendation of the whole state if they cure him by imposing the penalty of death.[26]

THE EXECUTION OF JUDGEMENT

When the suits for the year have been finally decided, the following laws must apply to the execution of judgement. First of all, immediately after the voting in each case, and by proclamation of a herald in the hearing of the judges, the official who has pronounced sentence should assign all the property of the convicted party, except the minimum he must retain,[27] to the successful prosecutor. If after the expiry of the month following that in which the case was tried the loser has not settled the business with the victor to the satisfaction of both, the official who gave judgement must at the request of the victorious party hand over the goods of the loser. If the latter lacks the means to pay, and the deficiency amounts to a drachma or more, he must not be allowed to prosecute other people (they, however, being entitled to prosecute *him*), until he has paid his debt in full to his opponent. If someone who has received an adverse verdict obstructs the bench that condemned him, the officials thus obstructed should haul him before the court of the Guardians of the Laws.

26. The incorrigible criminal may as well cut his losses: if he stays alive, he will get worse and meet a correspondingly worse fate in the next world. Cf. pp. 191 and 358.
27. The ancestral lot and its equipment.

114. If he is convicted on such a charge,
he must be punished by death,

on the grounds that his conduct is wrecking the entire state and its laws.

FUNERAL REGULATIONS

Now here's the next point. A man is born and brought up, and begets and rears his own children in turn; he deals fairly in his business transactions, paying the penalty if he has done anyone injury and exacting one if others have wronged him; and finally, as destiny decrees, after an old age spent in obedience to the laws, the course of nature will bring him to the end of his life. So what should we do when a man or woman has died? First, we must bow to the absolute authority of the Expounders' instructions about the sacred rites to be observed in honour of the nether gods and those of this world. No tomb, whether its mound is large or small, should be constructed anywhere on land that can be farmed; graves must take up space only where nature has made the ground good for nothing except the reception and concealment of the bodies of the dead with minimum detriment to the living, because no one, alive or dead, must ever rob the living of any land which – thanks to the natural fertility of Mother Earth – will grow food for the human race. The soil must not be piled higher than five men can manage by working for five days. Stone slabs must not be made bigger than they need to be to accommodate a eulogy of the deceased's career of not more
959 than the usual four hexameters. The laying-out at home should not last longer than is necessary to confirm that the person really is dead and not just in a faint; in average cases, it will be reasonable for the body to be taken to the tomb after two days.

We should, of course, trust whatever the legislator tells us, but especially his doctrine that the soul has an absolute superiority over the body, and that while I am alive I have nothing to thank for my individuality except my soul, whereas my body is just the likeness of myself that I carry round with me. This means we are quite right when we say a corpse 'looks like' the deceased. Our real self – our immortal soul, as it is

called – departs, as the ancestral law declares, to the gods below to give an account of itself. To the wicked, this is a terrifying doctrine, but a good man will welcome it. And once he's dead, there's not a great deal we can do to help a man: all his relatives should have helped him while he was still in the land of the living, so that he could have passed his life in all possible justice and holiness; and then after death he could have escaped the penalty visited on evil deeds in the life to come. This all goes to show that we should never squander our last penny, on the fanciful assumption that this lump of flesh being buried really is our own son or brother or whoever it is we mournfully think we are burying. We ought to realize that in fact he has departed in final consummation of his destiny, and that it is our duty to make the best of what we have and spend only a moderate sum on the body, which we may now think of as a kind of altar to the gods below, now deserted by its spirit; and as for what is meant by 'moderate' in this matter, the most respectable ideas will be those of the legislator. The law, then, should specify a reasonable level of expenditure as follows. In the case of a member of the highest property-class, the whole funeral should not cost more than 500 drachmas; 300 may be spent on a member of the second class, 200 on a member of the third, and 100 on a member of the fourth.

The Guardians of the Laws will have to shoulder a great many burdens and responsibilities, but their overriding duty will be to devote their lives to the care of children and adults and indeed persons of all ages. In particular, when a man is nearing his end his household should invite one Guardian to take charge of him, and if the funeral arrangements pass off decorously and without extravagance, this Guardian-in-charge will get the credit, but if not, then the blame will be at his door. The laying-out and other matters should take place according to usage, but usage must be modified by the following directions of our legislator-statesman. 'Tasteless though it is to forbid or instruct people to weep over the dead, dirges 960
should be forbidden; and cries of mourning should be allowed only inside the house. The mourners must not bring the

corpse on to the open street nor make their procession a noisy one, and they must be outside the city by day-break.' So much for the regulations on the subject. The person who obeys them will never be punished, but

> 115. if a man disobeys a single Guardian of the Laws, *he must* be punished by them all with whatever penalty recommends itself to their united judgement.

The other methods of burying the dead, and the kind of criminals to whom we deny burial, such as parricides, temple-robbers and all similar categories, have already been specified and provided for in the legal code.[28] And that means, I suppose, that we have pretty well come to the end of our legislation.

28. See pp. 176–7, 390–91, 445 and 496.

§26. THE NOCTURNAL COUNCIL

We have seen the Athenian creating a vast number of officials, and we may begin to suspect that in Magnesia the administrators will outnumber the administered. Why then does he take the trouble to establish yet another authority?[1] *He does so for three connected reasons.* (1) *The state officials have to administer laws which like all written regulations will need not only to be supplemented but also interpreted and even altered in the light of changing circumstances, or perhaps because the first legislator drafted them badly. The Athenian wishes to ensure that these later amendments are made in the same spirit as the original laws. This suggests a need for a* council of legal studies, *charged with the duty of studying the problems of drafting and clarifying legislation, and studying its relation to the wider issues of jurisprudence.* (2) *As the Athenian remarks on p. 520, a state's legislation will reflect its moral aims. Now if we have no clearly formulated moral aim, we shall tend to think of morality as adherence to a given set of laws; and then if for some reason we change these laws, we may find we have changed our moral standards too. It is not enough to recognize by instinct that this law is good and that bad. We must also know what goodness and badness are in themselves, so as to be able to measure our laws against a real and unchanging moral standard. This is the point of the Athenian's insistence on an ability to understand the nature not only of each of the four individual virtues, but of Virtue itself – or, as he puts it, the sense in which the four are 'one'. This suggests a need for a* council of philosophical studies, *charged with the duty of research into moral standards, so as to have firm criteria for the laws of the state.* (3) *However, such philosophical knowledge is useless if it is not explained and applied, and this suggests a need for a* council of propaganda,

1. That the Nocturnal Council is not a last-minute expedient born of a final despair in the constitutional government described in the rest of the *Laws* is shown by a number of anticipatory mentions of it or something like it, e.g. pp. 56, 443 and 445. Nor, of course, should anyone be misled by its somewhat sinister title.