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LAWS

by Plato

translated by Benjamin Jowett

BOOK I

PERSONS OF THE DIALOGUE: An ATHENIAN STRANGER; CLEINIAS, a Cretan; MEGILLUS, a Lacedaemonian

Athenian Stranger. Tell me, Strangers, is a God or some man supposed to be the author of your laws?

Cleinias. A God, Stranger; in very truth a, God: among us Cretans he is said to have been Zeus, but in Lacedaemon, whence our friend here comes, I believe they would say that Apollo is their lawgiver: would they not, Megillus?

Megillus. Certainly.

Ath. And do you, Cleinias, believe, as Homer tells, that every ninth year Minos went to converse with his Olympian sire, and was inspired by him to make laws for your cities?

Cle. Yes, that is our tradition; and there was Rhadamanthus, a brother of his, with whose name you are familiar; he is reputed to

have been the justest of men, and we Cretans are of opinion that he earned this reputation from his righteous administration of justice when he was alive.

Ath. Yes, and a noble reputation it was, worthy of a son of Zeus. As you and Megillus have been trained in these institutions, I dare say that you will not be unwilling to give an account of your government and laws; on our way we can pass the time pleasantly in about them, for I am told that the distance from Cnosus to the cave and temple of Zeus is considerable; and doubtless there are shady places under the lofty trees, which will protect us from this scorching sun. Being no longer young, we may often stop to rest beneath them, and get over the whole journey without difficulty, beguiling the time by conversation.

Cle. Yes, Stranger, and if we proceed onward we shall come to groves of cypresses, which are of rare height and beauty, and there are green meadows, in which we may repose and converse.

Ath. Very good.

Cle. Very good, indeed; and still better when we see them; let us move on cheerily.

Ath. I am willing-And first, I want to know why the law has ordained that you shall have common meals and gymnastic exercises, and wear arms.

Cle. I think, Stranger, that the aim of our institutions is easily

intelligible to any one. Look at the character of our country: Crete is not like Thessaly, a large plain; and for this reason they have horsemen in Thessaly, and we have runners-the inequality of the ground in our country is more adapted to locomotion on foot; but then, if you have runners you must have light arms-no one can carry a heavy weight when running, and bows and arrows are convenient because they are light. Now all these regulations have been made with a view to war, and the legislator appears to me to have looked to this in all his arrangements:-the common meals, if I am not mistaken, were instituted by him for a similar reason, because he saw that while they are in the field the citizens are by the nature of the case compelled to take their meals together for the sake of mutual protection. He seems to me to have thought the world foolish in not understanding that all are always at war with one another; and if in war there ought to be common meals and certain persons regularly appointed under others to protect an army, they should be continued in peace. For what men in general term peace would be said by him to be only a name; in reality every city is in a natural state of war with every other, not indeed proclaimed by heralds, but everlasting. And if you look closely, you will find that this was the intention of the Cretan legislator; all institutions, private as well as public, were arranged by him with a view to war; in giving them he was under the impression that no possessions or institutions are of any value to him

who is defeated in battle; for all the good things of the conquered pass into the hands of the conquerors.

Ath. You appear to me, Stranger, to have been thoroughly trained in the Cretan institutions, and to be well informed about them; will you tell me a little more explicitly what is the principle of government which you would lay down? You seem to imagine that a well governed state ought to be so ordered as to conquer all other states in war: am I right in supposing this to be your meaning?

Cle. Certainly; and our Lacedaemonian friend, if I am not mistaken, will agree with me.

Meg. Why, my good friend, how could any Lacedaemonian say anything else?

Ath. And is what you say applicable only to states, or also to villages?

Cle. To both alike.

Ath. The case is the same?

Cle. Yes.

Ath. And in the village will there be the same war of family against family, and of individual against individual?

Cle. The same.

Ath. And should each man conceive himself to be his own enemy:-what shall we say?

Cle. O Athenian Stranger-inhabitant of Attica I will not call you,

for you seem to deserve rather to be named after the goddess herself, because you go back to first principles you have thrown a light upon the argument, and will now be better able to understand what I was just saying-that all men are publicly one another's enemies, and each man privately his own.

(Ath. My good sir, what do you mean?)--

Cle..... Moreover, there is a victory and defeat-the first and best of victories, the lowest and worst of defeats-which each man gains or sustains at the hands, not of another, but of himself; this shows that there is a war against ourselves going on within every one of us.

Ath. Let us now reverse the order of the argument: Seeing that every individual is either his own superior or his own inferior, may we say that there is the same principle in the house, the village, and the state?

Cle. You mean that in each of them there is a principle of superiority or inferiority to self?

Ath. Yes.

Cle. You are quite right in asking the question, for there certainly is such a principle, and above all in states; and the state in which the better citizens win a victory over the mob and over the inferior classes may be truly said to be better than itself, and may be justly praised, where such a victory is gained, or censured in the

opposite case.

Ath. Whether the better is ever really conquered by the worse, is a question which requires more discussion, and may be therefore left for the present. But I now quite understand your meaning when you say that citizens who are of the same race and live in the same cities may unjustly conspire, and having the superiority in numbers may overcome and enslave the few just; and when they prevail, the state may be truly called its own inferior and therefore bad; and when they are defeated, its own superior and therefore good.

Cle. Your remark, Stranger, is a paradox, and yet we cannot possibly deny it.

Ath. Here is another case for consideration;-in a family there may be several brothers, who are the offspring of a single pair; very possibly the majority of them may be unjust, and the just may be in a minority.

Cle. Very possibly.

Ath. And you and I ought not to raise a question of words as to whether this family and household are rightly said to be superior when they conquer, and inferior when they are conquered; for we are not now considering what may or may not be the proper or customary way of speaking, but we are considering the natural principles of right and wrong in laws.

Cle. What you say, Stranger, is most true.

Meg. Quite excellent, in my opinion, as far as we have gone.

Ath. Again; might there not be a judge over these brethren, of whom we were speaking?

Cle. Certainly.

Ath. Now, which would be the better judge—one who destroyed the bad and appointed the good to govern themselves; or one who, while allowing the good to govern, let the bad live, and made them voluntarily submit? Or third, I suppose, in the scale of excellence might be placed a judge, who, finding the family distracted, not only did not destroy any one, but reconciled them to one another for ever after, and gave them laws which they mutually observed, and was able to keep them friends.

Cle. The last would be by far the best sort of judge and legislator.

Ath. And yet the aim of all the laws which he gave would be the reverse of war.

Cle. Very true.

Ath. And will he who constitutes the state and orders the life of man have in view external war, or that kind of intestine war called civil, which no one, if he could prevent, would like to have occurring in his own state; and when occurring, every one would wish to be quit of as soon as possible?

Cle. He would have the latter chiefly in view.

Ath. And would he prefer that this civil war should be terminated by

the destruction of one of the parties, and by the victory of the other, or that peace and friendship should be re-established, and that, being reconciled, they should give their attention to foreign enemies?

Cle. Every one would desire the latter in the case of his own state.

Ath. And would not that also be the desire of the legislator?

Cle. Certainly.

Ath. And would not every one always make laws for the sake of the best?

Cle. To be sure.

Ath. But war, whether external or civil, is not the best, and the need of either is to be deprecated; but peace with one another, and good will, are best. Nor is the victory of the state over itself to be regarded as a really good thing, but as a necessity; a man might as well say that the body was in the best state when sick and purged by medicine, forgetting that there is also a state of the body which needs no purge. And in like manner no one can be a true statesman, whether he aims at the happiness of the individual or state, who looks only, or first of all, to external warfare; nor will he ever be a sound legislator who orders peace for the sake of war, and not war for the sake of peace.

Cle. I suppose that there is truth, Stranger, in that remark of yours; and yet I am greatly mistaken if war is not the entire aim

and object of our own institutions, and also of the Lacedaemonian.

Ath. I dare say; but there is no reason why we should rudely quarrel with one another about your legislators, instead of gently questioning them, seeing that both we and they are equally in earnest. Please follow me and the argument closely:-And first I will put forward Tyrtaeus, an Athenian by birth, but also a Spartan citizen, who of all men was most eager about war: Well, he says, "I sing not, I care not, about any man, even if he were the richest of men, and possessed every good (and then he gives a whole list of them), if he be not at all times a brave warrior." I imagine that you, too, must have heard his poems; our Lacedaemonian friend has probably heard more than enough of them.

Meg. Very true.

Cle. And they have found their way from Lacedaemon to Crete.

Ath. Come now and let us all join in asking this question of Tyrtaeus: O most divine poet, we will say to him, the excellent praise which you have bestowed on those who excel in war sufficiently proves that you are wise and good, and I and Megillus and Cleinias of Cnosus do, as I believe, entirely agree with you. But we should like to be quite sure that we are speaking of the same men; tell us, then, do you agree with us in thinking that there are two kinds of war; or what would you say? A far inferior man to Tyrtaeus would have no difficulty in replying quite truly, that war is of two kinds

one which is universally called civil war, and is as we were just now saying, of all wars the worst; the other, as we should all admit, in which we fall out with other nations who are of a different race, is a far milder form of warfare.

Cle. Certainly, far milder.

Ath. Well, now, when you praise and blame war in this high-flown strain, whom are you praising or blaming, and to which kind of war are you referring? I suppose that you must mean foreign war, if I am to judge from expressions of yours in which you say that you abominate those

Who refuse to look upon fields of blood, and will not draw near and strike at their enemies.

And we shall naturally go on to say to him-You, Tyrtaeus, as it seems, praise those who distinguish themselves in external and foreign war; and he must admit this.

Cle. Evidently.

Ath. They are good; but we say that there are still better men whose virtue is displayed in the greatest of all battles. And we too have a poet whom we summon as a witness, Theognis, citizen of Megara in Sicily:

Cyrnus, he who is faithful in a civil broil is worth his weight in gold and silver.

And such an one is far better, as we affirm, than the other in a more difficult kind of war, much in the same degree as justice and temperance and wisdom, when united with courage, are better than courage only; for a man cannot be faithful and good in civil strife without having all virtue. But in the war of which Tyrtaeus speaks, many a mercenary soldier will take his stand and be ready to die at his post, and yet they are generally and almost without exception insolent, unjust, violent men, and the most senseless of human beings. You will ask what the conclusion is, and what I am seeking to prove: I maintain that the divine legislator of Crete, like any other who is worthy of consideration, will always and above all things in making laws have regard to the greatest virtue; which, according to Theognis, is loyalty in the hour of danger, and may be truly called perfect justice. Whereas, that virtue which Tyrtaeus highly praises is well enough, and was praised by the poet at the right time, yet in place and dignity may be said to be only fourth rate.

Cle. Stranger, we are degrading our inspired lawgiver to a rank which is far beneath him.

Ath. Nay, I think that we degrade not him but ourselves, if we imagine that Lycurgus and Minos laid down laws both in Lacedaemon

and Crete mainly with a view to war.

Cle. What ought we to say then?

Ath. What truth and what justice require of us, if I am not mistaken, when speaking in behalf of divine excellence;-at the legislator when making his laws had in view not a part only, and this the lowest part of virtue, but all virtue, and that he devised classes of laws answering to the kinds of virtue; not in the way in which modern inventors of laws make the classes, for they only investigate and offer laws whenever a want is felt, and one man has a class of laws about allotments and heiresses, another about assaults; others about ten thousand other such matters. But we maintain that the right way of examining into laws is to proceed as we have now done, and I admired the spirit of your exposition; for you were quite right in beginning with virtue, and saying that this was the aim of the giver of the law, but I thought that you went wrong when you added that all his legislation had a view only to a part, and the least part of virtue, and this called forth my subsequent remarks. Will you allow me then to explain how I should have liked to have heard you expound the matter?

Cle. By all means.

Ath. You ought to have said, Stranger-The Cretan laws are with reason famous among the Hellenes; for they fulfil the object of laws, which is to make those who use them happy; and they confer every

sort of good. Now goods are of two kinds: there are human and there are divine goods, and the human hang upon the divine; and the state which attains the greater, at the same time acquires the less, or, not having the greater, has neither. Of the lesser goods the first is health, the second beauty, the third strength, including swiftness in running and bodily agility generally, and the fourth is wealth, not the blind god [Pluto], but one who is keen of sight, if only he has wisdom for his companion. For wisdom is chief and leader of the divine class of goods, and next follows temperance; and from the union of these two with courage springs justice, and fourth in the scale of virtue is courage. All these naturally take precedence of the other goods, and this is the order in which the legislator must place them, and after them he will enjoin the rest of his ordinances on the citizens with a view to these, the human looking to the divine, and the divine looking to their leader mind. Some of his ordinances will relate to contracts of marriage which they make one with another, and then to the procreation and education of children, both male and female; the duty of the lawgiver will be to take charge of his citizens, in youth and age, and at every time of life, and to give them punishments and rewards; and in reference to all their intercourse with one another, he ought to consider their pains and pleasures and desires, and the vehemence of all their passions; he should keep a watch over them, and blame and praise them rightly by

the mouth of the laws themselves. Also with regard to anger and terror, and the other perturbations of the soul, which arise out of misfortune, and the deliverances from them which prosperity brings, and the experiences which come to men in diseases, or in war, or poverty, or the opposite of these; in all these states he should determine and teach what is the good and evil of the condition of each. In the next place, the legislator has to be careful how the citizens make their money and in what way they spend it, and to have an eye to their mutual contracts and dissolutions of contracts, whether voluntary or involuntary: he should see how they order all this, and consider where justice as well as injustice is found or is wanting in their several dealings with one another; and honour those who obey the law, and impose fixed penalties on those who disobey, until the round of civil life is ended, and the time has come for the consideration of the proper funeral rites and honours of the dead. And the lawgiver reviewing his work, will appoint guardians to preside over these things-some who walk by intelligence, others by true opinion only, and then mind will bind together all his ordinances and show them to be in harmony with temperance and justice, and not with wealth or ambition. This is the spirit, Stranger, in which I was and am desirous that you should pursue the subject. And I want to know the nature of all these things, and how they are arranged in the laws of Zeus, as they are termed, and in those of the Pythian

Apollo, which Minos and Lycurgus gave; and how the order of them is discovered to his eyes, who has experience in laws gained either by study or habit, although they are far from being self-evident to the rest of mankind like ourselves.

Cle. How shall we proceed, Stranger?

Ath. I think that we must begin again as before, and first consider the habit of courage; and then we will go on and discuss another and then another form of virtue, if you please. In this way we shall have a model of the whole; and with these and similar discourses we will beguile the way. And when we have gone through all the virtues, we will show, by the grace of God, that the institutions of which I was speaking look to virtue.

Meg. Very good; and suppose that you first criticize this praiser of Zeus and the laws of Crete.

Ath. I will try to criticize you and myself, as well as him, for the argument is a common concern. Tell me-were not first the syssitia, and secondly the gymnasia, invented by your legislator with a view to war?

Meg. Yes.

Ath. And what comes third, and what fourth? For that, I think, is the sort of enumeration which ought to be made of the remaining parts of virtue, no matter whether you call them parts or what their name is, provided the meaning is clear.

Meg. Then I, or any other Lacedaemonian, would reply that hunting is