§ 4. THE LESSONS OF HISTORY (1): LEGISLATION AND THE BALANCE OF POWERS

The main points of this section are (1) the necessity of law as a means of reconciling conflicting interests, (2) the dangers of unchecked power concentrated in one person, and conversely (3) the need of a balance of power in a state between the various ruling elements – in the case of Sparta, between kings, ephors and elders. We may also note the belief, common in the ancient world, that primitive man, being untouched by civilization, was morally 'better'.

LIFE AFTER THE FLOOD

BK III 676 ATHENIAN: We can take that as settled, then. But what about political systems? How are we to suppose they first came into existence? I feel sure that the best and easiest way to see their origins is this.

CLEINIAS: What?

ATHENIAN: To use the same method that we always have to adopt when we look into a state's moral progress or decline.

CLEINIAS: What method have you in mind?

ATHENIAN: We take an indefinitely long period of time and study the changes that occur in it.

CLEINIAS: How do you mean?

ATHENIAN: Look, do you think you could ever grasp how long it is that states have existed and men have lived under some sort of political organization?

CLEINIAS: No, not very easily.

ATHENIAN: But at any rate you realize it must be an enormously long time?

CLEINIAS: Yes, I see *that*, of course.

ATHENIAN: So surely, during this period, thousands upon thousands of states have come into being, while at least as many, in equally vast numbers, have been destroyed? Time

and again each one of them has adopted every type of political system. And sometimes small states have become bigger, and big ones have grown smaller; superior states have deteriorated and bad ones have improved.

CLEINIAS: Inevitably.

ATHENIAN: Let's try to pin down just why these changes took place, if we can; then perhaps we shall discover how the various systems took root and developed.

CLEINIAS: Admirable! Let's get down to it. You must do your best to explain your views, and we must try to follow you.

ATHENIAN: Do you think there is any truth in tradition? 677

CLEINIAS: What sort of tradition do you mean?

ATHENIAN: This: that the human race has been repeatedly annihilated by floods and plagues and many other causes, so that only a small fraction of it survived.

CLEINIAS: Yes, of course, all that sort of thing strikes everyone as entirely credible.

ATHENIAN: Now then, let's picture just one of this series of annihilations – I mean the effect of the flood.

CLEINIAS: What special point are we to notice about it?

ATHENIAN: That those who escaped the disaster must have been pretty nearly all hill-shepherds – a few embers of mankind preserved, I imagine, on the tops of mountains.

CLEINIAS: Obviously.

ATHENIAN: Here's a further point: such men must have been in general unskilled and unsophisticated. In particular, they must have been quite innocent of the crafty devices that city-dwellers use in the rat-race to do each other down; and all the other dirty tricks that men play against one another must have been unknown.

CLEINIAS: Quite likely.

ATHENIAN: And we can take it, can't we, that the cities that had been built on the plains and near the sea were destroyed root-and-branch?

CLEINIAS: Yes, we can.

ATHENIAN: So all their tools were destroyed, and any worth-while discovery they had made in politics or any other

field was entirely lost? You see, my friend, if their discoveries had survived throughout at the same level of development as they have attained today, it is difficult to see what room there can ever have been for any new invention.[1]

CLEINIAS: The upshot of all this, I suppose, is that for millions of years these techniques remained unknown to primitive man. Then, a thousand or two thousand years ago, Daedalus and Orpheus and Palamedes made their various discoveries, Marsyas and Olympus pioneered the art of music, Amphion invented the lyre, and many other discoveries were made by other people. All this happened only yesterday or the day before, so to speak.

ATHENIAN: How tactful of you, Cleinias, to leave out your friend, who really was born 'yesterday'!

CLEINIAS: I suppose you mean Epimenides?

ATHENIAN: Yes, that's the man. His discovery, my dear fellow, put him streets ahead of all the other inventors. Hesiod had foreshadowed it in his poetry long before, but it was Epimenides who achieved it in practice, so you Cretans claim.[2]

CLEINIAS: We certainly do claim that.

ATHENIAN: Perhaps we can describe the state of mankind after the cataclysm like this: in spite of a vast and terrifying desolation, plenty of fertile land was available, and although animals in general had perished it happened that some cattle still survived, together with perhaps a small stock of goats. They were few enough, but sufficient to maintain the corre-
678 spondingly few herdsmen of this early period.

CLEINIAS: Agreed.

ATHENIAN: But at the moment we are talking about the state, and the business of legislation and political organization. Is it conceivable that any trace at all of such things survived – even, so to speak, in the memory?

1. The Greek is less than clear: apparently the Athenian means that the discoveries of our era must have been made in a 'vacuum' left by a disaster such as the flood.

2. Epimenides' 'magic brew' was believed to have been inspired by Hesiod's mention (*Works and Days*, 40–41) of the virtue of mallow and asphodel. For Epimenides, see p. 71.

CLEINIAS: Of course not.

ATHENIAN: So out of those conditions all the features of our present-day life developed: states, political systems, technical skills, laws, rampant vice and frequent virtue.

CLEINIAS: What do you mean?

ATHENIAN: My dear sir, can we really suppose that the men of that period, who had had no experience of city life in all its splendour and squalor, ever became totally wicked or totally virtuous?

CLEINIAS: A good point. We see what you mean.

ATHENIAN: So it was only as time went on, and the numbers of the human race increased, that civilization advanced and reached its present stage of development?

CLEINIAS: Exactly.

ATHENIAN: The process was probably not sudden, but gradual, and took a considerable time.

CLEINIAS: Yes, that's perfectly plausible.

ATHENIAN: I imagine men were all numbed with fear at the prospect of descending from the hills to the plains.

CLEINIAS: Naturally enough.

ATHENIAN: And what a pleasure it must have been to see each other, there being so few of them at that time! However, pretty well all vehicles they might have used to visit each other by land or sea had been destroyed, and the techniques used to construct them had been lost, so that I suppose they found getting together none too easy. They suffered from a scarcity of timber, because iron, copper and mineral workings in general had been overlaid with sludge and had been lost to sight, so that it was virtually impossible to refine fresh supplies of metal. Even if there was the odd tool left somewhere on the mountains, it was quickly worn down to nothing by use. Replacements could not be made until the technique of mining sprang up again among men.

CLEINIAS: True.

ATHENIAN: And how many generations later did that happen, on our calculation?

CLEINIAS: A good many, obviously.

ATHENIAN: Well then, during that period, or even longer,

all techniques that depend on a supply of copper and iron and so on must have gone out of use?

CLEINIAS: Of course.

ATHENIAN: For several reasons, then, war and civil war alike came to an end.

CLEINIAS: How so?

ATHENIAN: In the first place, men's isolation prompted them to cherish and love one another. Second, their food
679 supply was nothing they needed to quarrel about. Except perhaps for a few people in the very early stages, there was no shortage of flocks and herds, which is what men mostly lived on in that age. They always had a supply of milk and meat, and could always add to it plenty of good food to be got by hunting. They also had an abundance of clothes, bedding, houses, and equipment for cooking and other purposes. (Moulding pottery and weaving, skills that have no need of iron, were a gift from God to men – his way, in fact, of supplying them with all that kind of equipment. His intention was that whenever the human race was reduced to such a desperate condition it could still take root and develop.) Because of all this, they were not intolerably poor, nor driven by poverty to quarrel with each other; but presumably they did not grow rich either, in view of the prevailing lack of gold and silver. Now the community in which neither wealth nor poverty exists will generally produce the finest characters, because tendencies to violence and crime, and feelings of jealousy and envy, simply do not arise. So these men were *good*, partly for that very reason, partly because of what we might call their 'naïveté'. When they heard things labelled 'good' or 'bad', they were so artless as to think it a statement of the literal truth and believe it. This lack of sophistication precluded the cynicism you find today: they accepted as the truth the doctrine they heard about gods and men, and lived their lives in accordance with it. That is why they were the sort of people we have described.

CLEINIAS: Megillus and I, at least, agree with your account.

ATHENIAN: If we compare them with the era before the flood and with the modern world, we shall have to say that

the many generations which lived in that way were inevitably unskilled and ignorant of techniques in general, and particularly of the military devices used on land and sea nowadays. They must also have been innocent of the techniques of warfare peculiar to city-life – generally called 'lawsuits' and 'party-strife' – in which men concoct every possible device to damage and hurt each other by word and deed. Weren't our primitive men simpler and manlier and at the same time more restrained and upright in every way? We have already explained why.

CLEINIAS: Yes, you're quite right.

AUTOCRACY

ATHENIAN: Let's remind ourselves that this reconstruction, and the conclusions we shall draw from it, are supposed to make us appreciate how early man came to feel the need of 680
laws, and who their lawgiver was.

CLEINIAS: Well reminded!

ATHENIAN: Presumably they felt no need for legislators, and in that era law was not yet a common phenomenon. Men born at that stage of the world cycle[3] did not yet have any written records, but lived in obedience to accepted usage and 'ancestral' law, as we call it.

CLEINIAS: Quite likely.

ATHENIAN: But this is already a political system, of a sort.

CLEINIAS: What sort?

ATHENIAN: Autocracy – the name which everyone, I believe, uses for the political system of that age. You can still find it in many parts of the world today, both among Greeks and non-Greeks. I suppose this is what Homer is describing in his account of the household of the Cyclopes:[4]

'No laws, no councils for debate have they:
They live on the tips of lofty mountains
In hollow caves; each man lays down the law
To wife and children, with no regard for neighbour.'

3. A 'cycle' is apparently thought of as the interval between one cosmic upheaval (e.g. the flood) and the next.

4. *Odyssey* IX, 112 ff.

CLEINIAS: That poet of yours sounds as if he was a charming fellow. I have gone through other verses of his, and very polished they were too. Not that I know his work to any great extent – we Cretans don't go in for foreign poetry very much.

MEGILLUS: But we at Sparta do, and we think Homer is the prince of epic poets, even though the way of life he describes is invariably Ionian rather than Spartan. In this instance he certainly seems to bear you out when he points in his stories to the wild life of the Cyclopes as an explanation of their primitive customs.

ATHENIAN: Yes, he does testify in my favour. So let's take him as our evidence that political systems of this kind do sometimes develop.

CLEINIAS: Very well.

ATHENIAN: And they arise among these people who live scattered in separate households and individual families in the confusion that follows the cataclysms. In such a system the eldest member rules by virtue of having inherited power from his father or mother; the others follow his lead and make one flock like birds. The authority to which they bow is that of their patriarch: they are governed, in effect, by the most justifiable of all forms of kingship.

CLEINIAS: Yes, of course.

THE PRIMITIVE CITY AND THE ORIGIN OF LEGISLATION

ATHENIAN: The next stage is when several families amalgamate and form larger communities. They turn their attention
681 to agriculture, initially in the foot-hills, and build rings of dry stones to serve as walls to protect themselves against wild animals. The result now is a single large unit, a common homestead.

CLEINIAS: I suppose that's quite probable.

ATHENIAN: Well then, isn't this probable too?

CLEINIAS: What?

ATHENIAN: As these original relatively tiny communities

grew bigger, each of the small constituent families lived under its own ruler – the eldest member – and followed its own particular customs which had arisen because of its isolation from the others. The various social and religious standards to which people had grown accustomed reflected the bias of their ancestors and teachers: the more restrained or adventurous the ancestor, the more restrained or adventurous would be the character of his descendants. Consequently, as I say, the members of each group entered the larger community with laws peculiar to themselves, and were ready to impress their own inclinations on their children and their children's children.

CLEINIAS: Naturally.

ATHENIAN: And of course each group inevitably approved of its own laws and looked on those of other people with rather less favour.

CLEINIAS: Exactly.

ATHENIAN: So it looks as if we have unwittingly stumbled on the origin of legislation.

CLEINIAS: We certainly have.

ATHENIAN: At any rate the next and necessary step in this amalgamation is to choose some representatives to review the rules of all the families, and to propose openly to the leaders and heads of the people – the 'kings', so to speak – the adoption of those rules that particularly recommend themselves for common use. These representatives will be known as lawgivers, and by appointing the leaders as officials they will create out of the separate autocracies a sort of aristocracy, or perhaps kingship. And while the political system passes through this transitional stage they will administer the state themselves.

CLEINIAS: Yes, that sort of change would certainly come about by stages.

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ATHENIAN: So we can now go on to describe the birth of a third type of political system, one which in fact admits *all*

systems and all their modifications and exhibits equal variety and change in the actual states as well.

CLEINIAS: What type is this?

ATHENIAN: The one which Homer too listed as the successor of the second. This is how he describes the origin of the third:[5] 'He founded Dardania' – I think this is how it goes – 'when holy Ilium,

> A town upon the plain for mortal men, had not been built:
> For still they lived upon the lower slopes of many-fountained Ida.'

682 He composed these lines, as well as those about the Cyclopes, under some sort of inspiration from God. And how true to life they are! This is because poets as a class are divinely gifted and are inspired when they sing, so that with the help of Graces and Muses they frequently hit on how things really happen.

CLEINIAS: They do indeed.

ATHENIAN: Let's carry on with the story we are telling: it may suggest something to our purpose. I take it this is what we ought to do?

CLEINIAS: Of course.

ATHENIAN: Ilium was founded, according to us, when men had descended from the hills to a wide and beautiful plain. They built their city on a hill of moderate height near several rivers which poured down from Ida above.

CLEINIAS: So the story goes.

ATHENIAN: I suppose we may assume that this descent of theirs took place many ages after the flood?

CLEINIAS: Yes, naturally, many ages later.

ATHENIAN: I mean that apparently the disaster we've just described must have been forgotten to a quite remarkable degree if they founded their city on the lower reaches of several rivers flowing down from the mountains, and put their trust in hills that were none too high.

CLEINIAS: Yes, a clear proof that they were far removed in time from any such experience.

ATHENIAN: With the increase in the human population

5. *Iliad* XX, 216 ff. 'He' is Dardanus; Ilium is Troy.

many other cities, one supposes, were already being founded.

CLEINIAS: Naturally.

ATHENIAN: These cities also mounted an expedition against Ilium, probably by sea as well, because by then all mankind had overcome its fear and had taken to ships.

CLEINIAS: So it seems.

ATHENIAN: And after a siege of about ten years the Achaeans sacked Troy.

CLEINIAS: Indeed they did.

ATHENIAN: They besieged Ilium for ten years, and during this period the domestic affairs of the individual attackers took a turn for the worse. The younger generation revolted, and the ugly and criminal reception they gave the troops when they returned to their own cities and homes led to murder, massacre and expulsion on a large scale. When the exiles came back again they adopted a new name, and were now known as Dorians instead of Achaeans, in honour of Dorieus, who had rallied them while they were in exile. A full and exhaustive account of subsequent events can be found in your traditional Spartan stories.

MEGILLUS: Of course.

THE DORIAN LEAGUE

ATHENIAN: When we were starting to discuss legislation, the question of the arts and drinking cropped up, and we made a digression.[6] But now we really do have a chance to come to grips with our subject. As if God himself were guiding us, we've come back to the very point from which we digressed: the actual foundation of Sparta. You maintained 683 that Sparta was established on the right lines,[7] and you said the same of Crete, because it has laws that bear a family resemblance to Sparta's. We have had a rather random discussion about various foundations and political systems, but we have achieved at least this much: we have watched the first, second and third type of state being founded in succession over a vast period of time, and now we discover this fourth

6. See pp. 63 ff. 7. See p. 64.