

柏拉图作品集·法律篇(三)

[古希腊] 柏拉图 著

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BOOK III

Athenian Stranger. Enough of this. And what, then, is to be regarded as the origin of government? Will not a man be able to judge of it best from a point of view in which he may behold the progress of states and their transitions to good or evil?

Cleinias. What do you mean?

Ath. I mean that he might watch them from the point of view of time, and observe the changes which take place in them during infinite ages.

Cle. How so?

Ath. Why, do you think that you can reckon the time which has elapsed since cities first existed and men were citizens of them?

Cle. Hardly.

Ath. But are sure that it must be vast and incalculable?

Cle. Certainly.

Ath. And have not thousands and thousands of cities come into being during this period and as many perished? And has not each of them had every form of government many times over, now growing larger, now smaller, and again improving or declining?

Cle. To be sure.

Ath. Let us endeavour to ascertain the cause of these changes; for that will probably explain the first origin and development of forms of government.

Cle. Very good. You shall endeavour to impart your thoughts to us, and we will make an effort to understand you.

Ath. Do you believe that there is any truth in ancient traditions?

Cle. What traditions?

Ath. The traditions about the many destructions of mankind which have been occasioned by deluges and pestilences, and in many other ways, and of the survival of a remnant?

Cle. Every one is disposed to believe them.

Ath. Let us consider one of them, that which was caused by the famous deluge.

Cle. What are we to observe about it?

Ath. I mean to say that those who then escaped would only be hill shepherds-small sparks of the human race preserved on the tops of mountains.

Cle. Clearly.

Ath. Such survivors would necessarily be unacquainted with the arts and the various devices which are suggested to the dwellers in cities by interest or ambition, and with all the wrongs which they contrive against one another.

Cle. Very true.

Ath. Let us suppose, then, that the cities in the plain and on the sea-coast were utterly destroyed at that time.

Cle. Very good.

Ath. Would not all implements have then perished and every other excellent invention of political or any other sort of wisdom have utterly disappeared?

Cle. Why, yes, my friend; and if things had always continued as they are at present ordered, how could any discovery have ever been made even in the least particular? For it is evident that the arts were unknown during ten thousand times ten thousand years. And no more than a thousand or two thousand years have elapsed since the discoveries of Daedalus, Orpheus and Palamedes-since Marsyas and Olympus invented music, and Amphion the lyre-not to speak of numberless other inventions which are but of yesterday.

Ath. Have you forgotten, Cleinias, the name of a friend who is really of yesterday?

Cle. I suppose that you mean Epimenides.

Ath. The same, my friend; he does indeed far overleap the heads of all mankind by his invention; for he carried out in practice, as you declare, what of old Hesiod only preached.

Cle. Yes, according to our tradition.

Ath. After the great destruction, may we not suppose that the state of man was something of this sort:-In the beginning of things there was a fearful illimitable

desert and a vast expanse of land; a herd or two of oxen would be the only survivors of the animal world; and there might be a few goats, these too hardly enough to maintain the shepherds who tended them?

Cle. True.

Ath. And of cities or governments or legislation, about which we are now talking, do you suppose that they could have any recollection at all?

Cle. None whatever.

Ath. And out of this state of things has there not sprung all that we now are and have: cities and governments, and arts and laws, and a great deal of vice and a great deal of virtue?

Cle. What do you mean?

Ath. Why, my good friend, how can we possibly suppose that those who knew nothing of all the good and evil of cities could have attained their full development, whether of virtue or of vice?

Cle. I understand your meaning, and you are quite right.

Ath. But, as time advanced and the race multiplied, the world came to be what the world is.

Cle. Very true.

Ath. Doubtless the change was not made all in a moment, but little by little, during a very long period of time.

Cle. A highly probable supposition.

Ath. At first, they would have a natural fear ringing in their ears which would prevent their descending from the heights into the plain.

Cle. Of course.

Ath. The fewness of the survivors at that time would have made them all the more desirous of seeing one another; but then the means of travelling either by land or sea had been almost entirely lost, as I may say, with the loss of the arts, and there was great difficulty in getting at one another; for iron and brass and all metals were jumbled together and had disappeared in the chaos; nor was there any possibility of extracting ore from them; and they had scarcely any means of

felling timber. Even if you suppose that some implements might have been preserved in the mountains, they must quickly have worn out and vanished, and there would be no more of them until the art of metallurgy had again revived.

Cle. There could not have been.

Ath. In how many generations would this be attained?

Cle. Clearly, not for many generations.

Ath. During this period, and for some time afterwards, all the arts which require iron and brass and the like would disappear.

Cle. Certainly.

Ath. Faction and war would also have died out in those days, and for many reasons.

Cle. How would that be?

Ath. In the first place, the desolation of these primitive men would create in them a feeling of affection and good-will towards one another; and, secondly, they would have no occasion to quarrel about their subsistence, for they would have pasture in abundance, except just at first, and in some particular cases; and from their pasture-land they would obtain the greater part of their food in a primitive age, having plenty of milk and flesh; moreover they would procure other food by the chase, not to be despised either in quantity or quality. They would also have abundance of clothing, and bedding, and dwellings, and utensils either capable of standing on the fire or not; for the plastic and weaving arts do not require any use of iron: and God has given these two arts to man in order to provide him with all such things, that, when reduced to the last extremity, the human race may still grow and increase. Hence in those days mankind were not very poor; nor was poverty a cause of difference among them; and rich they could not have been, having neither gold nor silver:-such at that time was their condition. And the community which has neither poverty nor riches will always have the noblest principles; in it there is no insolence or injustice, nor, again, are there any contentions or envyings. And therefore they were good, and also because they were what is called simple-minded; and when they were told about

good and evil, they in their simplicity believed what they heard to be very truth and practised it. No one had the wit to suspect another of a falsehood, as men do now; but what they heard about Gods and men they believed to be true, and lived accordingly; and therefore they were in all respects such as we have described them.

Cle. That quite accords with my views, and with those of my friend here.

Ath. Would not many generations living on in a simple manner, although ruder, perhaps, and more ignorant of the arts generally, and in particular of those of land or naval warfare, and likewise of other arts, termed in cities legal practices and party conflicts, and including all conceivable ways of hurting one another in word and deed;-although inferior to those who lived before the deluge, or to the men of our day in these respects, would they not, I say, be simpler and more manly, and also more temperate and altogether more just? The reason has been already explained.

Cle. Very true.

Ath. I should wish you to understand that what has preceded and what is about to follow, has been, and will be said, with the intention of explaining what need the men of that time had of laws, and who was their lawgiver.

Cle. And thus far what you have said has been very well said.

Ath. They could hardly have wanted lawgivers as yet; nothing of that sort was likely to have existed in their days, for they had no letters at this early period; they lived by habit and the customs of their ancestors, as they are called.

Cle. Probably.

Ath. But there was already existing a form of government which, if I am not mistaken, is generally termed a lordship, and this still remains in many places, both among Hellenes and barbarians, and is the government which is declared by Homer to have prevailed among the Cyclopes:

They have neither councils nor judgments, but they dwell in hollow caves on the tops of high mountains, and every one gives law to his wife and children, and they

do not busy themselves about one another.

Cle. That seems to be a charming poet of yours; I have read some other verses of his, which are very clever; but I do not know much of him, for foreign poets are very little read among the Cretans.

Megillus. But they are in Lacedaemon, and he appears to be the prince of them all; the manner of life, however, which he describes is not Spartan, but rather Ionian, and he seems quite to confirm what you are saying, when he traces up the ancient state of mankind by the help of tradition to barbarism.

Ath. Yes, he does confirm it; and we may accept his witness to the fact that such forms of government sometimes arise.

Cle. We may.

Ath. And were not such states composed of men who had been dispersed in single habitations and families by the poverty which attended the devastations; and did not the eldest then rule among them, because with them government originated in the authority of a father and a mother, whom, like a flock of birds, they followed, forming one troop under the patriarchal rule and sovereignty of their parents, which of all sovereignties is the most just?

Cle. Very true.

Ath. After this they came together in greater numbers, and increased the size of their cities, and betook themselves to husbandry, first of all at the foot of the mountains, and made enclosures of loose walls and works of defence, in order to keep off wild beasts; thus creating a single large and common habitation.

Cle. Yes; at least we may suppose so.

Ath. There is another thing which would probably happen.

Cle. What?

Ath. When these larger habitations grew up out of the lesser original ones, each of the lesser ones would survive in the larger; every family would be under the rule of the eldest, and, owing to their separation from one another, would have peculiar customs in things divine and human, which they would have received from their

several parents who had educated them; and these customs would incline them to order, when the parents had the element of order in their nature, and to courage, when they had the element of courage. And they would naturally stamp upon their children, and upon their children's children, their own likings; and, as we are saying, they would find their way into the larger society, having already their own peculiar laws.

Cle. Certainly.

Ath. And every man surely likes his own laws best, and the laws of others not so well.

Cle. True.

Ath. Then now we seem to have stumbled upon the beginnings of legislation.

Cle. Exactly.

Ath. The next step will be that these persons who have met together, will select some arbiters, who will review the laws of all of them, and will publicly present such as they approve to the chiefs who lead the tribes, and who are in a manner their kings, allowing them to choose those which they think best. These persons will themselves be called legislators, and will appoint the magistrates, framing some sort of aristocracy, or perhaps monarchy, out of the dynasties or lordships, and in this altered state of the government they will live.

Cle. Yes, that would be the natural order of things.

Ath. Then, now let us speak of a third form of government, in which all other forms and conditions of polities and cities concur.

Cle. What is that?

Ath. The form which in fact Homer indicates as following the second. This third form arose when, as he says, Dardanus founded Dardania:

For not as yet had the holy Ilium been built on the plain to be a city of speaking men; but they were still dwelling at the foot of many-fountained Ida.

For indeed, in these verses, and in what he said of the Cyclopes, he speaks the words of God and nature; for poets are a divine race and often in their strains, by

the aid of the Muses and the Graces, they attain truth.

Cle. Yes.

Ath. Then now let us proceed with the rest of our tale, which will probably be found to illustrate in some degree our proposed design:-Shall we do so?

Cle. By all means.

Ath. Ilium was built, when they descended from the mountain, in a large and fair plain, on a sort of low hill, watered by many rivers descending from Ida.

Cle. Such is the tradition.

Ath. And we must suppose this event to have taken place many ages after the deluge?

Ath. A marvellous forgetfulness of the former destruction would appear to have come over them, when they placed their town right under numerous streams flowing from the heights, trusting for their security to not very high hills, either.

Cle. There must have been a long interval, clearly.

Ath. And, as population increased, many other cities would begin to be inhabited.

Cle. Doubtless.

Ath. Those cities made war against Troy-by sea as well as land-for at that time men were ceasing to be afraid of the sea.

Cle. Clearly.

Ath. The Achaeans remained ten years, and overthrew Troy.

Cle. True.

Ath. And during the ten years in which the Achaeans were besieging Ilium, the homes of the besiegers were falling into an evil plight. Their youth revolted; and when the soldiers returned to their own cities and families, they did not receive them properly, and as they ought to have done, and numerous deaths, murders, exiles, were the consequence. The exiles came again, under a new name, no longer Achaeans, but Dorians-a name which they derived from Dorieus; for it was he who gathered them together. The rest of the story is told by you Lacedaemonians as part of the history of Sparta.

Meg. To be sure.

Ath. Thus, after digressing from the original subject of laws into music and drinking-bouts, the argument has, providentially, come back to the same point, and presents to us another handle. For we have reached the settlement of Lacedaemon; which, as you truly say, is in laws and in institutions the sister of Crete. And we are all the better for the digression, because we have gone through various governments and settlements, and have been present at the foundation of a first, second, and third state, succeeding one another in infinite time. And now there appears on the horizon a fourth state or nation which was once in process of settlement and has continued settled to this day. If, out of all this, we are able to discern what is well or ill settled, and what laws are the salvation and what are the destruction of cities, and what changes would make a state happy, O Megillus and Cleinias, we may now begin again, unless we have some fault to find with the previous discussion.

Meg. If some God, Stranger, would promise us that our new enquiry about legislation would be as good and full as the present, I would go a great way to hear such another, and would think that a day as long as this-and we are now approaching the longest day of the year-was too short for the discussion.

Ath. Then I suppose that we must consider this subject?

Meg. Certainly.

Ath. Let us place ourselves in thought at the moment when Lacedaemon and Argos and Messene and the rest of the Peloponnesus were all in complete subjection, Megillus, to your ancestors; for afterwards, as the legend informs us, they divided their army into three portions, and settled three cities, Argos, Messene, Lacedaemon.

Meg. True.

Ath. Temenus was the king of Argos, Cresphontes of Messene, Procles and Eurysthenes of Lacedaemon.

Meg. Certainly.

Ath. To these kings all the men of that day made oath that they would assist

them, if any one subverted their kingdom.

Meg. True.

Ath. But can a kingship be destroyed, or was any other form of government ever destroyed, by any but the rulers themselves? No indeed, by Zeus. Have we already forgotten what was said a little while ago?

Meg. No.

Ath. And may we not now further confirm what was then mentioned? For we have come upon facts which have brought us back again to the same principle; so that, in resuming the discussion, we shall not be enquiring about an empty theory, but about events which actually happened. The case was as follows:-Three royal heroes made oath to three cities which were under a kingly government, and the cities to the kings, that both rulers and subjects should govern and be governed according to the laws which were common to all of them: the rulers promised that as time and the race went forward they would not make their rule more arbitrary; and the subjects said that, if the rulers observed these conditions, they would never subvert or permit others to subvert those kingdoms; the kings were to assist kings and peoples when injured, and the peoples were to assist peoples and kings in like manner. Is not this the fact?

Meg. Yes.

Ath. And the three states to whom these laws were given, whether their kings or any others were the authors of them, had therefore the greatest security for the maintenance of their constitutions?

Meg. What security?

Ath. That the other two states were always to come to the rescue against a rebellious third.

Meg. True.

Ath. Many persons say that legislators ought to impose such laws as the mass of the people will be ready to receive; but this is just as if one were to command gymnastic masters or physicians to treat or cure their pupils or patients in an agreeable manner.

Meg. Exactly.

Ath. Whereas the physician may often be too happy if he can restore health, and make the body whole, without any very great infliction of pain.

Meg. Certainly.

Ath. There was also another advantage possessed by the men of that day, which greatly lightened the task of passing laws.

Meg. What advantage?

Ath. The legislators of that day, when they equalized property, escaped the great accusation which generally arises in legislation, if a person attempts to disturb the possession of land, or to abolish debts, because he sees that without this reform there can never be any real equality. Now, in general, when the legislator attempts to make a new settlement of such matters, every one meets him with the cry, that "he is not to disturb vested interests"-declaring with imprecations that he is introducing agrarian laws and cancelling of debts, until a man is at his wits end; whereas no one could quarrel with the Dorians for distributing the land-there was nothing to hinder them; and as for debts, they had none which were considerable or of old standing.

Meg. Very true.

Ath. But then, my good friends, why did the settlement and legislation of their country turn out so badly?

Meg. How do you mean; and why do you blame them?

Ath. There were three kingdoms, and of these, two quickly corrupted their original constitution and laws, and the only one which remained was the Spartan.

Meg. The question which you ask is not easily answered.

Ath. And yet must be answered when we are enquiring about laws, this being our old man's sober game of play, whereby we beguile the way, as I was saying when we first set out on our journey.

Meg. Certainly; and we must find out why this was.

Ath. What laws are more worthy of our attention than those which have

regulated such cities? or what settlements of states are greater or more famous?

Meg. I know of none.

Ath. Can we doubt that your ancestors intended these institutions not only for the protection of Peloponnesus, but of all the Hellenes. in case they were attacked by the barbarian? For the inhabitants of the region about Ilium, when they provoked by their insolence the Trojan war, relied upon the power of the Assyrians and the Empire of Ninus, which still existed and had a great prestige; the people of those days fearing the united Assyrian Empire just as we now fear the Great King. And the second capture of Troy was a serious offence against them, because Troy was a portion of the Assyrian Empire. To meet the danger the single army was distributed between three cities by the royal brothers, sons of Heracles-a fair device, as it seemed, and a far better arrangement than the expedition against Troy. For, firstly, the people of that day had, as they thought, in the Heraclidae better leaders than the Pelopidae; in the next place, they considered that their army was superior in valour to that which went against Troy; for, although the latter conquered the Trojans, they were themselves conquered by the Heraclidae-Achaean by Dorians. May we not suppose that this was the intention with which the men of those days framed the constitutions of their states?

Meg. Quite true.

Ath. And would not men who had shared with one another many dangers, and were governed by a single race of royal brothers, and had taken the advice of oracles, and in particular of the Delphian Apollo, be likely to think that such states would be firmly and lastingly established?

Meg. Of course they would.

Ath. Yet these institutions, of which such great expectations were entertained, seem to have all rapidly vanished away; with the exception, as I was saying, of that small part of them which existed in yourland. And this third part has never to this day ceased warring against the two others; whereas, if the original idea had been carried out, and they had agreed to be one, their power would have been invincible in war.

Meg. No doubt.

Ath. But what was the ruin of this glorious confederacy? Here is a subject well worthy of consideration.

Meg. Certainly, no one will ever find more striking instances of laws or governments being the salvation or destruction of great and noble interests, than are here presented to his view.

Ath. Then now we seem to have happily arrived at a real and important question.

Meg. Very true.

Ath. Did you never remark, sage friend, that all men, and we ourselves at this moment, often fancy that they see some beautiful thing which might have effected wonders if any one had only known how to make a right use of it in some way; and yet this mode of looking at things may turn out after all to be a mistake, and not according to nature, either in our own case or in any other?

Meg. To what are you referring, and what do you mean?

Ath. I was thinking of my own admiration of the aforesaid Heracleid expedition, which was so noble, and might have had such wonderful results for the Hellenes, if only rightly used; and I was just laughing at myself.

Meg. But were you not right and wise in speaking as you did, and we in assenting to you?

Ath. Perhaps; and yet I cannot help observing that any one who sees anything great or powerful, immediately has the feeling that-"If the owner only knew how to use his great and noble possession, how happy would he be, and what great results would he achieve!"

Meg. And would he not be justified?

Ath. Reflect; in what point of view does this sort of praise appear just: First, in reference to the question in hand:-If the then commanders had known how to arrange their army properly, how would they have attained success? Would not this have been the way? They would have bound them all firmly together and preserved them for ever, giving them freedom and dominion at pleasure, combined with the power of doing in the whole world, Hellenic and barbarian, whatever they

and their descendants desired. What other aim would they have had?

Meg. Very good.

Ath. Suppose any one were in the same way to express his admiration at the sight of great wealth or family honour, or the like, he would praise them under the idea that through them he would attain either all or the greater and chief part of what he desires.

Meg. He would.

Ath. Well, now, and does not the argument show that there is one common desire of all mankind?

Meg. What is it?

Ath. The desire which a man has, that all things, if possible-at any rate, things human-may come to pass in accordance with his soul's desire.

Meg. Certainly.

Ath. And having this desire always, and at every time of life, in youth, in manhood, in age, he cannot help always praying for the fulfilment of it.

Meg. No doubt.

Ath. And we join in the prayers of our friends, and ask for them what they ask for themselves.

Meg. We do.

Ath. Dear is the son to the father-the younger to the elder.

Meg. Of course.

Ath. And yet the son often prays to obtain things which the father prays that he may not obtain.

Meg. When the son is young and foolish, you mean?

Ath. Yes; or when the father, in the dotage of age or the heat of youth, having no sense of right and justice, prays with fervour, under the influence of feelings akin to those of Theseus when he cursed the unfortunate Hippolytus, do you imagine that the son, having a sense of right and justice, will join in his father's prayers?

Meg. I understand you to mean that a man should not desire or be in a hurry to have all things according to his wish, for his wish may be at variance with his

reason. But every state and every individual ought to pray and strive for wisdom.

Ath. Yes; and I remember, and you will remember, what I said at first, that a statesman and legislator ought to ordain laws with a view to wisdom; while you were arguing that the good lawgiver ought to order all with a view to war. And to this I replied that there were four virtues, but that upon your view one of them only was the aim of legislation; whereas you ought to regard all virtue, and especially that which comes first, and is the leader of all the rest-I mean

wisdom and mind and opinion, having affection and desire in their train. And now the argument returns to the same point, and I say once more, in jest if you like, or in earnest if you like, that the prayer of a fool is full of danger, being likely to end in the opposite of what he desires. And if you would rather receive my words in earnest, I am willing that you should; and you will find, I suspect, as I have said already, that not cowardice was the cause of the ruin of the Dorian kings and of their whole design, nor ignorance of military matters, either on the part of the rulers or of their subjects; but their misfortunes were due to their general degeneracy, and especially to their ignorance of the most important human affairs. That was then, and is still, and always will be the case, as I will endeavour, if you will allow me, to make out and demonstrate as well as I am able to you who are my friends, in the course of the argument.

Cle. Pray go on, Stranger;-compliments are troublesome, but we will show, not in word but in deed, how greatly we prize your words, for we will give them our best attention; and that is the way in which a freeman best shows his approval or disapproval.

Meg. Excellent, Cleinias; let us do as you say.

Cle. By all means, if Heaven wills. Go on.

Ath. Well, then, proceeding in the same train of thought, I say that the greatest ignorance was the ruin of the Dorian power, and that now, as then, ignorance is ruin. And if this be true, the legislator must endeavour to implant wisdom in states, and banish ignorance to the utmost of his power.

Cle. That is evident.