THE MINOS:

A DIALOGUE

CONCERNING

L A W.
INTRODUCTION

to

THE MINOS.

LAW, considered according to its first subsistence in Deity, is justly defined by Plato to be a distribution of intellect (νοοι διανομήν). 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...
fays "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 illustri-
ous framers of laws with the greatest propriety referred the invention of
them to Deity. Hence Zoroafer, 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; Za-
molxis the Scythian to Vesta; and Plato, when he gave laws to the Mag-
nesians and Sicilians, to Jupiter and Apollo.
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.

2 A 2

MIN.
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. 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, diaNoetically 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.
**THE MINOS.**

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, 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.

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1 Athamas was the son of Αιολος, and king of Thebes in Boeotia.
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 everywhere 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. 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. Those 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.

THE MINOS.
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 dispensor 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. Marfyas, 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. 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. 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, 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 not give to any one of his heroes. For that Jupiter is a sophist, 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, represents Minos judging

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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 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 ἐκποτι are discourses, and
ἐκποτης 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 ἐκποτης 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 Lacedaemonians, 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 Lacedaemon, 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 * 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 afferts things similar to these of Minos. For,

* A son of Cres, the founder of the Cretan nation.
having mentioned his name, he says 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. Thence, 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

* 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 other things.

THE END OF THE MINOS.