THE MINOS:

A DIALOGUE

CONCERNING

LAW.

INTRODUCTION

TO

THE MINOS.

LAW, conſidered according to its firſt ſubſiſtence in Deity, is juſtly defined by Plato to be *a diſtribution of intellect* (νου διανομη). As it originates, therefore, from deity, and is thence participated by the human ſoul, it does not depend for its being among men on arbitrary will and mutual compact, but is truly an evolution of one of thoſe eternal ideas or forms which the ſoul eſſentially contains. He, therefore, who diligently attends to what is ſaid by Plato in this dialogue, in his Laws, and Republic, concerning law, will find that it is a true mode of governing, which directs the governed to the beſt end through proper media, eſtabliſhing puniſhments for ſuch as tranſgreſs, and rewards for thoſe that are obedient to this mode. Hence the inſtitutions of princes, when they are not true, and do not proceed to the beſt end in a right path, are by no means laws, but decrees and edicts: for a work is frequently denominated legitimate from law, juſt from being legitimate, and good, right and true from being juſt; and therefore law is neceſſarily good and true. It alſo follows that law properly ſo called is eternal and perfectly immutable: for that which is changed by times, places and opinions, is not a law, but an inſtitute.

According to Plato, too, it appears that there are four ſpecies of laws. The firſt of theſe are Saturnian, or, in other words, ſubſiſt in that deity, who according to antient theologiſts is the ſummit of the intellectual order. Theſe laws are mentioned by Plato in the Gorgias, where Socrates ſays, "This was the law in the times of Saturn, and now alſo ſubſiſts in the Gods." The ſecond are Jovian, and are indicated in the Laws, where the Athenian gueſt

ſays "that Juſtice follows Jupiter, being the avenger of thoſe who deſert the divine law." The third are fatal, as we learn from the Timæus, where it is ſaid that the Demiurgus "diſcloſed to ſouls the laws of Fate." And the fourth are human. Since law, therefore, has a divine origin, all the illuſtrious framers of laws with the greateſt propriety referred the invention of them to Deity. Hence Zoroaſter, when he delivered laws to the Bactrians and Perſians, aſcribed the invention of them to Oromaſis; Hermes Triſmegiſtus the Egyptian legiſlator referred the invention of his laws to Mercury; Minos the Cretan lawgiver to Jupiter; Charondas the Carthaginian to Saturn; Lycurgus the Lacedæmonian to Apollo; Draco and Solon the Athenian legiſlators to Minerva; Pompilius the Roman lawgiver to Ægeria; Zamolxis the Scythian to Veſta; and Plato, when he gave laws to the Magneſians and Sicilians, to Jupiter and Apollo.

THE

THE MINOS.

PERSONS OF THE DIALOGUE.

SOCRATES AND MINOS.

SOCRATES.

WHAT is law with us?

MIN. About what kind of law do you interrogate?

SOC. What is that by which law differs from law, according to this very thing, the being law? For conſider what I aſk you. For I aſk as if I ſhould inquire what gold is; and if you in a ſimilar manner ſhould aſk me, about what kind of gold I inquire, I ſhould think you would not rightly interrogate. For neither does gold differ in any thing from gold, ſo far as it is gold, nor a ſtone from a ſtone, ſo far as it is a ſtone. And in like manner, neither does law differ in any thing from law; but all laws are the ſame. For each of them is ſimilarly law; nor is one more, but the other leſs ſo. I aſk you, therefore, the whole of this very thing, what law is; and if you have an anſwer at hand give it me.

MIN. What elſe, Socrates, will law be than things eſtabliſhed by law?

SOC. Does ſpeech alſo appear to you to be things which are ſpoken? or ſight things which are ſeen? or hearing things which are heard? Or is ſpeech one thing, and are things ſpoken another? Is ſight one thing, and are things ſeen another? Is hearing one thing, and are things heard another? And, is law one thing, and are things eſtabliſhed by law another? Is this the caſe, or how does it appear to you?

MIN. This now appears to me to be the caſe.

SOC. Law, therefore, is not things eſtabliſhed by law.

MIN. It does not appear to me that it is.

SOC. What law, therefore, may be, let us thus conſider. If ſome one ſhould aſk us reſpecting thoſe things of which we have juſt now ſpoken, ſince you ſay that things viſible are ſeen by the ſight, what the ſight is by which they are ſeen? we ſhould anſwer him, that it is a ſenſe which through the eyes manifeſts colours to us. And if he ſhould again aſk us what the hearing is by which things are heard? we ſhould reply, that it is a ſenſe which through the ears manifeſts to us ſounds. In like manner, if he ſhould aſk us, ſince legal inſtitutions are legally eſtabliſhed by law, what is law by which they are thus eſtabliſhed? whether is it a certain ſenſe, or manifeſtation? in the ſame manner as things which are learnt, are learnt by ſcience rendering them manifeſt. Or is it a certain invention? juſt as things which are diſcovered are invented: as, for inſtance, things ſalubrious and noxious are diſcovered by medicine; but the conceptions of the Gods, as prophets ſay, by divination. For the divining art is with us an invention of ſuch like things: Or is it not?

MIN. Entirely ſo.

SOC. Which of theſe, therefore, may we eſpecially preſume law to be? Shall we ſay it is theſe dogmas and decrees?

MIN. It appears ſo to me. For what elſe can any one ſay law is? So that it appears the whole of this which you aſk, viz. law, is the dogma of the city.

SOC. You call, as it ſeems, law, political opinion.

MIN. I do.

SOC. And perhaps you ſpeak well; but perhaps we ſhall know better in the following manner. Do you ſay that ſome men are wiſe?

MIN. I do.

SOC. Are not the wiſe, therefore, wiſe by wiſdom?

MIN. Yes.

SOC. But what? are the juſt, juſt by juſtice?

MIN. Entirely ſo.

SOC. Are the legitimate, therefore, alſo legitimate by law?

MIN. Yes.

SOC. And the illegitimate, illegitimate by a privation of law?

MIN. Yes.

SOC.

Soc. And are the legitimate juſt?

MIN. Yes.

Soc. But the illegitimate unjuſt?

MIN. Unjuſt.

Soc. Are not juſtice and law, therefore, things moſt beautiful?

MIN. They are.

Soc. And are not injuſtice and illegality moſt baſe?

MIN. Yes.

Soc. And does not one of theſe preſerve cities and every thing elſe, but the other deſtroy and ſubvert them?

MIN. Yes.

Soc. It is neceſſary, therefore, dianoëtically to conſider law as ſomething beautiful, and to inveſtigate it as good.

MIN. How ſhould we not?

Soc. Have we not, therefore, ſaid that law is the dogma of the city?

MIN. We have ſaid ſo.

Soc. What then? Are not ſome dogmas good, and others bad?

MIN. They are.

Soc. Law however is not bad.

MIN. It is not.

Soc. It is not, therefore, right ſimply to determine that law is the dogma of the city.

MIN. It does not appear to me that it is.

Soc. The aſſertion, therefore, does not accord with the truth, that law is a baſe dogma.

MIN. It does not.

Soc. Law however appears alſo to me to be a certain opinion. And ſince it is not a baſe opinion, is not this, therefore, evident, that it is a good opinion, if law is opinion?

MIN. Yes.

Soc. But is not a certain good, a true, opinion?

MIN. Yes.

Soc. Is, therefore, true opinion the diſcovery of being?

MIN. It is.

Soc.

Soc. Law, therefore, is the diſcovery of being.

Min. But, Socrates, if law is the diſcovery of being, how is it that we do not always uſe the ſame laws about the ſame things, ſince beings are diſcovered by us?

Soc. Nevertheleſs law wiſhes to be the diſcovery of being; but men, as it ſeems, not always uſing the ſame laws, are not always able to diſcover that which law wiſhes, viz. being. But come, let us ſee if it will hence become evident to us, whether we always uſe the ſame laws, or different laws at different times; and if all of us uſe the ſame laws, or different perſons different laws.

Min. But this, Socrates, is not difficult to know, that neither do the ſame perſons always uſe the ſame laws, nor different perſons always different laws. Thus, for example, it is not a law with us to ſacrifice men, but this is conſidered as unholy; but the Carthaginians ſacrifice men, this being holy and legal with them; ſo that ſome of them ſacrifice their ſons to Saturn, as perhaps you have heard. And not only do Barbarian men uſe laws different from ours, but alſo thoſe in Lycia. And as to the progeny of Athamas [1], what ſacrifices do they perform, though they are Greeks? You alſo know and have heard what laws we formerly uſed concerning the dead, cutting the throats of the victims before the dead body was carried out, and calling thoſe that carry the ſacrifices to the dead. And thoſe ſtill prior to theſe buried the dead at home; but we do none of theſe. Ten thouſand inſtances likewiſe of this might be adduced. For the field of demonſtration is very wide, that neither we always think invariably the ſame with ourſelves, nor men with each other.

Soc. It is by no means wonderful, O beſt of men, if you ſpeak rightly, and this ſhould be concealed from me. But till you by yourſelf declare what appears to you, in a long diſcourſe, and I again do the ſame, we ſhall never, as I think, agree. If however a common ſubject of ſpeculation is propoſed, we ſhall perhaps accord. If, therefore, you are willing, interrogating me, conſider together with me in common. Or, if it is more agreeable to you, inſtead of interrogating, anſwer.

Min. But I wiſh, Socrates, to reply to any queſtion you may propoſe.

[1] Athamas was the ſon of Æolus, and king of Thebes in Bœotia.

Soc. Come then. Whether do you think that juſt things are unjuſt, and unjuſt things juſt? Or that juſt things are juſt, and unjuſt things unjuſt?

Min. I indeed think that juſt things are juſt, and unjuſt things unjuſt.

Soc. Is this opinion, therefore, entertained among all men, as well as here?

Min. Yes.

Soc. Among the Perſians alſo?

Min. And among the Perſians too.

Soc. But is this opinion always entertained?

Min. Always.

Soc. Whether are things which attract more, thought by us to be heavier, but things which attract leſs, lighter? or the contrary?

Min. Not the contrary: but things which attract more are heavier, and things which attract leſs are lighter.

Soc. Is this the caſe, therefore, in Carthage and in Lycia?

Min. Yes.

Soc. Things beautiful, as it ſeems, are every where thought to be beautiful; and things baſe to be baſe: but things baſe are not thought to be beautiful, nor things beautiful baſe.

Min. It is ſo.

Soc. As we may ſay, therefore, in all things, beings are thought to be, and not non-beings, both with us and with all others.

Min. It appears ſo to me.

Soc. He, therefore, who wanders from being wanders from that which is legitimate.

Min. Thus, Socrates, as you ſay, theſe things always appear legitimate both to us and to others. But when I conſider that we never ceaſe tranſpoſing laws upwards and downwards, I cannot be perſuaded by what you ſay.

Soc. Perhaps you do not perceive that theſe things thus tranſpoſed continue to be the ſame. But thus conſider them together with me. Did you ever meet with any book concerning the health of the ſick?

Min. I have.

Soc. Do you know, therefore, to what art this book belongs?

Min. I know that it belongs to the art of medicine.

Soc.

Soc. Do you, therefore, call thoſe who are ſcientifically ſkilled about theſe things, phyſicians?

Min. I call them ſo.

Soc. Whether, therefore, do thoſe that have a ſcientific knowledge think the ſame things about the ſame, or do ſome of theſe think differently from others about the ſame things?

Min. They appear to me to think the ſame things.

Soc. Whether, therefore, do the Greeks alone accord with the Greeks about things of which they have a ſcientific knowledge, or do the Barbarians alſo both accord with each other about ſuch things, and with the Greeks?

Min. There is an abundant neceſſity that both Greeks and Barbarians who poſſeſs a ſcientific knowledge ſhould accord in opinion with each other.

Soc. You anſwer well. Do they not, therefore, always accord?

Min. Yes, always.

Soc. Do not phyſicians alſo write thoſe things about health which they think to be true?

Min. Undoubtedly.

Soc. Things medicinal, therefore, and medicinal laws, theſe are the writings of phyſicians.

Min. Things medicinal, certainly.

Soc. Whether, therefore, are geometrical writings alſo geometrical laws?

Min. Yes.

Soc. Of whom, therefore, are the writings and legitimate inſtitutions concerning gardening?

Min. Of gardeners.

Soc. Thoſe laws, therefore, pertain to gardening.

Min. They do.

Soc. Are they not, therefore, the laws of thoſe who know how to manage gardens?

Min. How ſhould they not?

Soc. But gardeners poſſeſs this knowledge.

Min. Yes.

Soc. But of whom are the writings and legitimate inſtitutions concerning food?

Min. Of cooks.

Soc. Thoſe, therefore, are cooking laws.

Min. Cooking.

Soc. And of thoſe, as it ſeems, who know how to manage the preparation of food.

Min. Yes.

Soc. But cooks, as they ſay, poſſeſs this knowledge.

Min. They do poſſeſs it.

Soc. Be it ſo. But of whom are the writings and legal inſtitutions concerning the government of a city? Are they not of thoſe who ſcientifically know how to govern cities?

Min. It appears ſo to me.

Soc. But do any others than politicians and kings poſſeſs this knowledge?

Min. They alone poſſeſs it.

Soc. Theſe writings, therefore, are political, which men call the writings of kings and good men.

Min. You ſpeak the truth.

Soc. Thoſe, therefore, who poſſeſs a ſcientific knowledge do not at different times write differently about the ſame things.

Min. Certainly not.

Soc. If, therefore, we ſee certain perſons doing this, whether ſhall we ſay that thoſe who act in this manner are ſcientific or unſcientific?

Min. Unſcientific.

Soc. Shall we, therefore, ſay that what is right in every particular is legitimate, whether it be medicinal, or pertain to cooking, or to gardening?

Min. Yes.

Soc. But with reſpect to what is not right, this we no longer aſſert to be legitimate.

Min. No longer.

Soc. It, therefore, becomes illegitimate.

Min. Neceſſarily ſo.

Soc. Hence, in writings concerning things juſt and unjuſt, and, in ſhort, concerning the orderly diſtribution of a city, and the manner in which it ought to be governed, that which is right is a royal law; but that which is not right does not appear to be a royal law, becauſe ſcience is wanting: for it is illegal.

MIN. It is.

SOC. We have rightly, therefore, acknowledged that law is the invention of being.

MIN. So it appears.

SOC. Further ſtill, this alſo we ſhould conſider in it: who is it that ſcientifically knows how to ſow ſeeds in the earth?

MIN. The huſbandman.

SOC. Does he then ſow fit ſeeds in each ſoil?

MIN. Yes.

SOC. The huſbandman, therefore, is a good diſtributor of theſe things, and his laws and diſtributions in theſe particulars are right.

MIN. Yes.

SOC. But who is a good diſpenſator of pulſations for melodies, and diſtributes ſuch things as are fit? And whoſe laws alſo, if he has any, are right?

MIN. The laws of the piper, and thoſe of the harper.

SOC. He, therefore, who is moſt legitimate in theſe things is in the moſt eminent degree a piper.

MIN. Yes.

SOC. But who in the beſt manner diſtributes nutriment to the bodies of men? Does not he do this who diſtributes that which is fit?

MIN. Yes.

SOC. The diſtributions, therefore, and the laws of this man are the beſt; and he who is moſt legitimate about theſe things is the moſt excellent diſtributor.

MIN. Entirely ſo.

SOC. Who is he?

MIN. The inſtructor of children.

SOC. Does he know how to feed the flock of the human body in the beſt manner?

MIN. Yes.

SOC. But who is he that feeds in the beſt manner a flock of ſheep? What is his name?

MIN. A ſhepherd.

SOC. The laws, therefore, of the ſhepherd are the beſt for the ſheep.

MIN. They are.

SOC.

Soc. And thoſe of the herdſman for oxen.

MIN. Yes.

Soc. But whoſe laws are the beſt for the ſouls of men? Are they not thoſe of a king?

MIN. They are.

Soc. You ſpeak well. Can you, therefore, tell me who among the antients was a good legiſlator in the laws pertaining to pipes? Perhaps you do not recollect. Are you, therefore, willing that I ſhould remind you?

MIN. Perfectly ſo.

Soc. Marſyas, then, and his beloved Olympus the Phrygian were of this deſcription.

MIN. True.

Soc. The harmony produced by the pipes of theſe men is moſt divine, and alone excites and unfolds thoſe that ſtand in need of the Gods [1]. It likewiſe alone remains to the preſent time as being divine.

MIN. Theſe things are ſo.

Soc. But who among the antient kings is ſaid to have been a good legiſlator, and whoſe legal inſtitutions even now remain as being divine?

MIN. I do not recollect.

Soc. Do you not know who they were that uſed the moſt antient laws of the Greeks?

MIN. Do you ſpeak of the Lacedæmonians, and Lycurgus the legiſlator?

Soc. Theſe inſtitutions, however, have not perhaps been eſtabliſhed three hundred years, or very little more than this. But do you know whence the beſt of their laws were derived?

MIN. They ſay, from Crete.

Soc. Do they, therefore, of all the Greeks uſe the moſt antient laws?

MIN. Yes.

Soc. Do you know then who among theſe were good kings? I mean Minos and Rhadamanthus, the ſons of Jupiter and Europa, by whom theſe laws were framed.

MIN. They ſay, Socrates, that Rhadamanthus was a juſt man, but that Minos was ruſtic, moroſe and unjuſt.

[1] See the ſpeech of Alcibiades in The Banquet.

Soc. You relate, O beſt of men, an Attic and tragical fable.

Min. Are not theſe things reported of Minos?

Soc. They are not by Homer and Heſiod, whoſe authority is greater than that of all the tragic poets from whom you aſſert theſe things.

Min. But what do they ſay about Minos?

Soc. I will tell you, leſt you as well as the many ſhould be guilty of impiety. For there is not any thing which is more impious than this; *nor is there any thing of which we ought to be more afraid, than of offending againſt* THE GODS *either in word or in deed*[1]. And next to this we ſhould be fearful of offending againſt divine men. We ſhould however be very cautious, when we praiſe or blame any man, that we do not ſpeak erroneouſly; and for the ſake of this it is neceſſary that we ſhould learn to know good and bad men. For divinity is indignant when any one blames a man ſimilar to himſelf, or praiſes one diſſimilar to him: but the former of theſe is the good man. Nor ought you to think that ſtones, pieces of wood, birds and ſerpents are ſacred, but that men are not ſo: for a good man is the moſt ſacred, and a depraved man the moſt defiled, of all things. Now, therefore, ſince Homer and Heſiod paſs an encomium on Minos, on this account I thus ſpeak, *leſt you, being a man ſprung from a man, ſhould ſin in what you ſay againſt a hero the ſon of Jupiter.* For Homer[2], ſpeaking of Crete, that there are many men and ninety cities in it, ſays that among theſe is Gnoſſus, a great city in which Minos reigned, who for nine years converſed with the mighty Jupiter. This then is Homer's encomium of Minos, which though ſhort is ſuch as he does nōt give to any one of his heroes. For that Jupiter is a ſophiſt[3], and that the art itſelf is all-beautiful, he evinces as well in many other places as here. For he ſays that Minos converſed nine years with Jupiter, and went to be inſtructed by him, as if Jupiter were a ſophiſt. That Homer, therefore, does not beſtow this honour of being inſtructed by Jupiter on any other hero than Minos alone, muſt be conſidered as a wonderful praiſe. Ulyſſes alſo, in ſpeaking of the dead[4], repreſents Minos judging

[1] This among many other paſſages muſt convince the moſt careleſs reader, that Plato was a firm believer in the religion of his country.

[2] Odyſſ. lib. xix. ver. 172, &c.

[3] That is, one endued with wiſdom; for this is the original meaning of the word.

[4] Odyſſ. lib. xi.

with

with a golden ſceptre in his hand; but neither here nor in any other place does he ſpeak of Rhadamanthus as judging, or as converſing with Jupiter. On this account I ſay that Minos is extolled by Homer beyond all other heroes. For that being the ſon of Jupiter, he was only inſtructed by Jupiter, contains no tranſcendency of praiſe. For the verſe which ſays that Minos reigned nine years, and converſed with the mighty Jupiter, ſignifies that he was the aſſociate of Jupiter; ſince ομιλοι are diſcourſes, and ομιλιστης is an aſſociate in diſcourſe. Hence, for nine years Minos went to the cavern of Jupiter, learning ſome things, and teaching others, which during theſe nine years he had received from Jupiter. There are however ſome who conceive ομιλιστης to ſignify the aſſociate of Jupiter in drinking and ſport. But that thoſe who thus conceive ſay nothing to the purpoſe, may be inferred from this, that, as both the Greeks and Barbarians are numerous, there are none among theſe who abſtain from banquets, and that ſport to which wine belongs, except the Cretans and the Lacedæmonians, who were inſtructed by the Cretans. In Crete, too, this is one of the other laws which Minos eſtabliſhed, that men ſhould not drink with each other to intoxication. And this indeed is evident, that he made thoſe things to be laws for his citizens which he thought to be beautiful. For Minos did not, like a baſe man, think one thing, and do another different from what he thought; but his aſſociation with Jupiter was as I have ſaid through diſcourſe, in order to be inſtructed in virtue. Hence he eſtabliſhed theſe laws for his citizens through which Crete is perpetually happy, and alſo Lacedæmon, from the time in which it began to uſe theſe laws, in conſequence of their being divine. But Rhadamanthus was indeed a good man; for he was inſtructed by Minos. He did not however learn the whole of the royal art, but that part of it which is of the miniſtrant kind, and which poſſeſſes authority in courts of judicature; and hence he is ſaid to have been a good judge. For Minos employed him as a guardian of the laws in the city; but he uſed Talus [1] for this purpoſe through the reſt of Crete. For Talus thrice every year went through the villages in order to preſerve the laws in them, and carried with him the laws written in tables of braſs; whence alſo he was called brazen. Heſiod alſo aſſerts things ſimilar to theſe of Minos. For,

[1] A ſon of Cres, the founder of the Cretan nation.

having mentioned his name, he ſays[1] that he was the moſt royal of mortal kings, and that he reigned over many neighbouring men, having the ſceptre of Jupiter, with which alſo he governed cities. And he calls the ſceptre of Jupiter nothing elſe than the diſcipline of Jupiter, by which he governed Crete.

MIN. On what account then, Socrates, came the report to be ſpread that Minos was an unlearned and moroſe man?

SOC. On that account through which you, O beſt of men, if you are prudent, and every other man who intends to be celebrated, will be cautious never to offend a poet. For poets are able to effect much with reſpect to opinion, both in praiſing men and blaming them. In this particular, therefore, Minos erred when he warred on this city, in which there is much other wiſdom, together with tragic and other poets of every deſcription. But the tragedy here is antient, not originating, as is generally thought, from Theſpis, nor from Phrynicus; but, if you conſider, you will find that it is a very antient invention of this city. Tragedy indeed is of all poetry the moſt pleaſing to the vulgar, and the moſt alluring; to which applying ourſelves we have taken vengeance on Minos, for which he has compelled us to pay thoſe tributes. In offending us, therefore, Minos erred; whence, in reply to your queſtion, he became infamous. For that he was a good man, a friend to law, and a good ſhepherd of the people, as I have before obſerved, this is the greateſt token, that his laws are immutable, in conſequence of having well diſcovered the truth concerning the government of a city.

MIN. You appear to me, Socrates, to have diſcovered a probable reaſon.

SOC. If, therefore, I ſpeak the truth, do not the Cretans, the citizens of Minos and Rhadamnathus, appear to you to have uſed the moſt antient laws?

MIN. They do.

SOC. Theſe, therefore, were the beſt legiſlators of the antients, and were alſo ſhepherds of men; juſt as Homer likewiſe ſays, that a good general is the ſhepherd of the people.

MIN. Entirely ſo.

SOC. Come then, by Jupiter, who preſides over friendſhip, if any one who

[1] What Plato here cites from Heſiod is not to be found in any of the writings of that poet now extant.

is a good legiſlator and ſhepherd of the body ſhould aſk us what thoſe things are which when diſtributed to the body will make it better, we ſhould well and briefly anſwer, that they are nutriment and labour, the former of which by increaſing, and the latter by exerciſing, give ſtability to the body.

MIN. Right.

SOC. If, therefore, after this, that good legiſlator and ſhepherd ſhould alſo aſk us what thoſe things are which being diſtributed to the ſoul make it better, what ſhall we anſwer, that we may not be aſhamed of ourſelves and of our age?

MIN. I am no longer able to anſwer this queſtion.

SOC. It is however diſgraceful to the ſoul of each of us, if we ſhould appear to be ignorant of things pertaining to our ſouls, in which good and evil are contained, but to be knowing in particulars pertaining to the body, and to other things.

THE END OF THE MINOS.