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CHAPTER ONE
THE ANTI-DEMOCRAT

Plato, son of Ariston and Perictione, has been called the greatest of Greek philosophers by his admirers and chastised as the worst anti-democrat by his detractors. Socrates' most brilliant student, Plato devoted his life to studying and teaching, to exploring the meaning of life, inquiring into the nature of justice, and pondering how to be a better person.

His real name may have been Aristocles with the nickname Plato—meaning broad—given to him because of his wide forehead or because of his wide-ranging intellectual pursuits. He was born in 427 BC in or near Athens. Plato had two brothers, Glucon and Adeimantus, and a sister Potone. When he was still a boy, his father died and his mother married her uncle Pyrilampes, with whom she had another son, Plato's half-brother Antiphon. Plato received a first-class education in gymnastics, music, poetry, rhetoric, and mathematics, and tried his hand as a playwright. When he became older and a bit more knowledgeable about poetry, he would burn all his plays.

Like many of his peers, the intellectually curious young man was drawn to the circle of students around the philosopher Socrates. It was the best show in town, certainly more interesting than the tedious sessions of the assembly, the council, or the courts. Many sons of aristocratic Athenian families flocked to the philosopher who taught them about the proper manner of reasoning. Socrates considered himself not so much a teacher spouting opinions and truths but a midwife, like his mother had been, helping his pupils bring forth knowledge that was present in their mind but hidden from their consciousness. The method he used, still known as the Socratic method, was to engage interlocutors in rational dialogue and let them discover for themselves how questions and answers inescapably lead to the correct conclusions. One result of this didactic method was that pupils learned a great deal in a very efficient manner. Another was that Socrates never wrote anything down. Socrates and his students hesitated to commit their thoughts to papyrus. Static words were useful for the communication of information, they believed, but unsuitable when ex-

pressing one's deepest thoughts. Furthermore, written documents would simply expose the author to the envy and criticism of others. Had not Plato put his master's words into written form after his death, posterity would maybe never have known about this great man. In order to remain as true to Socrates' spoken words as possible, Plato presented his teachings in the form of dialogues. A wise man, Socrates himself would usually lead interlocutors through dialectic inquiry toward the inescapable truth.

In 399 BC, when Plato was twenty-eight years old, his revered teacher Socrates was put on trial. Charges brought against him were the spread of atheism and the corruption of youth. The authorities did not look kindly on Socrates' activities because letting young men think for themselves could become dangerous to the powers that be. Socrates mounted a spirited defense, putting his accusers to shame with his sarcasm and subtle irony. But his fate had already been sealed. When the moment arrived to pronounce the verdict, 280 of the 501 members of the jury voted that he should die for his transgressions. Plato attended the proceedings in court and later wrote an account of Socrates' defense. But when the time came for the condemned philosopher to die by drinking a beaker of hemlock, Plato was not present, claiming an indisposition. (This did not prevent him from describing in minute detail how the poison took over Socrates' body.)

Plato despised democracy. However, he was thinking of a different kind of democracy than the one to which we are accustomed. After all, the Athenian form of government was a democracy, and it was in this political environment that Socrates was condemned to death—in a proper court of law by a solid majority of jurors in a valid vote. How could so obvious a travesty of justice have come about? Something must have been wrong with the system. Obviously, to Plato at least, the regular folks were not fit to rule and to dispense justice. Hence, *democracy*, the power of the people (*demos*), was an inferior form of government. Thoroughly disgusted with the prevailing regime, a disillusioned Plato went to work, seeking a better form of judicial courts and government. The result of his inquiry was his seminal work *Politeia*, which, in Latin, became *De Re Publica*, and has been translated into English as the *Republic*. It was the world's first treatise on political philosophy and would inspire students of government throughout the next two and a half millennia. However, his ideas on proper administration were not quite thought through yet. For

example, voting and elections were nowhere mentioned in the *Republic* (see additional reading).

Several attempts to put theory into practice by acting as advisor to dictators and tyrants were unsuccessful (see the biographical appendix). Disappointed and thoroughly dispirited, Plato set about revising his theory. Apparently the theoretical state as envisaged in *The Republic* was less feasible than he had hoped. If Plato wanted his teachings to have an impact, a major overhaul was required. His last manuscript, unfinished by the time of his death at age eighty, in 347 BC, was titled *Laws*. Containing twelve books, it was to be his longest and most practical piece of work. It was here that Plato gave a more realistic, if still utopian, theory of government. This time he realized that selection processes could not be avoided, and he discussed voting and elections at length.

The *Laws* recounts a conversation among three men walking on the island of Crete. They are on a pilgrimage to the temple of Zeus, and the conversation takes place over a time span of a full day. It is a long walk and they stop from time to time at shady places under lofty trees, all the time chatting away. One of the men, Megillus, hails from Sparta. Another, Cleinias had been sent from the town of Cnossos to found a new colony, Magnesia, on a remote part of the island and would like some advice on how to organize this city. The third man, the wise "Athenian stranger"—Socrates or Plato himself—is only too happy to oblige. He expounds on the social structure, urban design, and laws that should be introduced in the new colony. The description of the exchange as a conversation or dialogue—trialogue would be more apt—is somewhat of an overstatement. Plato reduces Cleinias and Megillus to uttering "of course," "that is very true," "by Zeus," and "OK" from time to time. (Well maybe not "OK," but something like that.)

The Athenian stranger's first advice is that the city should be composed of exactly 5,040 households. An average household—husband and wife with two or three children, an elderly relative or two to take care of, and a few slaves—would comprise about ten people. Hence the ideal city-state would count about 50,000 inhabitants. Why 5,040 households? The Athenian stranger asserts that this is a "convenient number." And so it is. It can be divided by all natural numbers up to ten and also by twelve, fourteen, fifteen, sixteen, and by a host of other numbers. Altogether it has fifty-nine divisors. This comes in very handy, the Athenian stranger asserts,

when the need arises to partition the population and to allocate wealth or chores—for example when divvying up spoils or imposing taxes. Of course, immigration and emigration would have to be strictly controlled to keep the number of households unchanged. (Plato says nothing about what happens when the children of one household grow up and want to found their own household.)

In the center of the city, the citizens would erect the Acropolis with temples dedicated to Zeus, Hestia, and Athene. A wall would be built around the Acropolis, and outside this perimeter twelve neighborhoods would radiate outward, like pizza slices without the tip. Twelve tribes, with 420 households each, would settle in the slices. (Here, Plato may have taken a page out of the Israelites' narrative.) Each of the 420 households would be allocated two plots of land within its slice. One, near the Acropolis, would serve as a dwelling, the other, near the periphery, would be used for agriculture. If a household's place of residency were close to the center of the city, and therefore desirable, its outer plot would be farther toward the periphery and vice versa. If the agricultural parcel of land yielded little, it would be large, if it were fertile, it would be small. Everything would be allocated in a precise and mathematically fair way. However, the plots would only be leased to the households, remaining the property of the city for eternity. The "owners" would not be allowed to aggregate, subdivide, or sell them. Does not Plato's virtual state remind us of SimCity©, the enormously popular computer game that allows players to design a city according to their every whim?

Wealth, though permissible, would be strictly controlled. A household's minimum property would be the two plots of land initially allocated to it. They were meant to sustain the household. Anything below that would be considered insufficient and no ruler would allow a household's wealth to sink below the poverty level. Yet, by judicious trade, superior abilities, or sheer luck, some households would gain additional wealth. They would be permitted to hold up to four times the amount of their poorest compatriots. Every citizen's possessions would be meticulously recorded by the authorities, and taxes would be paid accordingly. The households would be divided into four wealth classes. Anybody found to be in possession of more than the maximum permitted amount, or of property that was not properly declared, would be obliged to surrender the surplus to the state. In addition he would have to pay a fine that would be used partly as a re-

ward to the good citizen who informed on the cheater. Plato envisioned both property taxes and income taxes, with the state deciding in each case which of the two would be more advantageous. The collected taxes would be used to pay for administrative expenses, military campaigns, the building of temples, and common meals.

Family life would have to be strictly regulated because a ruler "who imagines that he can . . . leave the private life of citizens wholly to take care of itself . . . is making a great mistake." After all, the Athenian stranger remarks, "among men all things depend upon three wants and desires . . . first, eating, secondly, drinking, thirdly, the excitement of love." If the third desire were not reined in, mayhem would most certainly result. Men and women were to marry and produce "the best and fairest specimen of children which they can" not because they want to, but as a duty to the state. And whereas the law should let alone matters of marriage, "every man should seek not the marriage which is most pleasing to himself, but the one which is most beneficial to the state." The best age for girls to get married is between sixteen and twenty, for men it is between thirty and thirty-five. Any man unmarried by the age of thirty-five would have to pay a yearly bachelor's fine "in order that he may not imagine his celibacy to bring ease and profit to him." (This is less ridiculous than it sounds. Nowadays, married couples and families with many children receive tax breaks, which, after all, are tantamount to taxing bachelors.) Couples that remain childless after ten years of marriage must divorce. If they do not, gentle, or less gentle, persuasion should be used to convince them to follow the laws of the state in this regard.

Once the norms and forms of behavior are decided, the questions of who would manage the city and how the administrators are to be chosen become relevant. In contrast to the *Republic*, where these matters were largely ignored, the questions received detailed treatment in the *Laws*. It is in Book VI that Plato lets the Athenian stranger make his first reference to the choice of civil servants: "And now, having made an end of the preliminaries, we will proceed to the appointment of magistrates."

The legislative, executive, and judicial powers that existed in Athens at the time consisted of three institutions: the Assembly, the Council, and the Courts of Justice. Important business matters like the issuance of decrees, the election of important officials, and the adoption of laws were made in the Assembly. It met ten times a year; in later times the frequency

was increased to forty times a year. Every citizen in good standing—male, over twenty years of age, without debts to the state—was entitled to participate, and the number of those present often went into the thousands. When decisions had to be made, like going to war or granting citizenship to an out-of-towner, the attendees were polled. Votes were effected by a show of hands, and a simple majority sufficed to decide any issue. Since so many citizens were often present, the number of raised hands was just estimated.

Since decisions made by the Assembly were assumed to express the will of the people they were not subject to review by any higher authority. By definition, the Assembly was infallible. If erroneous decisions occurred nevertheless, it could only be because the citizens had been misled. Clearly Athens' confidence in the citizens' omniscience and infallibility was a far cry from Plato's *Republic* with its total denial of the simple people's ability to think and decide.

Less important and with less power than the Assembly, but nonetheless indispensable, was the Council of 500. Its task was to prepare legislation. No proposal could be put before the Assembly if it had not first undergone a preliminary screening by the Council. Thus, this institution had an important role in setting the agenda for the Assembly. The Council's 500 members were chosen yearly by lottery. Thus they were selected for the service not by their compatriots but by the gods. Members served for a single year but could be chosen for one more term during their lifetime.

The Courts of Law were the main instrument that guaranteed the orderly social functioning of the city. Juries, composed of at least 201 men for private lawsuits and at least 501 for public lawsuits, were selected by lot from a pool of 6,000 jurors who, themselves, had been selected by lot. The cases that came before the Court, like the one that condemned Socrates to death, were considered weightier than the day-to-day agenda items in the Assembly, and the jurors had to be more serious than assemblymen. They were required to be at least thirty years old. In addition, before they heard a case, they had to take an oath to adjudicate honestly. To allow poor citizens to take part in the administration of justice, jurors were paid for judicial duty. There was no presiding judge at the court sessions; in fact, there was no presiding anybody. The proceedings were predictably chaotic. But however boisterous the sessions were, being the voice of the

people, Courts could not err. Just as with silly decisions by the Assembly, miscarriages of justice occurred only if the jurors were misled.

Such were the major institutions of the city-state of Athens. As for micromanagement, about a thousand civil servants were appointed every year. Since the danger existed that officeholders would abuse their position of authority in order to amass wealth or power, the prime aim in the choice of officials was to avoid corruption. Competence of any sort was not a prerequisite for the job; hence, there was no need to choose the best-qualified person. This is unfortunate because, the people being infallible, certainly the citizen most suited for the position would have been elected. As it was, city officials were chosen by lot.

To briefly summarize, it seems that everybody who had any sort of interest in running the city could either participate in the Assembly as he pleased, or was selected by lot, as in the Council, the Court, or the civil service. Votes were only taken in order to pass or reject laws, or to decide on the verdict in a criminal case.

But a select few officials did come to their positions by election. They were the ones whose jobs required special skills: warfare and money management. On the one hand, the ten generals who were elected and could be reelected every year needed experience and expert knowledge. On the other hand, the treasurers had to be wealthy in addition to being savvy, so that public money that they lost, due to mismanagement or through corruption, could be recovered from their personal property. These public officials were elected by a majority vote of the Assembly. We already know that the assembled citizens cannot err. So if an elected general lost a battle it must have been due to his having deceived the citizens. Upon his return he faced arrest, trial, and possible execution. Treasurers whose accounts did not add up must also have led the Assembly astray. They had to pay the missing amounts out of their pockets. After that they were sometimes executed nevertheless. This happened at least once. On that occasion, nine of ten treasurers were executed, one by one, until an accounting error was found just before the last one was to meet his fate.

Plato was not happy with this state of affairs. It was not so much the executions that bothered him. Rather, he objected to the fact that poor, uneducated masses could end up terrorizing the rich. Any dimwit was allowed to participate in the Assembly, and even though the members of the Council and of the Courts had to be older and presumably wiser, semilit-

erate bozos could be chosen by the lottery. How could a collection of such people make intelligent, informed decisions? Plato's *Laws* were meant to prevent the alleged mistakes that had been made in Athens from being made all over again in Magnesia, the colony to be founded on the island of Crete. As we shall see below, Plato tended to equate "rich" with "better educated."

In the guise of the Athenian stranger, Plato lays down his version of the best way to assign qualified individuals to jobs. After all, if unsuitable people would be appointed to public office, even the best laws would become useless. So, first of all, those who are to elect the magistrates, judges, and administrators would have to be well educated and properly trained in law. Only such accomplished electors would be able to make correct judgments, Plato states. The exclusion of the uneducated would prevent them from making inevitable errors. Second, candidates who wanted to run for office would have to give "satisfactory proof of what they are, from youth upward until the time of election." But not only the candidates' past would undergo scrutiny, their family history would also be subject to inquiry. Misconduct on the part of any family member, living or deceased, could be grounds for disqualification.

The election procedures that Plato proposes—there are many different variants, as we shall see immediately—are usually multistage processes. The early stage is designed to ferret out the obviously unsuitable contenders, in the subsequent stages the electors gradually advance to the most suitable candidates. Thus, blunders that were made at the start of the process could be corrected later on.

Most important for the survival and orderly functioning of the city were the guardians of the law, who would have to be chosen first of all and with the greatest of care. These esteemed personalities would be at least fifty years old and could serve for at most twenty years. At age seventy, "if they live that long," they would have to step down. (The Athenian stranger adds the helpful, if superfluous remark that a guardian of the law who is elected at age sixty would be able to serve for at most ten years.) Plato's scheme did not stipulate the separation of powers. Responsible for law and order in the city, the guardians' duties would include the enactment of laws, the administration of justice, and the registration of citizens and their wealth. As the work of legislation in the new city progresses and new laws are enacted, the guardians would be assigned further tasks.

Thus the guardians of the law would be the guarantors of justice and stability. Indispensable for the new colony's survival, their choice would have to be undertaken with particular care. As creators and founders of the new city, the burghers of Cnossos had a moral duty to see the fledgling colony through its first, still shaky period. Thus, the body of guardians should, by Plato's design, be made up of representatives both from Cnossos and from the new city.

The number of guardians would have to be odd so that close decisions would not end in a draw. And the settlers, who have a greater stake in the future of the city, should represent a majority in the legislative/judicial body. At this point, without further ado, the Athenian stranger declares at this point that the guardians of the law would number nineteen settlers and eighteen Cnossians for a total of thirty-seven. Why thirty-seven? No justification is given by the philosopher for this particular number except that it is odd. What if the eighteen chosen Cnossians were unwilling to leave their comfortable homes in order to move to an inhospitable colony? In this case, Plato asserts, it would be permissible to use "a bit of physical pressure" to persuade them to go.

While vague about the reason for choosing exactly this number of guardians, Plato was much more specific about the manner in which they should be chosen. He proposed a three-stage procedure during which the number of candidates would be whittled down successively to three hundred, then to one hundred, and finally to thirty-seven.

Since every soldier receives an education, all citizens who are or have been in the military would be qualified to take part in the election. By the way, women were considered suitable for army service in Plato's system and would therefore not be excluded from participation in the elections. Only dimwits, who had not been fit for the military, would be excluded. The election was to take place in a temple with the ballots deposited on the altar of the god.

Anybody could indicate a choice and vote for a candidate by writing the name of the preferred candidate, his father's name, the tribe to which he belongs, and the borough in which he lives onto a tablet and depositing it on the altar. Voting was by no means secret; the elector had to include his own particulars on the same tablet. Anybody who took exception with a particular tablet—because he objected either to the candidate or to the sponsor—was entitled to remove it from the altar. It would be exhibited

for at least thirty days in the Agora, the marketplace, for everyone to see. If there were no objections to the objection, the rejected candidate's name would be permanently removed. Thus, any citizen could exercise veto power over any candidate he deemed unfit for this high office. Once all votes were cast, magistrates would count the tablets and announce the names of the three hundred top-ranked candidates.

In a second round of voting, the citizens would choose one hundred candidates from the reduced pool in the same manner. Finally, in the third round, the thirty-seven guardians of the law would be chosen from this shortlist. But at this point the Athenian stranger imposes a significant obligation on the voters. Before casting the third and deciding ballot, electors are required to solemnly "walk among the sacrificial animals." This innocuous requirement, seemingly meant to make the voters aware of the gravity of their choice and to invoke the gods' help in deciding correctly, actually limits the electorate. After all, who are the people with sufficient money to pay for sacrificial animals and with enough leisure to spend another day on an election? They are the wealthy citizens. Plato biases the election ever so subtly toward the rich who—he assumes not entirely without reason—are the better educated.

Having got this far, the Athenian stranger and his two interlocutors suddenly become aware of a problem. Nearly as an afterthought it occurs to them that elections require supervision. Even for the very first election, it takes magistrates to elect magistrates. Like the vexing question of the chicken and the egg, it was not clear how the process could start in a brand new colony. The problem was even more pressing, Plato asserts, because, as the proverb went, "a good beginning is half the business." Adding that, in his opinion, a good beginning is a great deal more than half the business, the Athenian stranger suggests a rather uninspired solution to jump-start the process. Upon their arrival at the proposed colony, a hundred Cnossians and a hundred settlers, the eldest and the best from among the two groups, would simply appoint the thirty-seven initial guardians of the law. After verification that the chosen magistrates were indeed qualified, the eighty-two Cnossians who were not appointed would be free to return home, and the settlers, together with the eighteen chosen Cnossians, would be left to fend for themselves. The suggestion raises more questions than it answers. While the determination of the oldest representatives would not be difficult, how does one determine the best? And once

they have been determined, how do they appoint the thirty-seven? Leaving this question unanswered, Plato simply suggests that the Cnossians and the settlers choose the two hundred electors as best they can who will then do the appointment.

With the guardians of the law duly appointed, the city proceeds to the election of less crucial, but still essential, officeholders. First there are the higher charges of the military—the generals, brigadiers, and colonels. Candidates for generals, natives of the city, whose backgrounds have been examined and who have been found to be suitable for the post, are proposed by the guardians. Anyone who disagrees with their choices and believes that a certain candidate is unqualified may propose an alternative in his place. A primary election will then be held between the two, with the winner being admitted to the next round. In the final, deciding round, the three candidates with the highest number of votes are appointed. The generals themselves will then propose twelve brigadiers, one from each of the twelve tribes. Counterproposals may be made, followed by primaries, vote taking, and decision. But while every present or former soldier who so wished is allowed to take part in the election of generals, participation in the appointment of brigadiers and other high-ranking officers would be limited to the members of the different branches of the army—light infantrymen, heavy infantrymen, archers, cavalry—that they were to command. Finally, the lower charges would simply be appointed by the generals.

Next, the Athenian Stranger discusses the appointment of magistrates to the Council. This institution, which would be in charge of the city's administrative affairs, was to number 360 members. The number is convenient, the Athenian stranger claims, because it is thirty times the number of tribes (twelve), and it is ninety times the number of property classes (four). Men from age thirty and women from age forty would be eligible for election. For the election of the magistrates, which would take place every year over a period of five days, Plato prescribes a two-phase procedure to which he adds an interesting twist. The proposal was a hybrid between a regular, two-stage election and a lottery.

The first stage of the election, which takes place during the first four days, identifies a pool of candidates from among which the successful magistrates will be chosen on day five. While the election of about thirty magistrates from each tribe was desirable but not mandatory, choosing

ninety representatives from each property class was obligatory. So on day one, the candidates from the wealthiest class would be selected. Every citizen would be obliged, under pain of penalty, to participate in the election. The following day, candidates of the second wealth group would be selected in the same manner. On the third day, when the candidates from the third class would be selected, only the members of the top three groups would be compelled to vote. The poor could cast their ballots if they chose, but were not obliged to do so. On the fourth day, when the candidates from the poorest class would be chosen, only the members of the top two wealth classes were obliged to participate.

Why does Plato propose such a convoluted procedure? Again, the aim is to give the better-educated citizens, that is, the wealthy property owners, a greater say in the composition of the Council. On the one hand, the rich will participate in all four rounds in order to avoid the fines. On the other hand, the poor, having already spent two days fulfilling their civic duties, cannot afford additional time away from their fields and cattle if they can help it. The result is that members of the two richer classes cast four ballots, members of the third class cast three, while the poorest only cast two. Note how the sly Athenian achieves his aim without making the poor feel cheated. He does not limit their right to vote but discourages their full participation in the election, all the while making them believe they are actually getting a break. Moreover, they are excused from voting precisely when it comes to electing the representatives from their own class. The rich decide who will be the candidates for the poor. Sycophants and yes-men stand a very good chance.

With the pool of candidates identified, it is now time to actually choose the magistrates. So on day five, it was everybody's turn again. From among the candidates of each wealth class, the citizens elect 180 men and women by majority vote. However, the procedure is not over yet because finally—this is the novelty of the procedure—half of the candidates, ninety from each wealth class, would be chosen for service on the Council by a lottery. Introducing an element of chance into the appointment, thus having God or Fortune make the final decision, permits more people to have a shot at governing and avoids discontent among the competitors. ("No hard feelings, it was God's choice.")

Plato not only limited the voice of the poor in the election; with the segmentation of the citizens into wealth classes he also curtailed their

representation on the Council, albeit without their noticing it. By reserving for them the same number of slots as for the wealthy, the rich and the filthy rich, the poor were led to believe that they were equally represented on the Council. It is an economic fact of life, however, that every population contains many more poor than rich. Hence, the former would be quite underrepresented when compared to their numerical strength. The brilliance of Plato's scheme lies in the fact that the poor remained convinced of the exact opposite.

Next, the Athenian stranger discusses policing the city and the state. Like a boat that cannot be left without a captain, even for a short while, the city must at all times be controlled, Plato, a.k.a. the Athenian stranger, asserts. Streets, buildings, ports, fountains, temples, water supplies, and markets must constantly be inspected and regulated by the relevant officials. Some of them should be elected, others chosen by lot, and sometimes a mixture of both should be used to appoint them.

The first security service, akin to a police or sheriff department, would be made up of sixty men, five from each tribe, and of 144 deputies, twelve from each tribe. Plato does not specify whether the sheriffs and their deputies would be selected from each tribe by vote or by lot. Maybe not too many candidates registered for these positions anyway since life for two years in the open wilderness required an adventurous spirit on the part of the aspiring policeman, and the necessary equipment entailed considerable expense for the family. The groups would spend two months in each of the twelve different parts of the country. Their main task would be to make the citizens feel safe but they would also be responsible for keeping buildings intact, the irrigation working, the roads in repair, and the gymnasia in operation.

The town inspectors would see to it that building regulations are respected, structures are maintained, and water is of suitable quality. Six nominees from the two highest property classes would be elected, from which three are chosen by lot. They divide the twelve neighborhoods of the city into three boroughs and each takes one of them under his wings. The market inspectors maintain order in commerce and trading. They see to it that no injustices are being committed and, if commercial crimes or frauds do occur, that the perpetrators are suitably penalized. Ten candidates are elected by a show of hands from the top two wealth classes, from among which five are chosen by the lot.

As befits holy men and women, priests would not be elected by other mortals. Either their position is hereditary, in which case the question of election is moot, or they are to be chosen by divine chance, by lottery. After the priests, come the so-called interpreters. Their task would be to decipher the enigmatic messages of the Oracle of Delphi. As is appropriate for the inscrutable musings of an oracle, the passage describing the choice of the interpreters is one of the most enigmatic in Plato's *Laws*. "Thrice the four tribes are to elect four, each of whom is to come from among themselves; the three who receive the most votes are to be scrutinized; then the nine are to be sent to Delphi, where one is to be chosen from each triad," the Athenian stranger tells his listeners. Scholars have been puzzling over these words for centuries. Do the four tribes, voting as a body, select four persons, one from each constituent tribe, and then choose three of the four nominees? Or do the three groups of four tribes elect four nominees from any tribe in the group and then have three subsequent elections, in which all tribes participate, and in which each time three out of the four nominees are elected? Or does each elector cast four ballots for four nominees, with the top-ranked three going to Delphi? Or does each tribe separately elect four members from its own tribe, and then choose three of the sixteen? Exasperated, one scholar concludes his musings on the subject with the words "if I and others have misunderstood Plato, he has in this instance only himself to blame" (Saunders 1972). It is amazing how much ink has been spilled in attempts to guess what Plato really meant.

Judges of music and dance, conductors of the chorus, managers of schools and gymnasia are the only magistrates, with the possible exception of the generals, who are specifically required to have a certain expertise in the office they hold. For their appointment, only experience is to count; family background and probity of character are unimportant. Once a year, the citizens who are committed to such pursuits are obliged to participate in the election of these magistrates. In elections concerning music, ten candidates are nominated by a show of hands, one of whom is then selected by lot. For positions in gymnastics, twenty nominees are chosen from the second and third wealth classes; the poor and the filthy rich are excluded and the poor are even excused from participating in the election. Three are chosen by lot.

Lastly, a supervisor of education must be chosen. This magistrate's

work is of supreme importance for the raising of a good citizenry. Since education of the city's youth is a vital concern this official is by far the most significant magistrate in the city. Great care must therefore be exercised in his appointment. He should be the city's best man (yes, this was one post for which Plato deemed women ineligible), at least fifty years of age, father of both sons and daughters, and of unblemished record. Since all the best citizens have already been appointed guardians of the law, there was no other way than to choose the supervisor of education from among them. He was to be elected for five years in a secret vote in which all magistrates participate, except the Council members.

Two details are noteworthy about the election of this most important of all officials. Firstly, only magistrates who have been vetted as competent individuals in a previous election are deemed capable of making such an important decision; hence, only this restricted circle of people participates in the appointment of the supervisor of education. This raises a problem. Since it is relatively easy to bribe a few individuals, the doors are opened to outside influence and corruption. Plato does not disregard the possibility of corruption even among magistrates, and in an attempt to avoid such aberrations he suggests, secondly, that the election of the supervisor of education be effected by secret ballot. In fact, it is the only one among the numerous elections in Plato's *Laws* that is secret. By the way, the desire to avoid situations where only a small number of corruptible electors take part in the appointment of a magistrate may be the reason why participation in most of the elections is mandatory.

Candidates for all positions, after selection by the lot or a show of hands but before appointment to the position, undergo rigorous scrutiny. During this assessment, his or her legitimate birth, flawless pedigree, impeccable reputation, lack of debts, and faultless character are publicly examined. If a candidate has not lived up to expectations, his or her selection is invalid and the appointment procedure must be repeated. The plight of at least one candidate is known who was nixed for a magistrate's position because he had not been good to his widowed mother.

At the end of the magistrate's term of office, an audit is held into the finances of the institution to which he belonged. The existence of a panel that would check all accounts, and the prospect of facing it, is meant to ensure that officials do not even think about enriching themselves at the city's expense. If temptation proves too great and the magistrate fails to

keep his fingers out of the till, the panel would condemn him in a humiliating trial, leading to the payment of appropriate fines, in addition to the return of all he had taken.

The Athenian stranger then discusses the establishment of courts and the election of judges because "a city which has no regular courts of law would cease to exist." Whenever disputes arise among citizens, the court of first instance should constitute itself of friends and neighbors of the litigants who know what the dispute is about and can best adjudicate it. Occasionally the policemen, assisted in serious cases by their deputies, act as judges. In fact, every magistrate is in some way an adjudicator, the Athenian stranger asserts, since he must make decisions within the realm of his office and thus act as judge at such times.

If a plaintiff or defendant is unhappy with the judgment by the first court, he can move up the judicial hierarchy by appealing to a second instance, the tribal court, whose judges are selected by lot whenever the need arises. If one of the parties is still not satisfied with the verdict, an appeal can be lodged with the third and highest instance, the Supreme Court. The Chief Justices must be beyond reproach. In order to select them, the electors should also not be just any odd fellows but citizens of impeccable character, well versed in the laws. What better way to fulfill both requirements than by having magistrates choose the judges from among their own ranks? Thus, the Athenian stranger suggests, the members of each category of magistracy select one of their members—"the one who gives promise of rendering the best and most pious verdicts"—to serve on the Supreme Court. Consequently, this court will be composed of a policeman, a market regulator, a judge of music, a manager of gymnasia, and so on. The Supreme Court will render justice by a majority vote among the Chief Justices.

For the really serious cases, when a citizen is accused of having committed an injustice against the city, special tribunals must be constituted. Three high-ranking magistrates, chosen with the consent of the accused and the prosecutor, preside over the proceedings. (If the prosecutor and the accused cannot agree on the presiding magistrates, the Council decides.) They do not make the rulings, however; decisions are rendered by the assembled citizens who publicly vote for or against a guilty verdict. It is strange that after all the misgivings, Plato returns to the same institution that condemned his revered teacher Socrates to death.

The three men continue their conversation for hours, with the Athenian stranger expounding on nearly everything under the sun; family affairs, property laws, education, religion, food, sex, and many other subjects that make the social fabric of a city. Often the suggestions on how to run the city seem pulled out of a hat like a magician's rabbit, made up on the spot while enjoying the hike. Why ten judges of music and twenty of gymnastics, why use the lottery in this instance and not in another, why limit wealth to four times the poverty level and not to five? The stranger's proposals are good ideas but not necessarily the best. Nevertheless, the two listeners are in awe. Many suggestions sound brilliant to them on the basis of the Athenian stranger's authority alone.

Finally, they arrive at their destination and it is time to part company. Giving some last-minute pieces of advice, the Athenian stranger prepares to leave. But Plato cannot end the treatise without attributing a little praise to himself. Cleinias and Megillus are dispirited. They realize that without the stranger's help, they will never be able to make the new city flourish. Megillus has an idea: "Either we keep him with us and make him share in the founding of the city," he tells Cleinias, "or we give up the whole enterprise." "OK, so let's detain him," comes the answer.

And with this the dialogue ends.

ADDITIONAL READING

Republic

The first question Plato asked himself in the *Republic*, written about thirty years before *Laws*, was what justice is. He lets Socrates, the main character in the *Republic*, explore this question in the course of a long discussion with a circle of men. Cephalus ventures that justice consists simply in telling the truth and repaying one's debts. This is too simple-minded an answer and Socrates (that is, Plato) quickly counters with the example of returning borrowed weapons to a friend who has in the meantime gone mad. Surely it would be unjust to give him the means to kill himself? Polemarchus ventures that justice is doing good to friends and meting out punishment to one's enemies. But hurting enemies makes the punishers themselves unjust, Socrates points out, so that can't be the answer either. At that point Thrasymachus, a sophist who makes money dispensing philosophical advice, is unable to contain himself any longer. He blurts out a beguilingly simple answer: justice is what those in power decide it is. Now that really hit a bull's eye, and a full-blown argument

erupts with thinly disguised, and sometimes undisguised, insults flying both ways. Finally, Socrates points out that a stupid ruler may enact legislation that is to his detriment. Would it then be just, by the ruler's own definition of justice, for citizens to follow these laws even though they result in the ruler's own removal? Hardly. Thrasymachus blushes and slinks away.

At one point, the dialogue veers off on a tangent when one interlocutor raises the question whether justice is a worthy aim at all, that should actually be strived for. If everybody else is just, maybe an unjust citizen could reap an advantage. Does injustice pay? (This argument anticipates twentieth-century game theory.) Socrates, never short of a counterexample, points out that even a gang of thieves, if they act unjustly toward each other, would not be a very successful gang. So justice, even among thieves, is somehow superior to total injustice.

Finally, the philosopher gives the answer his listeners had been waiting for. Justice means keeping a just order. Everybody should do what he does best and stay out of everybody else's business. If every citizen does what he is assigned to do, not because he is ordered to do it, but because he enjoys doing it, justice will reign. Citizens won't harm each other and the state will flourish because, on the one hand, justice leads to harmony and unity, while injustice, on the other hand, leads to sedition and revolution.

With this weighty question resolved, the next issue was how to organize the state in such a way that justice does, in fact, reign. As envisioned by Plato, the ideal republic would be sufficiently large to allow for an efficient division of labor, but small enough so that every citizen would have a personal stake in the state's affairs and take a vivid interest in running it. Everybody would have an assigned role and fulfill it to the best of his abilities. And what might that role be? Plato envisaged three kinds of citizens. (Slaves, even though they made up a sizeable part of every state's population, were excluded from consideration.)

First there would be the statesmen whom Plato calls the guardians of the state. They are the philosophers whose wisdom guarantees just and fair government. In order to prepare them for their task, they would undergo long and rigorous education, starting in childhood. Children and young people would not be allowed to read fiction because that would cloud their ability to think and argue rationally. After primary education and compulsory military service, ten years of instruction in mathematics would follow and another five years' training in dialectics. The by now thirty-five-year old aspiring guardians would then embark on fifteen-year apprenticeships in managing the affairs of the state. At age fifty, they would be ready to serve the state as philosopher-kings, making laws, adjudicating disputes, and dispensing justice. They would not own any personal wealth.

Then there would be the professional soldiers. The members of this class represent the police force and the army. Their task would be to preserve the existing order and to de-

fend the state against foreign aggressors. Their defining attribute would be courage. These citizens would dedicate their lives to the community and, like the philosopher-kings, would not possess personal wealth. Housed, fed, and clothed by the state, they would not need to worry about material needs. Everything they require would be provided for by the state.

Wait a minute, does Plato advocate an early form of communism, more than two thousand years before Karl Marx wrote *Das Kapital*? Well nearly, but not quite. In contrast to Marx, Plato recognized that not everybody is ready to abandon the enjoyment of wealth, and he did not advise the general abolition of private property. Therefore he envisioned the third type of citizen.

This class, the largest of the three, would consist of everybody who is not part of the first two groups. With the administration and the defense of the state taken care of, these people would keep the economy going. They would produce, build, transport, and trade. Farmers and craftsmen would fall under this category, as would doctors, merchants, and sailors. These are the citizens who cannot do without private property. Plato allows them to own wealth, albeit in moderation. He determines the minimum amount of material goods needed to sustain a family. All wealth that surpasses four times that amount would be confiscated by the state.

Plato did not advocate a caste system. Assignment to any of the three classes would be by temperament, not by birth. Whichever of the three virtues—wisdom, courage, modera-tion—was most developed in the child would determine his future path. The offspring of the third class could become guardians or soldiers while the progeny of the first two classes could become property owners. By the way, Plato made no distinction between men and women. Any citizen could attain any position in the state regardless of gender, and there could well be philosopher-queens.

Once society was suitably stratified, the question was what system of government would best suit it. Plato's preferred form was the aristocracy. Translated as "government by the best," it is not at all the feudal system of the European nobility of the Middle Ages. Peerages would not go from father to son regardless of whether the latter is an imbecile. Rather, according to Plato, aristocracy indicates a government by selfless philosopher-kings that would reconstitute itself afresh every generation. It was the best form of government that could be envisaged.

But even under aristocracy, danger lurked. Plato was well aware of the possibilities of corruption. He knew that not all soldiers would remain steadfast in the face of temptation. Especially war heroes who found honor (*timé* in Greek) in battle could be catapulted to the forefront, whence they would invariably turn on the philosopher-king in a military coup. The ensuing timocracy would be characterized by an overall aggressiveness toward the outside, and injustice toward the inside. Once in power, the former war heroes would certainly use their new position to

amass fortunes, the result of which would be a plutocracy (*plutos*: wealth) in which the rich play top dogs. Now, wealth also produces poverty and by the nature of things there will be more poor people than rich people. One day, the latter will realize that they are more numerous and therefore mightier. The masses of simple people will overthrow the plutocrats and . . . institute a democracy.

Now don't you believe that this would be anything to look forward to. The people, unschooled und unsuited for administrative tasks, would make a horrible mess of things. Everybody would want to vote on matters in which they totally lacked experience and about which they had no knowledge whatsoever. Chaos would most certainly ensue. Surely democracy was not a viable form of government. Hence worse was to come. After a while, the baddest and boldest would take over and democracy, bad as it was, would metamorphose into something worse still: tyranny, the government of one.

Once the dead end of tyranny is reached, the only hope to escape it, according to Plato, is for the tyrant to take a philosopher to his side as advisor, or to become a philosopher-king himself, thus restarting the cycle. Very remote possibilities indeed. The self-assurance with which Plato predicts chains of events and their inevitable outcomes anticipates the certitude that characterized Karl Marx's description of social upheavals.

If aristocracy were the preferred form of government, how could the philosopher-king be chosen without going through the whole cycle of timocracy, plutocracy, democracy, tyranny to reach aristocracy? Plato abhorred involving the citizens in any decision process and, fortunately, in his system there was no need to do so. In the ideal state, governors would be selected according to their abilities and not because of popular preference for one person over another. As Socrates asserts, the qualities necessary to become philosopher-king— quick intelligence, memory, sagacity, ingenuity, fearlessness, and steadfastness—do not often grow together. Individuals who possess all these qualities are so rare that the state will hardly ever find more than one who fits the job description. Thus, elections and votes are superfluous.

BIOGRAPHICAL APPENDIX

Plato

When Plato was about forty years old, he traveled to Crete, Egypt, Cyrene, and to Syracuse. In the latter, on the island of Sicily, Dionysius the Elder ruled with an iron fist. The tyrant's brother-in-law, the philosopher Dion, enlisted Plato in an attempt to moderate the cruel regime. Together they tried to teach Dionysius the basics of a government based on philosophy, but to no avail. Worse, the angry tyrant reduced Plato to slavery.

He was barely rescued by one of his followers and only just made it back to Athens.

There he founded the Academy. It was the world's first university of sorts, where Plato taught his disciples about astronomy, biology, metaphysics, aesthetics, ethics, geometry, rhetoric, and politics. (One up-and-coming student and later teacher at the Academy was a young man by the name of Aristotle.) The Academy operated for a thousand years and was shut down only in AD 529 by the Roman emperor Justinian I, who claimed that it posed a threat to Christianity.

In 367 BC Dionysius died. Possibly his demise was helped along by doctors who poisoned him at the instigation of his son, Dionysius II, who could not wait to succeed him. Unfortunately, the elder Dionysius had been so busy ruling that he had not only failed to notice his son's ambitions, but, unfortunately, also neglected his education. The thirty-year-old prince, known more for his taste for debauchery than for his leadership qualities, was quite unprepared to take control. Again it was Dion who tried to remedy the situation. What the young man needed was a crash course in leadership and proper management techniques, and who would be better suited to instruct him than his old friend Plato? Recalling the failed experience with Dionysius's father, Plato balked at the suggestion at first and politely declined. Eventually he relented. It was, after all, a good opportunity to put his teachings to the test.

However, it was not to be a successful experiment either. Dionysius II, jealous of his more capable uncle, sent Dion into exile. Plato himself was ill prepared for the intrigues at the court of Syracuse and with his friend gone, he remained without a protector. This was not an enviable situation for a sixty-year-old philosopher to be in. Plato took the wise course of action and left Syracuse. Back in Athens, he returned to the Academy that he had founded twenty years earlier.

Six years later, Plato was again invited to Syracuse. But the incompetent despot had learned nothing in the intervening years and was not prepared to change his ways. So Plato left again, once more with the job left undone. Dion in the meantime had reached the conclusion that philosophy did not work after all, and decided to set things right in the old-fashioned way. Arriving on the shores of Sicily with a military force, he quickly took over. Dionysius, in Italy at the time, hurried back to Syracuse, but was defeated. Now it was Dion who took a liking to power and became a tyrant. He was not to enjoy his new status for long, however. Three years later, he was killed by agents of the philosopher and mathematician Callippus, who was himself killed the following year. Obviously, philosophy was not the laid-back profession it is today.

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