§10. CIVIL AND LEGAL ADMINISTRATION

Now that the site has been chosen, the Athenian goes on to describe the various officials that will run the new state. The first problem is that of the transfer of power between the Cnossians who are in charge of the foundation and the first officials of the colonists themselves. Thereafter the regulations apply to the period when the state has been properly founded and can manage its own affairs.

The details of the elections are sometimes very brief and confusing. I have tried to remove some of the worst obscurities by the use of footnotes, but it will also help the reader to know that elections typically comprise the following stages:

(*a*) Nomination *of a preliminary 'slate' of candidates: the elector puts a man forward as suitable to be a candidate in stage* (*b*).

(*b*) Voting *for your choice from among the specified number of the names most frequently put forward in* (*a*), *e.g. the top 10 or 20.* (*a*) *differs from* (*b*) *in that you may* nominate *anybody, but* vote *only for a pre-determined list.* (*b*) *may be repeated several times, the leading names being reduced to a smaller number on each occasion.*

(*c*) Casting lots *to make the final selection from among the leading names arrived at in* (*b*).

(*d*) Scrutiny *of those chosen by lot. If the scrutiny is satisfactory, those candidates are then installed in office.*

The reader should also note the distinction between the assembly (*the full meeting of all adult male citizens*), *the* council (*a select body of 360 members, 90 from each tribe*), *and the* executive (*one-twelfth of the council, 'on duty' for a month to deal with emergencies and generally take the initiative in running the state*).

Apart from that, this whole section speaks largely for itself. Several interesting points of political theory are involved:

(*a*) *The very extensive part played by each citizen in selecting the officials.*

(*b*) *The 'edge' sometimes given to the wealthier classes in electing*

and being elected because they will have (possibly) a more informed judgement and the time to devote to affairs of state.

(*c*) *The notion of 'equality'. The section is jerkily and paradoxically written, but its main point is that the lot must be used in elections in order to placate democratic sentiment, which holds that one man is as good as another and all citizens should have an equal chance to play a part in running the state. Ideally, the Athenian argues, the 'best' should always be elected.* (*Today, we should think of the lot as an irrational and slightly* anti-*democratic device.*)

(*d*) *The elaborate system of courts, uncertain in some of the details but clear in the main outline. The court of first instance is the 'neighbours' court', consisting of arbitrators rather than judges; the second is the 'tribal' court, with a jury chosen by lot; the third is the supreme court, which hears appeals from litigants satisfied with the verdict neither of the first nor of the second court.*

(*e*) *The very close connexion between the administration, legislature and judiciary.*

There is much else of interest in this part; here, I can mention only some leading features. For further details, see G. R. Morrow, Plato's Cretan City (*Princeton, 1960*).

PROBLEMS OF APPOINTING THE FIRST OFFICIALS

ATHENIAN: Well then, now that I've got all that off my chest, your next job will be to appoint officials for the state. BK VI 751

CLEINIAS: It certainly will.

ATHENIAN: There are two stages involved in organizing a society.[1] First you establish official positions and appoint people to hold them: you decide how many posts there should be and how they ought to be filled. Then each office has to be given its particular laws: you have to decide which laws will be appropriate in each case, and the number and type required. But before we make our choice, let's pause a moment and explain a point that will affect it.

CLEINIAS: And what's that?

ATHENIAN: This. It's obvious to anyone that legislation

1. This passage picks up from p. 202.

is a tremendous task, and that when you have a well constructed state with a well-framed legal code, to put incompetent officials in charge of administering the code is a waste of good laws, and the whole business degenerates into farce. And not only that: the state will find that its laws are doing it damage and injury on a gigantic scale.

CLEINIAS: Naturally.

ATHENIAN: Now let's notice the relevance of this to your present society and state. You appreciate that if your candidates are to deserve promotion to positions of power, their characters and family background must have been adequately tested, right from their childhood until the moment of their election. Furthermore, the intending electors ought to have been well brought up in law-abiding habits, so as to be able to approve or disapprove of the candidates for the right reasons and elect or reject them according to their deserts. But in the present case we are dealing with people who have only just come together and don't know each other – and they're uneducated too. So how could they ever elect their officials without going wrong?

CLEINIAS: It's pretty well impossible.

ATHENIAN: But look here, 'once in the race, you've no excuses', as the saying is. That's just our predicament now: you and your nine colleagues, you tell us, have given an undertaking to the people of Crete to turn your energies to
752 founding this state; I, for my part, have promised to join in with this piece of fiction I'm now relating. Seeing that I've got on to telling a story, I'd be most reluctant to leave it without a head: it would look a grim sight wandering about like that!

CLEINIAS: And a fine story it's been, sir.

ATHENIAN: Surely, but I also intend to give you actual help along those lines, so far as I can.

CLEINIAS: Then let's carry out our programme, certainly.

ATHENIAN: Yes, we shall, God willing, if we can keep old age at bay for long enough.

CLEINIAS: 'God willing' can probably be taken for granted.

ATHENIAN: Of course. So let's be guided by him and notice something else.

CLEINIAS: What?

ATHENIAN: That we'll find we've been pretty bold and foolhardy in launching this state of ours.

CLEINIAS: What's made you say that? What have you in mind?

ATHENIAN: I'm thinking of the cheerful way we're legislating for people who'll be new to the laws we've passed, without bothering how they'll ever be brought to accept them. It's obvious to us all, Cleinias, even if we're not very clever, that at the start they won't readily accept any at all. Ideally, we'd remain on the spot long enough to see people getting a taste of the laws while they're still children; then when they've grown up and have become thoroughly accustomed to them, they can take part in the elections to all the offices of the state. If we can manage that (assuming acceptable ways and means are available), then I reckon that the state would have a firm guarantee of survival when its 'schooldays' are over.

CLEINIAS: That's reasonable enough.

THE ELECTION OF THE GUARDIANS OF THE LAWS

ATHENIAN: So let's see if we can find ways and means. Will this do? I maintain, Cleinias, that of all the Cretans, the citizens of Cnossos have a special duty. They must not be content with simply doing all that religion demands for the mere soil of your settlement: they must also take scrupulous care to see that the first officials are appointed by the best and safest methods. And it's absolutely vital to give your best attention to choosing, first of all, Guardians of the Laws. (Less trouble need be taken over the other officials.)

CLEINIAS: So can we find a reasonable way of going about it?

ATHENIAN: Yes. 'Sons of Crete' (I say), 'as the Cnossians take precedence over your many cities, they should collaborate with the newly arrived settlers in choosing a total of thirty-

seven men from the two sides, nineteen from the settlers, the
753 rest from Cnossos itself' – the gift of the Cnossians to this state of yours, Cleinias. They should include you in the eighteen, and make you yourself a citizen of the colony, with your consent (failing which, you'll be gently compelled).

CLEINIAS: But why on earth, sir, haven't you, and Megillus too, enrolled as joint administrators?

ATHENIAN: Ah, Cleinias, Athens is a high and mighty state, and so is Sparta; besides, they're both a long way off. But it's just the right thing for you and the other founders, and what I said a moment ago of you applies equally to them. So let's take it we've explained how to deal with the present situation. But as time goes on and the constitution has become established, the election of these officials should be held more or less as follows. Everyone who serves in the cavalry or infantry, and has fought in the field while young and strong enough to do so, should participate. They must proceed to election in the temple which the state considers to be the most venerable; each elector should place on the altar of the god a small tablet on which he has written the name of the person he wishes to vote for, adding the candidate's father, tribe, and deme;[2] and he should append his own name with the same details. For at least thirty days anyone who wishes should be allowed to remove any tablet bearing a name he finds objectionable and put it on display in the market-place. Then the officials must exhibit to the state at large the 300 tablets[3] that head the list; on the basis of this list the voters must then again record their nominations, and the 100 names that lead this second time must be publicly displayed as before. On the third occasion anyone who wishes should walk between the victims of a sacrifice[4] and record which of these 300 he chooses. The thirty-seven who receive most votes must then submit to scrutiny and be declared elected.

Well then, Cleinias and Megillus, who will make all these arrangements about these officials in our state, and their scrutiny? We can surely appreciate that as the state apparatus

2. See p. 218, note 28, on demes. 3. I.e. names, in effect.
4. A procedure that would lend particular solemnity to his vote.

is as yet only rudimentary such people have to be on hand; but they could hardly be available before any officials at all have been appointed. Even so, we must have them, and these 200 persons mustn't be feeble specimens, either, but men of the highest calibre. As the proverb says, 'getting started is half the battle', and a *good* beginning we all applaud. But in my view a good start is more than 'half', and no one has yet given 754
it the praise it deserves.

CLEINIAS: That's quite true.

ATHENIAN: So as we acknowledge the value of a good beginning, let's not skip discussion of it in this case. Let's get it quite clear in our own minds how we can tackle it. I've no particular points to make, except one, which is vitally relevant to the situation.

CLEINIAS: And what's that?

ATHENIAN: Apart from the city which is founding it, this state we are about to settle has, so to speak, no father or mother. I'm quite aware, of course, that many a foundation has quarrelled repeatedly with its founder-state, and will again, but in the present circumstances we have, as it were, the merest infant on our hands. I mean, any child is going to fall out with his parents sooner or later, but while he's young and can't help himself, he loves them and they love him; he's for ever scampering back to his family and finding his only allies are his relatives. That's exactly the way I maintain our young state regards the citizens of Cnossos and how they regard it, in virtue of their role as its guardians. I therefore repeat what I said just now – there's no harm in saying a good thing twice – that the citizens of Cnossos should choose colleagues from among the newly arrived colonists and take charge of all these arrangements; they should choose at least 100 of them, the oldest and most virtuous they can find; and they themselves should contribute another 100. They should enter the new state and collaborate in seeing that the officials are designated according to law, and after designation, scrutinized. When they've done all that, the citizens of Cnossos should resume living in Cnossos and leave the infant state to work out its own salvation and flourish unaided.

DUTIES AND TENURE OF THE GUARDIANS; REGISTRATION OF PROPERTY

The duties for which the members of the body of thirty-seven should be appointed are as follows (not only here and now, but permanently): first, they are to act as Guardians of the Laws; second, they are to take charge of the documents in which each person has made his return to the officials of his total property. (A man may leave 400 drachmas undeclared if he belongs to the highest property-class, 300 if to the second, 200 if to the third, and 100 if he belongs to the fourth.)[5]

5. If anyone is found to possess anything in addition to the registered sum,
the entire surplus should be confiscated by the state,

and on top of that anyone who wants to should bring a charge against him – and an ugly, discreditable and disgraceful charge it will be, if the man is convicted of being enticed by the prospect of gain to hold the laws in contempt. The accuser, who may be anyone, should accordingly enter a charge of 'money-grubbing' against him, and prosecute in the court of the Law-Guardians themselves.

6. If the defendant is found guilty,
755 *he must* be excluded from the common resources of the state, and when a grant of some kind is made, he must go without and be limited to his holding; and for as long as he lives his conviction should be recorded for public inspection by all and sundry.

A Law-Guardian must not hold office for longer than twenty years; he should be not less than fifty years old on appointment, and if he is appointed at sixty, his maximum tenure must be ten years, and so on. And if a man survives beyond seventy, he should no longer expect to hold such an important post as membership of this board.

5. I take it this means one is allowed a certain margin for small inadvertent underestimates.

That gives us three duties[6] to assign to the Guardians of the Laws. As the legal code is extended, every new law will give this body of men additional duties to perform, over and above the ones we've mentioned.

Now for the election of the other officials, one by one.

MILITARY OFFICIALS

Next, then, we have to elect Generals and their *aides-de-camp*, so to speak: Cavalry-Commanders, Tribe-Leaders, and controllers of the tribal companies of infantry ('Company-Commanders' will be a good name for these officers, which is in fact what most people do call them).

Generals. The Guardians of the Laws must compile a preliminary list of candidates, restricted to citizens, and the Generals should then be elected from this list by all those who have served in the armed forces at the proper age, or are serving at the time. If anybody thinks that someone not on the preliminary list is better qualified than someone who is, he must name his proposed substitute, and say whom he should replace; then, having sworn his oath, he must propose the alternative candidate. Whichever of the two the voting favours should be a candidate in the election. The three candidates who receive most votes should become Generals and take over the organization of military affairs, after being scrutinized in the same way as the Guardians of the Laws.

Company-Commanders. The elected Generals should make their own preliminary list of twelve Company-Commanders, one for each tribe; the counter-nominations, the election and the scrutiny must be conducted as they were for the Generals themselves.

The Elections. For the moment, before a council and executive committees[7] have been chosen, your assembly must be

6. Presumably (a) supervision of the laws, (b) custody of the registers of property, (c) trying those accused of 'money-grubbing'.

7. See pp. 230–31.

convened by the Guardians of the Laws in the holiest and most capacious place they can find; and they must seat the heavy-armed soldiers, the cavalry, and finally all other ranks, in separate blocks. The Generals and Cavalry-Commanders should be elected by the whole assembly, the Company-
756 Commanders by the shield-bearers, and their[8] Tribe-Leaders by the entire cavalry; as for light-armed troops, archers, or whatever other ranks there may be, the appointment of their leaders should be left to the Generals' discretion.

Cavalry-Commanders. That will leave us with the appointment of the Cavalry-Commanders. The preliminary list must be drawn up by the same persons as drew up the list of Generals, and the election and counter-proposals should be conducted in the same way; the cavalry must hold the election watched by the infantry, and the two candidates with the most votes must become leaders of the entire mounted force.

Disputed Votes. Votes may be disputed no more than twice. If anyone contests the vote on the third occasion, the tellers must decide the issue by voting among themselves.

THE ELECTION OF THE COUNCIL[9]

The council should have thirty dozen members, as 360 will be a convenient number for subdivision. The total will be divided into four sections of ninety, this being the number of members to be elected from each property-class. The first step in the election is to be compulsory for all: everyone must take part in the nomination of members of the highest class, and anybody who neglects his duty must pay the approved fine. When the nominations are completed, the names must be sealed up.

On the next day, using the same procedure as before, they will nominate members of the second class.

8. It is not clear to whom this word is supposed to refer.

9. For an elucidation of the procedure described here, see G. R. Morrow, *Plato's Cretan City*, p. 166 ff.

On the third day, nominating for Councillors from the third class will be optional, except for voters of the first three classes: voters of the fourth and lowest class will be exempted from the fine if they do not care to make a nomination.

The fourth day will see the nomination for representatives of the fourth and lowest class; everyone must take part, but voters of the third and fourth class who do not wish to nominate should not be fined – unlike voters of the second and first classes, who must be fined treble and quadruple the standard fine respectively if they do not make a nomination.

On the fifth day the officials must display to the entire citizen body the names that were sealed up, and on the basis of these lists every man must cast his vote or pay the standard fine. 180 must be selected from each property-class, and half of them finally chosen by lot. These, after scrutiny, are to be Councillors for the year.

THE NOTION OF EQUALITY

A system of selection like that will effect a compromise between a monarchical and a democratic constitution, which is precisely the sort of compromise a constitution should always be. You see, even if you proclaim that a master and his slave shall have equal status, friendship between them is inherently 757
impossible. The same applies to the relations between an honest man and a scoundrel. Indiscriminate equality for all amounts to *in*equality, and both fill a state with quarrels between its citizens. How correct the old saying is, that 'equality leads to friendship'! It's right enough and it rings true, but what *kind* of equality has this potential is a problem which produces ripe confusion. This is because we use the same term for two concepts of 'equality', which in most respects are virtual opposites. The first sort of equality (of measures, weights and numbers) is within the competence of any state and any legislator: that is, one can simply distribute equal awards by lot. But the most genuine equality, and the best, is not so obvious. It needs the wisdom and judgement of Zeus, and only in a limited number of ways does it help the

human race; but when states or even individuals do find it profitable, they find it very profitable indeed. The general method I mean is to grant much to the great and less to the less great, adjusting what you give to take account of the real nature of each – specifically, to confer high recognition on great virtue; but when you come to the poorly educated in this respect, to treat them as they deserve. We maintain, in fact, that statesmanship too consists of essentially this – strict justice. This is what we should be aiming at now, Cleinias: this is the kind of 'equality' we should concentrate on as we bring our state into the world. The founder of any other state should also concentrate on this same goal when he frames his laws, and take no notice of a bunch of dictators, or a single one, or even the power of the people. He must always make *justice* his aim, and this is precisely as we've described it: it consists of granting the 'equality' that unequals deserve to get. Yet on occasion a state as a whole (unless it is prepared to put up with a degree of friction in one part or another) will be obliged to apply these concepts in a rather rough and ready way, because complaisance and toleration, which always wreck complete precision, are the enemies of strict justice. You can now see why it was necessary to avoid the anger of the man in the street by giving him an equal chance in the lot (though even then we prayed to the gods of good luck to make the lot give the right decisions). So though force of circumstances compels us to employ both sorts of equality, we should employ
758 the second, which demands good luck to prove successful, as little as possible.

THE EXECUTIVE COMMITTEE OF THE COUNCIL

So much, my friends, for the justification of our policy, which is the policy a state must follow if it means to survive. The state is just like a ship at sea, which always needs someone to keep watch night and day: as it is steered through the waves of international affairs, it lives in constant peril of being captured by all sorts of conspiracies. Hence the need of an

unbroken chain of authority right through the day and into the night and then on into the next day, guard relieving guard in endless succession. But a large body will never be able to act quickly enough, and most of the time we have to leave the majority of council members free to live their private lives and administer their own establishments. We must therefore divide the members of the council into twelve groups, one for each month, and have them go on guard by turns. They must be available promptly, whenever anyone from abroad or from within the state itself approaches them wishing to give information or inquire about those topics on which a state must arrange to answer the questions of other states and receive replies to its own. They must be particularly concerned with the constant revolutions of all kinds that are apt to occur in a state; if possible, they must prevent them, but failing that they must see that the state gets to know as soon as possible, so that the outbreak can be cured. That is why this executive committee has to be in charge of convening and dissolving not only statutory meetings but also those held in some national emergency. The authority that should see to all this – a twelfth of the council – will of course be *off* duty for eleven-twelfths of the year: it's the section of the council *on* duty that must co-operate with other officials and keep a watchful eye on the state.

OTHER OFFICIALS; PRIESTS

That will be a reasonable arrangement for the city, but what about the rest of the country? How should it be superintended and organized? Well now, the entire city and the entire country have been divided into twelve sections; there are the roads of the central city; there are houses, public buildings, harbours, the market, and fountains; there are, above all, sacred enclosures and similar places. Shouldn't all these things have officials appointed to look after them?

CLEINIAS: Naturally.

ATHENIAN: We can say, then, that the temples should have 759
Attendants and Priests and Priestesses. Next, there are the

duties of looking after streets and public buildings, ensuring that they reach the proper standards, stopping men and animals doing them damage, and seeing that conditions both in the suburbs and the city itself are in keeping with a civilized life. All these duties require three[10] types of officials to be chosen: the 'City-Wardens' (as they will be called) will be responsible for the points we've just mentioned, and the 'Market-Wardens' for the correct conduct of the market.

Priests or Priestesses of temples who have hereditary priesthoods should not be turned out of office. But if (as is quite likely in a new foundation) few or no temples are thus provided for, the deficiencies must be made good by appointing Priests and Priestesses to be Attendants in the temples of the gods. In all these cases the appointments should be made partly by election and partly by lot, so that a mixture of democratic and non-democratic methods in every rural and urban division may lead to the greatest possible feeling of solidarity. In electing Priests, one should leave it to the god himself to express his wishes, and allow him to guide the luck of the draw. But the man whom the lot favours must be screened to see that he is healthy and legitimate, reared in a family whose moral standards could hardly be higher, and that he himself and his father and mother have lived unpolluted by homicide and all such offences against heaven.

They must get laws on all religious matters from Delphi, and appoint Expounders of them; that will provide them with a code to be obeyed. Each priesthood must be held for a year and no longer, and anyone who intends to celebrate our rites in due conformity with religious law should not be less than sixty years old. The same rules should apply to Priestesses too.

THE ELECTION OF THE EXPOUNDERS[11]

There should be three Expounders. The tribes will be arranged in three sets of four, and every man should nominate four

10. The first category being, presumably, the Priests, etc.

11. Officials charged with the duty of interpreting religious law and advising on the celebration of rites. I adopt Hammond's interpretation

persons, each from the same set as himself; the three candidates who receive most votes should be scrutinized, and nine names should then be sent to Delphi for the oracle to select one from each group of three. Their scrutiny, and the requirement as to age, should be the same as in the case of the Priests; these three must hold office for life, and when one dies the group of four tribes in which the vacancy occurs should make nominations for a replacement.

TREASURERS

The highest property-class must elect Treasurers to control the sacred funds of each temple, and to look after the temple-enclosures and their produce and revenues; three should be 760
chosen to take charge of the largest temples, two for the less large, and one for the very small. The election and scrutiny of these officials should be conducted as it was for the Generals.

So much by way of provision for the holy places.

THE PROTECTION OF THE TERRITORY

As far as practicable, nothing should be left unguarded. The protection of the city is to be the business of the Generals, Company-Commanders, Cavalry-Commanders, Tribe-Leaders and members of the Executive – and the City-Wardens and Market-Wardens too, once we have them elected and satisfactorily installed in office. The whole of the rest of the country should be protected as follows. Our entire territory has been divided as exactly as possible into twelve equal sections, and every year one tribe must be allocated by lot to each of them. Every tribe must provide five 'Country-Wardens' or 'Guards-in-Chief', each of whom[12] will be allowed to choose from

of this horrid passage, and have expanded the translation considerably in the interests of intelligibility. See N. G. L. Hammond, 'The Exegetai in Plato's *Laws*', *Classical Quarterly*, II (1952), 4 ff.; G. R. Morrow, *Plato's Cretan City*, 419 ff., 496 ff.

12. Plato does not make clear whether the five chiefs are to choose twelve assistants or sixty (i.e. twelve *each*). I have adopted the latter interpretation: see Morris Davis, 'How many *Agronomoi* in Plato's *Laws*?', *Classical Philology*, LX (1965), 28–9.

his own tribe twelve young men who must be not younger than twenty-five nor older than thirty. The effect of the lot will be that each group will take a different section every month, so that they all get experience and knowledge of the entire country. The guards and their officers in charge are to hold their respective commissions for two years. Starting from the original sections (i.e. districts of the country) assigned by lot, the Guards-in-Chief are to take their groups round in a circle, transferring them each month to the next district on the right ('on the right' should be understood to mean 'to the East'). But it's not enough that as many of the guards as possible should get experience of the country at only one season of the year: we want them to add to their knowledge of the actual territory by discovering what goes on in every district at every season. So their leaders for the time being should follow up the first year by spending a second leading them back through the various districts, moving this time to the left. For the third year, a tribe must choose other Country-Wardens, and five new Guards-in-Chief, each in charge of twelve assistants.

While stationed in the various districts, their duties should be as follows. To start with, they must see that the territory is protected against enemies as thoroughly as possible. They must dig ditches wherever necessary, and excavate trenches and erect fortifications to check any attempt to harm the land and the livestock. They will requisition the beasts of burden
761 and slaves of the local residents for these purposes, and employ them at their discretion, picking as far as possible times when they are not required for their normal duties. The wardens must arrange that the enemy would be impeded at every turn, whereas movement by our own side (by men or beasts of burden or cattle) would be facilitated; and they must see that every road is as easy for the traveller as can be managed.

The rain God sends must do the countryside good, not harm, so the wardens must see that the water flowing off the high ground down into any sufficiently deep ravines between the hills is collected by dikes and ditches, so that the ravines can retain and absorb it, and supply streams and springs for

all the districts in the countryside below, and give even the driest of spots a copious supply of pure water. As for water that springs from the ground, the wardens must beautify the fountains and rivers that form by adorning them with trees and buildings; they must use drains to tap the individual streams and collect an abundant supply, and any grove or sacred enclosure which has been dedicated nearby must be embellished by having a perennial flow of water directed by irrigation into the very temples of the gods. The young men should erect in every quarter gymnasia for themselves and senior citizens, construct warm baths for the old folk, and lay up a large stock of thoroughly dry wood. All this will help to relieve invalids, and farmers wearied by the labour of the fields – and it will be a much kinder treatment than the tender mercies of some fool of a doctor.

THE RURAL COURTS

All these and similar projects will beautify and improve a district, and permit some welcome recreation into the bargain. The Wardens' really serious duties should be as follows. Each squad of sixty must protect its own district not only from enemies, but from those who profess to be friends. If a slave or a free man injures a neighbour or any other citizen, the Wardens must try the case brought by the plaintiff. The five leaders should deal with the trivial cases on their own authority, but in the more important cases (when one man sues another for any sum up to three minas) they should sit in judgement with one group of twelve assistants as a bench of 17. Apart from the officials whose decisions (like those of kings) are final, no judge shall hold court, and no official shall fill his position, without being liable to be called to account for his actions. The Country-Wardens are to be no exception, if they treat the people in their care at all high-handedly by giving them unfair orders or by trying to grab 762
and remove any agricultural equipment without permission, or allow their palms to be greased, or go so far as to deliver unjust verdicts. For giving way to boot-lickers they must be

publicly disgraced. When the actual injury they have done to an inhabitant of their district does not exceed one mina in value, they should voluntarily submit to a trial before the villagers and neighbours. Whenever larger sums are involved (or even smaller sums, if the accused is not prepared to submit to trial because he's confident that by moving to a fresh district every month he will get away and 'get off' too), the injured party should file suit against him in the common courts.

7. If the plaintiff wins the day,
then this elusive fellow who was not prepared to pay a penalty with a good grace must pay him double the amount at issue.

HOW THE COUNTRY-WARDENS ARE TO LIVE

The way of life of the Country-Wardens and their officers during their two years on duty will be something like this. First, in every district of the country there should be communal restaurants, at which everyone will have to eat together.

8. If a Warden fails to turn up at these meals even for one day, or sleeps away from his quarters at night, except on the express orders of his superiors or because of some unavoidable necessity,
the five leaders may post his name in the market-place as a deserter from his post; if they do, he will have to bear the disgrace of having turned traitor to the state, and anyone who happens to meet him will be entitled to give him a beating if he wants to, without being punished for it.

If one of the actual officers goes so far as to commit this sort of offence, all his fifty-nine colleagues must look into the business.

9. If one of them notices (or is told) what is going on and fails to bring a case,
the same laws should be invoked against him, and he must be punished with greater severity than his juniors: that is, he is to be stripped of his right to exercise any authority over the young.

The Guardians of the Laws should keep a sharp eye on these offences and try to stop them being committed at all; failing that, they must see that the proper penalties are inflicted.

No one will ever make a commendable master without having been a servant first; one should be proud not so much of ruling well but of serving well – and serving the laws above all (because this is the way we serve the gods), and secondly, if we are young, those who are full of years and honour. It is vital that everyone should be convinced that this rule applies to us all. The next point, then, is that when someone who has joined the Country-Wardens gets to the end of his two years, he ought to be no stranger to a meagre daily ration of uncooked food. In fact, after being selected, the groups of twelve assistant Wardens must assemble with the five officers and resolve that, being servants, they will not possess other 763
servants and slaves for themselves, nor employ the attendants of other people (the farmers and villagers) for their own private needs, but only for public tasks. With that exception, they must expect to double as their own servants and fend for themselves; and on top of all that they must reckon to investigate the entire country, summer and winter, in arms, to protect and get to know every district in succession. Everyone should be closely familiar with his own country: probably no study is more valuable. This is the real reason why the youths must go in for hunting with dogs, and other types of chase – quite apart from the pleasure and profit that everyone gets out of such activities.

So much for these 'secret-service men'[13] or 'Country-Wardens' (call them what you will), and their regimen – a regimen into which everyone who means to play his part in keeping his country safe must throw himself heart and soul.

THE CITY-WARDENS

The next election on our list was that of the Market-Wardens and City-Wardens.[14] There are to be three of the latter, who

13. See p. 57 and G. R. Morrow, *Plato's Cretan City*, 189–90. The expression is probably not as sinister as it sounds.
14. See p. 233.

will divide the twelve sections of the city into three groups, and like their counterparts (the 60 Country-Wardens), will look after the roads, both the streets within the city boundaries and the various routes that extend into the capital from the country; and they must also supervise the buildings, to see that they are constructed to the statutory standards. In particular, they must ensure that the water which the Guards-in-Chief have transmitted and sent on to them in good condition reaches the fountains pure and in sufficient quantities, so that it enhances the beauty and amenities of the city. So these officials too must be men of some calibre, with time to go in for public affairs, which means that every citizen nominating City-Wardens must confine his choice to members of the highest property-class. When they have held the election and produced a short list of six candidates with the most votes, the officials responsible are to select three of them by lot; and these, after scrutiny, should hold office in accordance with the laws provided for them.

THE MARKET-WARDENS

Next, five Market-Wardens must be elected from the first and second property-classes. In general, their election should be conducted as for the City-Wardens: ten should be selected from the list of candidates by voting, and then five selected by lot, who after due scrutiny should be appointed to office. (Voting is compulsory for all in every election, and anyone
764 who fails in his duty and is denounced to the authorities should be fined fifty drachmas and get the reputation of being a scoundrel. Attendance at the assembly (the general meeting of the state) is to be optional, except for members of the first and second property-classes, who will be fined ten drachmas if their absence from such a meeting is proved. But the third and fourth classes will not be forced to attend and should not be subject to any penalty unless the authorities, for some pressing reason, instruct everyone to come.) To get back to the Market-Wardens: they are to maintain due order in the market, and look after the temples and fountains, to see that

no one damages them. They must punish anyone who commits an offence, a slave or foreigner by whipping him and putting him in chains; but if a native citizen misbehaves himself in this way, the Market-Wardens should be authorized to decide the case on their own and fine the culprit up to 100 drachmas, the limit being increased to 200 if they sit in association with the City-Wardens. In their own sphere, the City-Wardens too should have the same power of fining and punishing, and inflict fines up to one mina on their own, and up to two minas in association with the Market-Wardens.

EDUCATION OFFICIALS[15]

The right thing to do next will be to appoint officials in charge of (A) culture and (B) physical training – two categories of them in each case, one (1) to handle the educational side and the other (2) to organize competitions. By (1)'education officials' the law means superintendents of gymnasia and schools, who see that they are decently run, supervise the curriculum and organize such related matters as the attendance and accommodation of the boys and girls. (2) 'Officials in charge of competitions' means judges of competitors in athletics and contests of the arts (there being here again two categories (AB) of officials, one for the arts, one for athletics). (B2) Men and horses in athletic contests can have the same judges, but (A2) in the arts, choruses[16] should properly have (A2a) one set of judges, while solo dramatic performances (given by reciters of poetry, lyre-players, pipe-players and such people) ought to have another (A2b). So I suppose a good start will be to select (A2a) the authority to supervise children, men and girls as they enjoy themselves in choruses by dancing and every other type of cultural activity. One official, who is to be not less than forty years old, will suffice, and one of not less than thirty (A2b) will also be enough to 765 present the solo performances and give an adequate decision between the contestants. The Chief Organizer of the Choruses

15. I have attempted to articulate the passage by the use of A, B, etc.
16. See pp. 84–5 for an explanation of this term.

(A2a) must be chosen in some such way as this. All those who are keen on such things should attend the election meeting and be liable to a fine if they don't (this is a point for the Guardians of the Laws to decide), whereas others who do not wish to attend should not be compelled. In proposing their choice the electors should confine themselves to the experts, and in the scrutiny there must be only one reason for accepting or rejecting the candidate the lot has favoured: that he is experienced or inexperienced as the case may be. One of the ten nominees with the most votes must be selected by lot, scrutinized, and be in charge of the choruses for the year according to law. Similarly with the year's entrants for solo performances and combined pieces on the pipes: only after the application of the same criterion should the candidate (A2b) favoured by the lot take charge of them and decide between them, having referred the decision in his own case to his judges.[17] Next, (B2) Umpires for athletic contests and exercises of horses and men must be chosen from the second and also the third property-class; it will be compulsory for members of the first three classes to take part in the election, but the lowest class may be let off without a fine. The Umpires should number three, chosen by lot from the twenty candidates who head the poll, and duly sanctioned by the scrutineers.

If anyone is judged and found wanting in the scrutiny after being drawn by lot for any office, another person must be chosen in his place by the same methods, and his scrutiny conducted in the same way.

THE MINISTER OF EDUCATION

The remaining official in this field is the director of the entire education of the boys and girls. Here too there should be one official in charge under the law. He must be not younger than fifty years old, and the father of legitimate children – preferably both sons and daughters, though either alone will do. The chosen candidate himself and those who choose him should appreciate that this is by far the most important of all the supreme offices in the state. Any living creature that flourishes in its first stages of growth gets a tremendous impetus towards its natural perfection and the final development appropriate to it, and this is true of both plants and animals (tame and wild), and men too. Man is a 'tame' animal, as we put it, and of course if he enjoys a good education and happens to have the right natural disposition, he's apt to be a most heavenly and gentle creature; but his upbringing has only to be inadequate or misguided and he'll become the wildest animal on the face of the earth. That's why the legislator should not treat the education of children cursorily or as a secondary matter; he should regard the right choice of the man who is going to be in charge of the children as something of crucial importance, and appoint as their Minister the best all-round citizen in the state. So all the officials except the council and members of the Executive[18] should meet at the temple of Apollo and hold a secret ballot, each man voting for whichever Guardian of the Laws he thinks would make the best Minister of Education. The one who attracts the largest number of votes should be scrutinized by the officials who have elected him, the Guardians of the Laws standing aside. The Minister should hold office for five years, and in the sixth he should be replaced by his successor after an election held under the same rules.

17. In this mysterious and confusing sentence, which I have slightly expanded, Plato seems to me to be drawing a frigid parallel between the official's own examination at the scrutiny and his judgement between the competitors in his charge.

766

DEATH IN OFFICE

If any public official dies in office and there are more than thirty days of his tenure left to run, the officials concerned must follow the same procedure as before and appoint a replacement. If a guardian of orphans dies, the relatives on both the mother's and the father's side (as far as the children of first cousins), provided they are living in the state, should appoint a successor within ten days, or be fined a drachma for

18. See pp. 230–31.

every day they let pass without appointing the children's new guardian.

THREE GRADES OF COURT

Of course, any state without duly established courts simply ceases to *be* a state. If a judge is silent, and (as in arbitration) has no more to say than the litigants in a preliminary hearing, he'll never be able to come to a satisfactory decision on the cases before him. That's why a large bench finds it difficult to return good verdicts – and so does a small one, if its members are of poor calibre. The point in dispute between the parties must always be made crystal clear, and leisurely and repeated interrogation over a period of time helps a lot to clarify the issues. That is the justification for making litigants bring their charges initially before a court of neighbours, who will be their friends and understand best the actions which
767 provoke the dispute. If a litigant is dissatisfied with the judgement of this court, he may apply to a second, but if the first two courts are both unable to settle the argument, the verdict of the third must close the case.

In a sense, to establish a court is to elect officials. Every official, you see, sometimes has to set up as a judge as well; and a judge, although strictly he has no official position, becomes in a way an official of considerable importance during the day on which he sits in judgement and gives his verdict. So on the assumption that judges too are officials, let's specify what judges will be appropriate, the disputes they will decide, and how many should sit on each case. The court appointed by the common choice of the litigants themselves for their own private cases should have absolute authority.[19] Cases may be brought before the other courts[20] for two reasons: one private person may charge another with having done him wrong, and bring him to court so that the issue can be decided; or someone may believe that one of the citizens is acting against the public

19. I.e. *if* the contestants accept the verdict. The 'neighbours' court' above is meant.

20. I.e. the second ('tribal') court and third ('appeal') court.

interests, and wish to come to the community's assistance. Now we must specify the character and identity of the judges.

ELECTION OF THE SUPREME COURT

First, let's set up a common court for all private persons who are contesting an issue with each other for the third time.[21] It is to be formed in some such way as this. All officials whose tenure lasts for a year or longer should assemble in a single temple on the day just before the new year opens in the month after the summer solstice; then, after swearing to the god, they must offer him their choicest fruit, so to speak: each board of officials should contribute one judge, the man who appears to be the outstanding member of his board and seems likely to judge the cases of his fellow-citizens during the coming year in the best and most god-fearing manner. When the judges have been chosen, their scrutiny should be conducted before their very electors, and if any one of them is rejected, a replacement should be chosen under the same rules. Those who pass the scrutiny are to sit in judgement on the cases of the litigants who refuse to accept the decision of the other courts. They are to vote openly, and it will be compulsory for the Councillors and the other officials who elected the judges to watch and listen to the trials; others may attend if they wish.

CORRUPT VERDICTS

If anyone accuses a man of having knowingly returned a false verdict, he must go to the Guardians of the Laws to prefer the charge.

10. If the accused is found guilty as charged,
he will have to pay to the injured party half the damages awarded; if he is thought to deserve a stiffer punishment, his judges must calculate the additional penalty he should

21. I.e. *appealing* for the *second* time.

suffer or additional fine he ought to pay to the state and his prosecutor.

THE COURT OF THE PEOPLE[22]

As for charges of crimes against the state, the first need is to
768 let the man in the street play his part in judging them. A wrong done to the state is a wrong done to all its citizens, who would be justifiably annoyed if they were excluded from deciding such cases. But although we should allow the opening and closing stages of this kind of trial to be in the hands of the people, the detailed examination should be conducted by three of the highest officials, chosen by agreement between prosecutor and defendant. If they are unable to reach agreement themselves, the council should decide between their respective choices.

THE TRIBAL COURTS

Everyone should have a part to play in private suits too, because anyone excluded from the right to participate in trying cases feels he has no stake in the community whatever. Hence we must also have courts organized on a tribal basis, where the judges, being chosen by lot as occasion arises, will give their verdicts uncorrupted by external pressures. But the final decision in all these cases is to be given by that other court[23] which deals with litigants who cannot settle their case either before their neighbours or in the tribal courts, and which for their benefit has been made (we claim) as incorruptible a court as can be assembled by human power.

OUR SCHEME IS ONLY A SKETCH[24]

So much for our courts (and we admit that to call their members either 'officials' or 'non-officials' without qualification

22. Such a court may or may not be implied by the next few sentences.
23. The Supreme Court.
24. The main point of this foggy paragraph seems to be that after a certain stage the details of one topic cannot be described without reference to some other topic. The Athenian Stranger now passes from organization and administration to legislation.

raises difficulties of terminology). We've given a sort of superficial sketch, which in spite of including a number of details, nevertheless omitted a good many, because a better place for presenting an exact legal procedure and classification of suits will be towards the end of our legislation. So this theme may be dismissed till we are finishing off. We have already explained most of the rules for establishing official posts, but we still can't get a completely clear and exact picture of every individual detail of the entire constitutional organization of the state: for that, we need to take every single topic in proper sequence and go through the whole subject from beginning to end. So far, then, we've described the election of officials, and that brings us to the end of our introduction. Now to start the actual legislation: there's no need to postpone or delay it any longer.