

The Special Laws, III

Philo of Alexandria

tr. C. D. Yonge translation

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Chapter I

There was once a time when, devoting my leisure to philosophy and to the contemplation of the world and the things in it, I reaped the fruit of excellent, and desirable, and blessed intellectual feelings, being always living among the divine oracles and doctrines, on which I fed incessantly and insatiably, to my great delight, never entertaining any low or grovelling thoughts, nor ever wallowing in the pursuit of glory or wealth, or the delights of the body, but I appeared to be raised on high and borne aloft by a certain inspiration of the soul, and to dwell in the regions of the sun and moon, and to associate with the whole heaven, and the whole universal world.

At that time, therefore, looking down from above, from the air, and straining the eye of my mind as from a watch-tower, I surveyed the unspeakable contemplation of all the things on the earth, and looked upon myself as happy as having forcibly escaped from all the evil fates that can attack human life.

Nevertheless, the most grievous of all evils was lying in wait for me, namely, envy, that hates every thing that is good, and which, suddenly attacking me, did not cease from dragging me after it by force till it had taken me and thrown me into the vast sea of the cares of public politics, in which I was and still am tossed about without being able to keep myself swimming at the top.

But though I groan at my fate, I still hold out and resist, retaining in my soul that desire of instruction which has been implanted in it from my earliest youth, and this desire

taking pity and compassion on me continually raises me up and alleviates my sorrow. And it is through this fondness for learning that I at times lift up my head, and with the eyes of my soul, which are indeed dim (for the mist of affairs, wholly inconsistent with their proper objects, has overshadowed their acute clear-sightedness), still, as well as I may, I survey all the things around me, being eager to imbibe something of a life which shall be pure and unalloyed by evils.

And if at any time unexpectedly there shall arise a brief period of tranquillity, and a short calm and respite from the troubles which arise from state affairs, I then rise aloft and float above the troubled waves, soaring as it were in the air, and being, I may almost say, blown forward by the breezes of knowledge, which often persuades me to flee away, and to pass all my days with her, escaping as it were from my pitiless masters, not men only, but also affairs which pour upon me from all quarters and at all times like a torrent.

But even in these circumstances I ought to give thanks to God, that though I am so overwhelmed by this flood, I am not wholly sunk and swallowed up in the depths. But I open the eyes of my soul, which from an utter despair of any good hope had been believed to have been before now wholly darkened, and I am irradiated with the light of wisdom, since I am not given up for the whole of my life to darkness. Behold, therefore, I venture not only to study the sacred commands of Moses, but also with an ardent love of knowledge to investigate each separate one of them, and to endeavour to reveal and to explain to those who wish to understand them, things concerning them which are not

known to the multitude.

Chapter II

And since of the ten commandments which God himself gave to his people without employing the agency of any prophet or interpreter, five which are engraved in the first tablet have been already discussed and explained, as have also all the particular injunctions which were comprehended under them; and since it is now proper to examine and expound to the best of our power and ability the rest of the commandments which are found in the second table, I will attempt as before to adapt the particular ordinances which are implied in them to each of the general laws.

Now on the second table this is the first commandment, "Thou shalt not commit adultery," because, I imagine, in every part of the world pleasure is of great power, and no portion of the world has escaped its dominion, neither of the things on earth, nor of the things in the sea, nor even of those in the air, for all animals, whether walking on the earth, or flying in the air, or swimming in the water, do at all times rejoice in pleasure, and cultivate it, and obey its behests, and look to its eye and to its nod, obeying it with cheerfulness, however arrogant and proud they may be, and all but anticipating its commands, by the promptness and unhesitating rapidity of their service.

Therefore, even that pleasure which is in accordance with nature is often open to blame, when any one indulges in it immoderately and insatiably, as men who are unappeasably voracious in respect of eating, even if they take no kind of

forbidden or unwholesome food; and as men who are madly devoted to association with women, and who commit themselves to an immoderate degree not with other men's wives, but with their own.

Still this sort of reproach, as affecting most men, is one rather of the body than of the soul, since the body has a vehement flame within, which consumes the food which is offered to it, and seeks other food at no great distance, by reason of the abundant moisture, the stream of which is conveyed into the most secret parts of the body, creating an itching, and stinging, and incessant tickling.

But those men who are frantic in their desires for the wives of others, and at times even for those of their nearest relations or dearest friends, and who live to the injury of their neighbours, attempting to vitiate whole families, however numerous, and violating all kinds of marriage vows, and making vain the hopes which men conceive of having legitimate children, being afflicted with an incurable disease of the soul, must be punished with death as common enemies to the whole race of mankind, in order that they may no longer live in perfect fearlessness, so as to be at leisure to corrupt other houses, nor become teachers of others, who may learn by their example to practise evil habits.

Chapter III

Moreover the law has laid down other admirable regulations with regard to carnal conversation; for it commands men not only to abstain from the wives of others, but also from certain relations, with whom it is not lawful to

cohabit;

therefore Moses, detesting and loathing the customs of the Persians, repudiates them as the greatest possible impiety, for the magistrates of the Persians marry even their own mothers, and consider the offspring of such marriages the most noble of all men, and as it is said, they think them worthy of the highest sovereign authority.

And yet what can be a more flagitious act of impiety than to defile the bed of one's father after he is dead, which it would be right rather to preserve untouched, as sacred; and to feel no respect either for old age or for one's mother, and for the same man to be both the son and the husband of the same woman; and again for the same woman to be both the mother and wife of the same man, and for the children of the two to be the brothers of their father and the grandsons of their mother, and for that same woman to be both the mother and grandmother of those children whom she has brought forth, and for the man to be at the same time both the father and the uterine brother of those whom he has begotten?

These enormities formerly took place among the Greeks in the case of Oedipus, the son of Laius, (this is the subject, in fact, of the Oedipus Tyrannus of Sophocles. Philo alludes afterwards to the wars which are the subject of the Eptō epi Tepbas of Aeschylus.) and the actions were committed out of ignorance and not voluntarily, and yet that marriage brought on such a host of evils that nothing was wanting to make up the amount of the most complete wretchedness and misery,

for there ensued from it a continual succession of wars, both domestic and foreign, which were bequeathed like an inheritance from their fathers and ancestors to their children and descendants; and there were destructions of cities which were the greatest in Greece, and destructions of embattled armies, and slaughter of nations and of allies which had come to the assistance of either side, and mutual slaughter of the most gallant leaders in each army, and unreconcilable enmities about sovereignty and authority, and fratricides, by which not only the families and countries of the persons immediately concerned were utterly extinguished and destroyed, but the greater portion of the whole Greek nation also, for cities which were previously populous now became desolate and void of their inhabitants, and were left as a memorial of the calamities of Greece, and a miserable sight for all beholders.

Nor, indeed, do the Persians, among whom such practices are frequent, avoid similar evils, for they are continually involved in military expeditions and battles, killing and being killed, and at one time invading their neighbours and at others repelling those who rise up against them. And many enemies rise up against them from many quarters, since it is not the nature of the barbarians to rest in tranquillity; therefore, before the existing sedition is appeased, another springs up, so that no season of the year is ever indulged in peace and quietness, but they are compelled to live under arms night and day, bearing for the greater portion of their lives hardships in the open air while serving in the camps, or else living in cities from the complete absence of all peace.

I forbear to mention the great and intolerable violence and pride of success exhibited by the kings, whose first contests begin at the very first assumption of their sovereign power with the greatest of all iniquities, fratricide, as thus alone do they imagine that they will be safe from all attacks and treachery on the part of their brothers if they appear to have put them to death with reason and justice.

And it seems to me that all these things arise from the unhallowed connections of sons with their own mothers, because justice, who surveys all human affairs, revenges herself thus on those who act improperly for their wickedness; for not only do those who act thus commit impiety, but those also who voluntarily signify their assent to the arbitrary conduct of those who do such actions.

But our law guards so carefully against such actions as these that it does not permit even a step-son, when his father is dead, to marry his step-mother, on account of the respect which he owes to his father, and because the titles mother and step-mother are kindred names, even though the affections of the souls may not be identical;

for the man who is thought to abstain from her who has been the wife of another man, because she is called his step-mother, will much more abstain from his own natural mother. And if any one, on account of his recollection of his father, shows a respectful awe of her who has formerly been his wife, it is quite evident that he, because of the respect which he feels towards both his parents, is not likely to meditate any improper conduct to his mother; since it would be downright folly for a man who studies to please one half

of his family, to appear to neglect it in its wholeness and integrity.

Chapter IV

There follows after this a command not to espouse one's sister: which is an injunction of great excellence, and one which contributes very greatly to temperance and good order. Therefore the Athenian lawgiver, Solon, when he permitted men to marry their sisters by the same father, forbade them to marry those by the same mother. But the lawgiver of the Lacedaemonians, on the other hand, allowed of marriages between brothers and sisters by the same mothers, but forbade those between brothers and sisters by the same father.

While the lawgiver of the Egyptians, ridiculing the cautious timidity of the others as if they had established imperfect ordinances, gave the reins to lasciviousness, supplying in great abundance that most incurable evil of intemperance both to body and soul, and permitting men fearlessly and with impunity to marry all their sisters, whether by both parents or by one, or by either, whether father or mother, and that too not only if younger than, but even when older than, or of the same age as themselves; for twins are very often born, which nature, indeed, at their very birth has dissevered and separated, but which incontinence and love of pleasure has invited to an association which ought never to be entered into, and to a most inharmonious agreement.

But the most sacred Moses, rejecting all those ordinances with detestation, as being quite inconsistent with and at

variance with any praiseworthy kind of constitution, and as laws which encouraged and trained people to the most disgraceful of all habits, almost peremptorily prohibited any connection with a man's sister, whether by both parents, or whether only by one of the two;

for why should any one seek to deface the beauty of modesty? And why make virgins destitute of all modesty, to whom it is becoming to blush? And, moreover, why should one be willing to limit the associations and connections with other men, and to confine a most honourable thing within the narrow space of the walls of a single house, which ought rather to be extended and diffused over all continents, and islands, and the whole inhabited world? For the intermarriages with strangers produce new relationships, which are in no respect inferior to those which proceed from ties of blood.

Chapter V

On which account our lawgiver has also forbidden other matrimonial connections, commanding that no man shall marry his granddaughter, whether she be his son's or his daughter's child; nor his niece; nor his aunt; nor his grandmother, by either father or mother; nor any woman who has been the wife of his uncle, or of his son, or of his brother; nor, again, any step-daughter, whether virgin or widow, whether his own wife be alive or even after her death. For, in principle, a step-father is the same as a father, and therefore he ought to look upon his wife's daughter in the same light as his own.

Again. He does not permit the same man to marry two sisters, neither at the same time nor at different periods, even if he have put away the one whom he previously married; for while she is living, whether she be cohabiting with him or whether she be put away, or if she be living as a widow, or if she be married to another man, still he did not consider it holy for her sister to enter upon the portion of her who had been unfortunate; by this injunction teaching sisters not to violate the requirements of justice towards their relations, nor to make a stepping stone of the disasters of one so united to themselves by blood, nor to acquiesce in or to pride themselves in receiving attentions from those who have shown themselves enemies to their relations, or to reciprocate any kind offices received from them.

For from such things as these arise bitter jealousies and quarrels, and enmities which scarcely admit of reconciliation, but which bring on indescribable hosts of misfortunes; for that would be just as if the different members of the body were to abandon the harmony and fellowship in which they are put together by nature, and to quarrel with one another, which circumstance must necessarily cause incurable diseases and mischiefs. And sisters are like limbs, which, although they are separated from one another, are nevertheless all adapted to one another by nature and natural relationship. And jealousy, which is the most grievous of all passions, is continually producing new, and terrible, and incurable mischiefs.

Again. Moses commands, do not either form a connection of marriage with one of another nation, and do not be seduced into complying with customs inconsistent with your

own, and do not stray from the right way and forget the path which leads to piety, turning into a road which is no road. And, perhaps, you will yourself resist, if you have been from your earliest youth trained in the best possible instruction, which your parents have instilled into you, continually filling your mind with the sacred laws. And the anxiety and fear which parents feel for their sons and daughters is not slight; for, perchance, they may be allured by mischievous customs instead of genuine good ones, and so they may be in danger of learning to forget the honour belonging to the one God, which is the beginning and end of extreme unhappiness.

But if, proceeds the lawgiver, a woman having been divorced from her husband under any pretence whatever, and having married another, has again become a widow, whether her second husband is alive or dead, still she must not return to her former husband, but may be united to any man in the world rather than to him, having violated her former ties which she forgot, and having chosen new allurements in the place of the old ones.

But if any man should choose to form an alliance with such a woman, he must be content to bear the reputation of effeminacy and a complete want of manly courage and vigour, as if he had been castrated and deprived of the most useful portion of the soul, namely, that disposition which hates iniquity, by which the affairs both of houses and cities are placed on a good footing, and as having stamped deeply on his character two of the greatest of all iniquities, adultery and the employment of a pander; for the reconciliations which take place subsequently are

indications of the death of each. Let him, therefore, suffer the punishment appointed, together with his wife.

Chapter VI

And there are particular periods affecting the health of the woman when a man may not touch her, but during that time he must abstain from all connection with her, respecting the laws of nature. And, at the same time, he must learn not to waste his vigour in the pursuit of an unseemly and barbarous pleasure; for such conduct would be like that of a husbandman who, out of drunkenness or sudden insanity, should sow wheat or barley in lakes or flooded torrents, instead of over the fertile plains; for it is proper to cast seed upon fields when they are dry, in order that it may bear abundant fruit.

But nature each month cleanses the womb, as if it were some field of marvellous fertility, the proper season for fertilising which must be watched for by the husband as if he were a skilful husbandman, in order to withhold his seed and abstain from sowing it at a time when it is inundated; for, if he do not do so, the seed, without his perceiving it, will be swept away by the moisture, not only having all its spiritual energies relaxed, but having them, in fact, utterly dissolved. These are the persons who form animals in that workshop of nature, the womb, and who perfect with the most consummate skill each separate one of the parts of the body and soul. But when the periods of illness which I have spoken of are interrupted, then he may with confidence shower his seed into the ground ready to receive it, no longer fearing that there will be any loss of the seed thus

sown.

But those people deserve to be reproached who are ploughing a hard and stony soil. And who can these be but they who have connected themselves with barren women? For such men are only hunters after intemperate pleasure, and in the excess of their licentious passions they waste their seed of their own deliberate purpose. Since for what other reason can they espouse such women? It cannot be for a hope of children, which they are aware must, of necessity, be disappointed, but rather to gratify their excess in lust and incurable incontinence.

As many men, therefore, as marry virgins in ignorance of how will they will turn out as regards their prolificness, or the contrary, when after a long time they perceive, by their never having any children, that they are barren, and do not then put them away, are still worthy of pardon, being influenced by habit and familiarity, which are motives of great weight, and being also unable to break through the power of those ancient charms which by long habituation are stamped upon their souls.

But those who marry women who have been previously tested by other men and ascertained to be barren, do merely covet the carnal enjoyment like so many boars or goats, and deserve to be inscribed among the lists of impious men as enemies to God; for God, as being friendly to all the animals that exist, and especially to man, takes all imaginable care to secure preservation and duration to every kind of creature. But those who seek to waste all their power at the very moment of putting it forth are confessedly enemies of nature.

Chapter VII

Moreover, another evil, much greater than that which we have already mentioned, has made its way among and been let loose upon cities, namely, the love of boys, which formerly was accounted a great infamy even to be spoken of, but which sin is a subject of boasting not only to those who practise it, but even to those who suffer it, and who, being accustomed to bearing the affliction of being treated like women, waste away as to both their souls and bodies, not bearing about them a single spark of a manly character to be kindled into a flame, but having even the hair of their heads conspicuously curled and adorned, and having their faces smeared with vermilion, and paint, and things of that kind, and having their eyes pencilled beneath, and having their skins anointed with fragrant perfumes (for in such persons as these a sweet smell is a most seductive quality), and being well appointed in everything that tends to beauty or elegance, are not ashamed to devote their constant study and endeavours to the task of changing their manly character into an effeminate one.

And it is natural for those who obey the law to consider such persons worthy of death, since the law commands that the man-woman who adulterates the precious coinage of his nature shall die without redemption, not allowing him to live a single day, or even a single hour, as he is a disgrace to himself, and to his family, and to his country, and to the whole race of mankind.

And let the man who is devoted to the love of boys submit to the same punishment, since he pursues that pleasure which is contrary to nature, and since, as far as depends

upon him, he would make the cities desolate, and void, and empty of all inhabitants, wasting his power of propagating his species, and moreover, being a guide and teacher of those greatest of all evils, unmanliness and effeminate lust, stripping young men of the flower of their beauty, and wasting their prime of life in effeminacy, which he ought rather on the other hand to train to vigour and acts of courage; and last of all, because, like a worthless husbandman, he allows fertile and productive lands to lie fallow, contriving that they shall continue barren, and labours night and day at cultivating that soil from which he never expects any produce at all.

And I imagine that the cause of this is that among many nations there are actually rewards given for intemperance and effeminacy. At all events one may see men-women continually strutting through the market place at midday, and leading the processions in festivals; and, impious men as they are, having received by lot the charge of the temple, and beginning the sacred and initiating rites, and concerned even in the holy mysteries of Ceres.

And some of these persons have even carried their admiration of these delicate pleasures of youth so far that they have desired wholly to change their condition for that of women, and have castrated themselves and have clothed themselves in purple robes, like those who, having been the cause of great blessings to their native land, walk about attended by body-guards, pushing down every one whom they meet.

But if there was a general indignation against those who venture to do such things, such as was felt by our lawgiver,

and if such men were destroyed without any chance of escape as the common curse and pollution of their country, then many other persons would be warned and corrected by their example. For the punishments of those persons who have been already condemned cannot be averted by entreaty, and therefore cause no slight check to those persons who are ambitious of distinguishing themselves by the same pursuits.

Chapter VIII

But some persons, imitating the sensual indulgences of the Sybarites and of other nations more licentious still, have in the first place devoted themselves to gluttony and wine-bibbing, and other pleasures affecting the belly and the parts adjacent to the belly, and then when fully sated have behaved with such extraordinary insolence (and it is natural for satiety to produce insolence) that in their insanity of passion they have gone frantic and been so maddened as to desire to longer human beings, whether male or female, but even brute beasts, as they say that in ancient times in Crete, the wife of Minos the king, by name Pasipha', fell in love with a bull,

and became very violent in her passion from her despair of being able to gratify it (for love which fails in its object is usually increased in no ordinary degree), so that at last she reported to Daedalus the affliction by which she was overwhelmed, and he was the most skilful of all workmen of his Time.(this story is alluded to by many poets, and especially by Virgil, Aeneid 6.24 (as it is translated by Dryden)— “There too, in living sculpture, might be seen /

The mad affection of the Cretan queen: / Then how she cheats her bellowing lover's eye: / The rushing leap; the doubtful progeny: / The lower part a beast, a man above; / The monument of their polluted love.") And he, being very ingenious, so as by his contrivances to discover things undiscoverable to any one else, made a cow of wood, and put Pasipha' into it at one of the sides, and the bull rushed at the wooden cow as if it had been an animal of its own kind. And Pasipha', becoming pregnant at a certain period, brought forth an animal half man and half beast, called the Minotaur.(ovid describes this animal more than once (A. A. 2.24; Her. 10.101).)

And it is very likely that there may be other Pasipha's also, with passions equally unbridled, and that not women only, but men likewise may fall madly in love with animals, from whom, perhaps, indescribable monsters may be born, being memorials of the excessive pollution of men; owing to which, perhaps, those unnatural creations of unprecedented and fabulous monsters will exist, such as hippocentaurs and chimaeras, and other similar animals.

But so great are the precautions which are taken against them in the holy laws of God, that in order to prevent the possibility of men ever desiring any unlawful connection, it is expressly commanded that even animals of different kinds shall not be put together. And no Jewish shepherd will endeavour to cross a sheep with a he-goat, or a ram with a she-goat, or a cow with a horse; and if he does, he must pay the penalty as breaking a solemn law of nature who is desirous to keep the original kinds of animals free from all spurious admixture.

And some persons prefer mules to every other kind of animal for the yoke, since their bodies are very compact, and are very strong and powerful; and accordingly, in the pastures and stalls where they keep their horses, they also keep asses of an extraordinary size, which they call celones, in order that they may breed with the mares; and then the mares produce a mixed animal, half horse and half ass, which, since Moses knew that its production was wholly contrary to nature, he forbade the existence of with all his might by a general injunction, that that no union or combination between different kinds of animals should on any account be permitted.

Therefore he provided thus against those evils in a manner suited to and consistent with nature; and from a long distance off, as from a watchtower, he admonished men and kept them in the straight path, in order that both men and women, learning from these percepts of his, might abstain from unlawful connections.

If, therefore, a man seek to indulge himself with a quadruped, or if a woman surrender herself to a quadruped, they shall all die, both the man or woman and the quadruped. The human beings, because they have gone beyond even the bounds of intemperance itself, becoming discoverers of unprecedented appetites, and because with their new inventions they have introduced most detestable pleasures, the very mention of which is infamous; and the beasts shall die, because they have been subservient to such iniquities, and also to prevent their bringing forth or begetting any thing intolerable, as would naturally be the result of such pollutions.

Moreover, those who have even a slight care for what is becoming would never use such animals as those for any purpose of life, but would reject and abominate them, loathing their very sight, and thinking that whatever they touched would at once become impure and polluted. And it is not well that those things which are of no use for life should live at all, since they are only a superfluous burden on the earth, as some one has called them.

Chapter IX

Again, according to the injunctions of the sacred scriptures the constitution of the law does not recognise a harlot; as being a person alienated from good order, and modesty, and chastity, and all other virtues, who has filled the souls both of men and women with intemperance, polluting the immortal beauty of the mind, and honouring above it the short-lived perishable beauty of the body prostituting herself to every chance comer, and selling her beauty as if it were some vendible thing in the market, doing and saying every thing with a view to catch the young men. And she excites her lovers to contests with one another, proposing herself as the most disgraceful prize for those who gain the victory. Let her, therefore, be stoned as an injury and mischief to, and a common pollution of, the whole state, having corrupted the graces of nature, which she ought to have adorned further by her own excellence.

Chapter X

The law has pronounced all acts of adultery, if detected in the fact, or if proved by undeniable evidence, liable to the punishment of death; but cases in which guilt is only

suspected, it does not choose should be investigated by men, but it brings them before the tribunal of nature; since men are able to judge of what is visible, but God can judge also of what is unseen, since he alone is able to behold the soul distinctly,

therefore he says to the man who suspects such a thing, "Write an accusation, and go up to the holy city with thy wife, and standing before the judges, lay bare the passion of suspicion which affects you, not like a false accuser or treacherous enemy, seeking to gain the victory by any means whatever, but as a man may do who wishes accurately to ascertain the truth without any sophistry.

And the woman, having incurred two dangers, one of her life, and the other of her reputation, the loss of which last is more grievous than any kind of death, shall judge the matter with herself; and if she be pure, let her make her defence with confidence; but if she be convicted by her own conscience, let her cover her face, making her modesty the veil for her iniquities, for to persist in her impudence is the very extravagance of wickedness.

But if the charge which is made against her be contested, and if the evidence be doubtful, so as not to incline to either side, then let the two parties go up to the temple, and let the man stand in front of the altar, in the presence of the priest for the day, and then let him state his suspicions and his grounds for them, and let him produce and offer some barley flour, as a species of oblation on behalf of his wife, to prove that he accuses her, not out of insult, but with an honest intention, because he has a reasonable doubt.

And the priest shall take the barley and offer it to the woman, and shall take away from her the head-dress on her head, that she may be judged with her head bare, and deprived of the symbol of modesty, which all those women are accustomed to wear who are completely blameless; and there shall not be any oil used, nor any frankincense, as in the case of other sacrifices, because the sacrifice now offered is to be accomplished on no joyful occasion, but on one which is very grievous.

And the reason why the flour is to be made of barley is, perhaps, because the food which is made of barley is of a somewhat ambiguous character, and is suited for the use both of irrational animals and of needy men; and is therefore a sign that a woman who has committed adultery differs in no respect from the beasts, whose connections with one another are promiscuous and incessant; but she who is pure from all such accusations is devoted to that manner of life which befits human beings.

Then the law proceeds to say, the priest, having taken an earthen vessel, shall pour forth pure water, having drawn it from a fountain, and shall also bring a lump of clay from the ground of the temple, which also I think has in it a symbolical reference to the search after truth; for the earthenware vessel is appropriate to the commission of adultery because it is easily broken, and death is the punishment appointed for adulterers; but the earth and the water are appropriate to the purging of the accusation, since the origin, and increase, and perfection of all things, take place by them:

on which account it was very proper for the law-giver to set them both off by epithets, saying, that the water which the priest was to take must be pure and living water, since blameless woman is pure as to her life, and deserves to live; and the earth too is to be taken, not from any chance spot, but from the soil of the ground of the temple, which must, of necessity, be most excellent, just as a modest woman is.

And when all these things are previously prepared, the woman with her head uncovered, bearing the barley flour in her hand, as has been already specified, shall come forward; and the priest standing opposite to her and holding the earthenware vessel in which are the water and the earth, shall speak thus:

“If you have not transgressed the laws of your marriage, and if no other man has been associated with you, so that you have not violated the rights of him who is joined to you by the law, you are blameless and innocent; but if you have neglected your husband and have followed empty appetites, either loving some one yourself or yielding to some lover, betraying your nearest and dearest connections, and adulterating them by a spurious mixture, then learn that you are deservedly liable to every kind of curse, the proofs of which you will exhibit on your body. Come then and drink the draught of conviction, which shall uncover and lay bare all thy hidden and secret actions.”

Then the priest shall write these words on a paper and dip it in the water which is in the earthenware vessel, and give it to the woman. And she shall drink it and depart, awaiting the reward of her modesty or the extreme penalty of her incontinence; for if she has been falsely accused she

may hope for seed and children, disregarding all apprehensions and anxieties on the subject of barrenness and childlessness. But if she is guilty then a great weight and bulk, from her belly swelling and becoming full, will come upon her, and a terribly evil condition of her womb will afflict her, since she did not choose to keep it pure for her husband, who had married her according to the laws of her nation.

And the law takes such exceeding pains to prevent any irregularity taking place with respect to marriages, that even in the case of husbands and wives who have come together for legitimate embraces, in strict accordance with the laws of marriage, after they have arisen from their beds it does not allow them to touch anything before they have had recourse to washings and ablutions; keeping them very far from adultery and from all accusations referring to adultery.

Chapter XI

But if any one should offer violence to a widow after her husband is dead, or after she has been otherwise divorced from him, and defile her, committing a lighter offence than adultery, and one that may perhaps be about half as serious, he shall not indeed be liable to the punishment of death, but he shall be impeached for violence, and insolence, and intemperance, having thus adopted the most infamous conduct as if it had been the most creditable; and the tribunal of the judge shall decide and condemn him to the penalty that he deserves to suffer.

Again, seduction is an offence which is similar and nearly related to adultery, as they are both sprung from one common mother, incontinence. But some of those persons who are accustomed to dignify shameful actions by specious names, call this love, blushing to confess the real truth concerning its character. But, nevertheless, though it may be akin to it, it is not in every respect similar to it, because it is an offence that does not spread so as to affect many families, as is the case with adultery, but it is limited to one house alone, that of the virgin who has been seduced.

Therefore we must say to a man who desires to enjoy a virgin who is a free-born citizen, "My good man, rejecting your shameless rashness and audacity, the sources of treachery and faithlessness, and all such feelings, do not allow yourself to be discovered to be wicked, either openly or secretly,

but if, indeed, you have any legitimate feeling of love for the maiden in your soul, go to her parents, if they are alive, and if they are not, then go to her brother or to her guardians, or to any other persons who chance to be her protectors, and having discovered to them your feelings towards her, as a free-born man should do, ask her in marriage, and implore them not to account you unworthy.

"For no one of those who have the guardianship of the maiden entrusted them could be so base as to oppose an earnest and persevering entreaty, and especially as to refuse you since you, would be found, by strict examination, not to have falsely pretended a passion which you do not feel, or to have conceived only a superficial love for her, but one which is genuine and thoroughly Established."

But if any one, being insane and frantic, repudiating and discarding all the suggestions of reason, were to submit himself wholly to passion and desire as his masters, and looking, as people say, on might as stronger than right, were to ravish and seduce women, treating free-born women as slaves, and doing acts of war in time of peace, let such a man be led before the judges.

And if the damsel who has been forced has a father, let him take counsel and deal with the ravisher about espousing her; then if he refuse to do so, he shall give the damsel a dowry for another husband, being fined in a sum of money sufficient for this purpose. But if he consents and registers her as his wife, let him marry her at once without any delay, confessing a second time that he owes her the same dowry, and let him have no permission to delay or evade the fulfilment of this marriage; both because of his own conduct, in order that the mishap which took place respecting her first connection with a man may be comforted by a firm marriage, which nothing shall ever separate but death.

But if the damsel be an orphan and have no father, then let her be asked by the judges whether she is willing to take this man for her husband or not; and whether she agrees to do so or whether she refuses, still let her have the same dowry that the man would have agreed to give her while her father was yet alive.

Chapter XII

Some people think that a licensed concubinage is an offence something between seduction and adultery, when

the two parties come together, and agree to live as man and wife by a certain agreement, but before the marriage ceremony is completed, some other man meeting with the woman, or forcing her has connection with her; but in my opinion this also is a kind of adultery; for such an agreement as is here mentioned is equivalent to a marriage, for in it the names of the woman and of the man are both registered, and all other things which were to lead to their union;

on which account, the law orders both the parties to be stoned if with one and the same mind they agree together to commit adultery; for it is impossible that, unless they both set out with the same intention, they should be looked upon as equal in iniquity, if they and not both sinned in an equal degree;

at all events it often happens that the offence is enhanced or diminished, with reference to the difference of place in which it is committed. For, as it seems, such an offence is greater if it be committed in a city, and less if it be committed outside the walls of any city, in a wilderness; for in such a place there is not one to assist the maiden, even though she may have said and done everything, which could conduce to the preservation of her virginity, unattacked and undefiled; but in a city there are halls of council, and courts of justice, and great assemblies of generals, and aediles, and rulers of the markets, and other magistrates; and besides all these there is the people;

for there is in the soul of every man, even though he may be a private individual, a feeling which is hostile to iniquity, which, when it is excited, makes the man who cherishes it a

champion for the time being, and a spontaneous and voluntary defender of the person who appears to be unjustly treated.

Chapter XIII

Therefore justice in every case pursues the man who has committed violence, nor is his iniquity excused by the difference of the place, so that cannot be any plea to defend him from the consequence of his violence and lawlessness; but as I have said before, there will be compassion and pardon for the damsel in the one case, and in the other inexorable punishment will visit her.

And concerning her the judge must examine the matter very carefully, not referring everything to or making everything depend upon the place; for it is possible that a woman may be ravished against her will even in the middle of the city; and on the other hand even if outside the city, she may have voluntarily given herself up to an illicit connection. Wherefore the law, making a very careful and very admirably conceived defence, on behalf of a damsel ravished in the wilderness, says, "for the damsel cried out, and there was no one to help Her;" so that if she neither cried out nor resisted, but willingly consented to her ravisher, she must be looked upon as guilty, having only put forward the fact of the place, as a sophistical excuse to make it appear that she had been ravished.

And yet in the city what advantage can her efforts be to a damsel, who is willing to do everything for the sake of preserving her own reputation, but who is unable to succeed by reason of the strength of the man who is

assaulting her? for what advantage could she derive from those who live in the same house if he were to bind her with ropes, or to gag her mouth, so that she could not utter even a word; for in some sense she then, although dwelling in a city, is in reality in a wilderness, inasmuch as she is destitute of all protection; but if she be in a wilderness, and yet willingly gives herself up to her ravisher, she is in no different condition from a woman in a city.

Chapter XIV

There are also some persons easily sated with their connection with the same woman, being at once both mad for women and women haters, full of promiscuous and irregular dispositions, who at once give themselves up to their first impulses whatever they may be; letting those passions proceed without restraint which they ought to curb, and like blind men, without any consideration, without any prudence, stumbling upon any bodies or any things, upsetting, and overturning, and confusing everything in their violent impetuosity and haste, and suffering evils as great as those which they inflict;

and concerning these men we have this law enacted. When those men who marry virgins in accordance with the law, and who have sacrificed on the occasion and celebrated their marriage feast, and who yet afterwards preserve no natural affection for their wives but treat them with insolence, and behave to freeborn citizens as if they were courtesans, if they seek to procure a divorce, and to being able to find any pretext for such a separation, then betake themselves to bringing forward false accusations, and from

an absence of any clear grounds of impeachment direct all their charges at things which cannot be made certain, and come forward and accuse them, saying that though they fancied that they had been marrying virgins, they found on the first occasion of their having intercourse together, that they were not so. When, I say, these men make such charges let all the elders be assembled to decide on the case, and let the parents of the woman who is accused also appear, to make their defence in this their common danger.

For in such a case, not only are their daughters themselves in danger, as to their reputation as having preserved the chastity of their bodies, but their guardians are likewise imperilled, not only because they have not kept them safe till the important period of their marriageable age, but because they have given in marriage as virgins those who have been defiled by others, deceiving and imposing upon those who have taken them to wife.

Then if they appear to have justice on their side, let the judges impose a pecuniary fine on those who have invented these false accusations, and let them also sentence those who have assaulted them to corporeal punishment, and let them also pronounce, what to those men will be the most unpleasant of all things, a confirmation of their marriage, if their wives will still endure to cohabit with them; for the law permits them at their own choice to remain with them or to abandon them, and will not allow the husbands any option either way, on account of the false accusations which they have brought.

Chapter XV

The name of homicide is that affixed to him who has slain a man; but in real truth it is a sacrilege, and the very greatest of all sacrileges, because, of all the possessions and sacred treasures in the whole world, there is nothing more holy in appearance, nor more godlike than man, the all-beautiful copy of an all-beautiful model, a representation admirably made after an archetypal rational idea.

We must therefore, without hesitation, pronounce the homicide or murderer an impious and atrociously wicked person, committing as he does the greatest of all atrocities and impieties, and he ought to be put to death as having done things which can never be pardoned, since, being worthy of ten thousand deaths, he escapes by one only, because the way to death being easy, does not permit his existence to be protracted, so as to endure a multitude of punishments; but there can be nothing wrong in his suffering the same treatment as that which he has inflicted on others,

and yet how can it be the same, if it be different as to its time, as to its mode of infliction, as to the intention, and as to the persons? Does not the beginning of acts of violence come first, and the repelling or retaliating them come subsequently? And is not murder the most lawless of all things, but the punishment of murderers the most lawful action possible? Again, he who has slain a man has satisfied his desire which he entertained when he slew him; but he who has been slain, inasmuch as he is now put out of the way, can neither attack him in retaliation, nor can he gratify himself by taking revenge. Moreover, the one was able by his own hands to carry out the designs which he conceived

by himself; but the other can never succeed in procuring his punishment, unless his relations and friends become his champions, taking compassion on him for the calamity which has befallen him.

If now any one aims a blow with a sword at any one, with the intention of killing him, and does not kill him, he will still be guilty of murder, since he was a murderer in his intention, even though the end did not keep pace with his wish. Again, let that man be liable to the same punishment who, by previous contrivance and machinations (not daring to behave bravely, and to stand face to face with his enemy and attack him openly), treacherously plots and compasses his slaughter; for such a man is equally liable to the curse denounced against murderers, and even though he may not be one with his hands he is so in his soul;

for as, in my opinion, one must not only look upon those people as enemies who fight against us by sea or by land, but also those who are prepared for either kind of warfare, and who are erecting battering rams and engines against our harbours and our walls; and as we do in fact judge thus of them, even though they come to no actual conflict, so also we must consider murderers, not only those who perform the mere act of killing, but those who do anything which tends to slaying, whether openly or secretly, even if they do not eventually perpetrate the action.

And if out of fear or out of audacity, two very contrary feelings, but both blameable, they venture to flee to the temple as if they would there find an asylum, we must prevent their doing so, if we can: but if they are beforehand with us, and do effect their entrance, then we must take

them out and give them up for execution, affirming the principle that the temple does not give an asylum to impious men; for every one who commits actions of incurable guilt is an enemy to God; and murderers do commit such actions, since those who are murdered have suffered disasters which are incurable.

Or shall we say that to those who have done no wrong the temple is still inaccessible until they have washed themselves, and sprinkled themselves, and purified themselves with the accustomed purifications; but that those who are guilty of indelible crimes, the pollution of which no length of time will ever efface, may approach and dwell among those holy seats; though no decent person, who has any regard for holy things would even receive them in his house?

Chapter XVI

Therefore, since they have heaped iniquity upon iniquity, adding lawlessness and impiety to murder, they must be dragged out of the temple to undergo their punishment, since, as I have said before, they have committed actions worthy of ten thousand deaths instead of one; as otherwise, the temple would be shut against the relations and friends of the man who has been so treacherously murdered, if the murderer were to be dwelling in it, since they could never endure to come into the same place with him. But it would be absurd that, for the sake of one man, and him the most lawless of men, a great number of persons, and those too the very persons who have been injured by him, should be excluded from the temple — men who, besides that they

have done no wrong themselves, have even sustained an unseasonable affliction through his actions.

And perhaps, indeed, the lawgiver seeing far into futurity by the acuteness of his reasoning powers, was, by such commandments, providing against any bloodshed ever taking place in the temple by the entrance of any of the friends of the murdered man into it, whom natural affection, a very ungovernable feeling, would urge, full of enthusiasm and violent rage as they would be, almost to slay the murderer with their own hands, while if such an event were to take place it would be most impious sacrilege; for then the blood of the sacrifices would be mingled with the blood of murderers; that which has been consecrated to God with that which is wholly impure. It is on this account that Moses commands that the murderer shall be given up, even from the altar itself.

Chapter XVII

But some persons who have slain others with swords, or spears, or darts, or clubs, or stones, or something of that kind, may possibly have done so without any previous design, and without having for some time before planned this deed in their hearts, but may have been excited at the moment, yielding to passion more powerful than their reason, to commit the homicide; so that it is but half a crime, inasmuch as the mind was not for some long time before occupied by the pollution.

But there are others also of the greatest wickedness, men polluted both in hands and mind, who, being sorcerers and poisoners, devoting all their leisure and all their solitude to

planning seasonable attacks upon others, who invent all kinds of contrivances and devices to bring about calamities on their neighbours.

On which account, Moses commands that poisoners and sorceresses shall not be allowed to live one day or even one hour, but that they shall be put to death the moment that they are taken, no pretext being for a moment allowed them for putting off or delaying their punishment. For those who attack one openly and to one's face, any body may guard against; but of those who plot against one secretly, and who disguise their attacks by the concealed approaches of poison, it is not easy to see the cunning beforehand.

It is necessary, therefore, to anticipate them, inflicting upon them that death which other persons would else have suffered by their means. And again, besides this, he who openly slays a man with a sword, or with any similar weapon, can only kill a few persons at one time; but one who mixes and compounds poisonous drugs with food, may destroy innumerable companies at once who have no suspicion of his treachery.

Accordingly, it has happened before now that very numerous parties of men who have come together in good fellowship to eat of the same salt and to sit at the same table, have suffered at such a time of harmony things wholly incompatible with it, being suddenly killed, and have thus met with death instead of feasting. On which account it is fitting that even the most merciful, and gentle, and moderate of men should approve of such persons being put to death, who are all but the same as murderers who slay with their own hand; and that they should think it consistent

with holiness, not to commit their punishment to others, but to execute it themselves.

For how can it be by anything but a most terrible evil for any one to contrive the death of another by that food which is given as the cause of life, and to work such a change in that which is nutritious by nature as to render it destructive; so that those who, in obedience to the necessities of nature, have recourse to eating and drinking, having no previous idea of any treachery, take destructive food as though it were salutary?

Again, let those persons meet with the same punishment who, though they do not compound drugs which are actually deadly, nevertheless administer such as long diseases are caused by; for death is often a lesser evil than diseases; and especially than such as extend over a long time and have no fortunate or favourable end. For the illnesses which arise from poisons are difficult to be cured, and are often completely incurable.

Moreover, in the case of men who have been exposed to machinations of this kind, it often happens that diseases of the mind ensue which are worse even than the afflictions of the body; for they are often attacked by delirium and insanity, and intolerable frenzy, by means of which the mind, the greatest blessing which God has bestowed upon mankind, is impaired in every possible manner, despairing of any safety or cure, and so is utterly removed from its seat, and expelled, as it were, leaving in the body only the inferior portion of the soul, namely, its irrational part, of which even beasts partake, since every person who is deprived of reason, which is the better part of the soul, is

changed into the nature of a beast, even though the characteristics of the human form remain.

Chapter XVIII

Now the true magical art, being a science of discernment, which contemplates and beholds the books of nature with a more acute and distinct perception than usual, and appearing as such to be a dignified and desirable branch of knowledge, is studied not merely by private individuals, but even by kings, and the very greatest of kings, and especially by the Persian monarchs, to such a degree, that they say that among that people no one can possibly succeed to the kingdom if he has not previously been initiated into the mysteries of the magi.

But there is a certain adulterated species of this science, which may more properly be called wicked imposture, which quacks, and cheats, and buffoons pursue, and the vilest of women and slaves, professing to understand all kinds of incantations and purifications, and promising to change the dispositions of those on whom they operate so as to turn those who love to unalterable enmity, and those who hate to the most excessive affection by certain charms and incantations; and thus they deceive and gain influence over men of unsuspecting and innocent dispositions, until they fall into the greatest calamities, by means of which great numbers of friends and relations have wasted away by degrees, and so have been rapidly destroyed without any noise being made.

And I imagine that the lawgiver, having a regard to all these circumstances, would on that account not permit the

punishments due to poisoners to be postponed to any subsequent occasion, but ordained that the executioners should at once proceed to inflict the due penalty on them; for delay rather excites the guilty to make use of the time that is allowed them to carry out their iniquities, inasmuch as they are already condemned to death, while it fills those who are already suspicious and apprehensive of misfortune with a more urgent fear, as they look upon the life of their enemies to be their own death.

Therefore, as if we only see snakes, and serpents, and any other venomous animals, we at once, without a moment's delay, kill them before they can bite, or wound, or attack us at all, taking care not to expose ourselves to any injury from them by reason of our knowledge of the mischief which is inherent in them; in the same manner it is right promptly to punish those men who, though they have had a gentle nature assigned to them by means of that fountain of reason which is the cause and source of all society, do nevertheless of deliberate purpose change it themselves to the ferocity of untameable beasts, looking upon the doing injury to as many people as they can to be their greatest pleasure and advantage.

Chapter XIX

This may be sufficient to say on the present occasion concerning poisoners and magicians. Moreover, we ought also not to be ignorant of this, that very often unexpected occasions arise in which a person slays a man without having ever prepared himself for this action, but because he has been suddenly transported with anger, which is an

intolerable and terrible feeling, and which injures beyond all other feelings both the man who entertains and the man who has excited it;

for sometimes a man having come into the market-place on some important business, meeting with some one who is inclined precipitately to accuse him, or who attempts to assault him, or who begins to pick a quarrel with him and engages him in a conflict, for the sake of separating from him and more speedily escaping him, either strikes his opponent with his fist or takes up a stone and throws it at him and knocks him down.

And if the wound which the man has received is mortal, so that he at once dies, then let the man who has struck him also die, suffering the same fate himself which he inflicted on the other. But if the man does not die immediately after receiving the blow, but is afflicted by illness in consequence and takes to his bed, and having been properly attended to rises up again, even though he may not be able to walk well without support, but may require some one to support him or a stick to lean upon, in that case the man who struck him shall pay a double penalty, one as an atonement for the injury done, and one for the expenses of the cure.

And when he has paid this he shall be acquitted as to the punishment of death, even if the man who has received the blow should subsequently die; for perhaps he did not die of the blow, since he got better after that and recovered so far as to walk, but perhaps he died from some other causes, such as often suddenly attack those who are of the most vigorous bodily health, and kill them.

But if any one has a contest with a woman who is pregnant, and strike her a blow on her belly, and she miscarry, if the child which was conceived within her is still unfashioned and unformed, he shall be punished by a fine, both for the assault which he committed and also because he has prevented nature, who was fashioning and preparing that most excellent of all creatures, a human being, from bringing him into existence. But if the child which was conceived had assumed a distinct Shape in all its parts, having received all its proper connective and distinctive qualities, he shall die;

for such a creature as that is a man, whom he has slain while still in the workshop of nature, who had not thought it as yet a proper time to produce him to the light, but had kept him like a statue lying in a sculptor's workshop, requiring nothing more than to be released and sent out into the world.

Chapter XX

On account of this commandment he also adds another proposition of greater importance, in which the exposure of infants is forbidden, which has become a very ordinary piece of wickedness among other nations by reason of their natural inhumanity;

for if it is proper to provide for that which is not yet brought forth by reason of the definite periods of time requisite for such a process, so that even that may not suffer any injury by being plotted against, how can it be otherwise than more necessary to take similar care of the child when brought to perfection and born, and sent forth,

as it were, into that colony which has been assigned to the human race, for the purpose of having a share of the bounties of nature which she sends forth from the land, and from the water, and from the air, and from the heaven? bestowing on men the sight of the heavenly bodies, and the power and supreme authority over all the things on earth, and supplying all the external senses with abundant supplies of all things, and presenting to the mind as the great king, by means of those outward senses as its body-guards, all the thing which are visible to them, and, without employing their agency, all those things which are appreciable only by reason.

Accordingly, let those parents who deprive their children of all these blessings, giving them no share of any one of them from the moment of their birth, know that they are violating the laws of nature, and accusing themselves of the very greatest enormities, of a devotion to pleasure, and a hatred of their species, and murder, and the very worst kind of murder, infanticide;

for those men are devoted to pleasure who are not influenced by the wish of propagating children, and of perpetuating their race, when they have connection with women, but who are only like boars or he-goats seeking the enjoyment that arises from such a connection. Again, who can be greater haters of their species than those who are the implacable and ferocious enemies of their own children? Unless, indeed, any one is so foolish as to imagine that these men can be humane to strangers who act in a barbarous manner to those who are united to them by ties of blood.

And as for their murders and infanticides they are established by the most undeniable proofs, since some of them slay them with their own hands, and stifle the first breath of their children, and smother it altogether, out of a terribly cruel and unfeeling disposition; others throw them into the depths of a river, or of a sea, after they have attached a weight to them, in order that they may sink to the bottom more speedily because of it.

Others, again, carry them out into a desert place to expose them there, as they themselves say, in the hope that they may be saved by some one, but in real truth to load them with still more painful suffering; for there all the beasts which devour human flesh, since there is no one to keep them off, attack them and feast on the delicate banquet of the children, while those who were their only guardians, and who were bound above all other people to protect and save them, their own father and other, have exposed them. And carnivorous birds fly down and lick up the remainder of their bodies, when they are not themselves the first to discover them; for when they discover them themselves they do battle with the beasts of the earth for the whole carcass.

And even suppose that some one passing by on his road is moved by a feeling of gentle compassion to take pity on and show mercy to the exposed infants, so as to take them up and give them food, and to show them other portions of the attention that is requisite, what do we think of such a humane action? Do we not look upon it as an express condemnation of the real parents, when those who are in nowise related to them show the tender foresight of

parents, but the parents do not display even the kindness of strangers?

Therefore, Moses has utterly prohibited the exposure of children, by a tacit prohibition, when he condemns to death, as I have said before, those who are the causes of a miscarriage to a woman whose child conceived within her is already formed. And yet those persons who have investigated the secrets of natural philosophy say that those children which are still within the belly, and while they are still contained in the womb, are a part of their mothers; and the most highly esteemed of the physicians who have examined into the formation of man, scrutinising both what is easily seen and what is kept concealed with great care, by means of anatomy, in order that, if there should be any need of their attention to any case, nothing may be disregarded through ignorance and so become the cause of serious mischief, agree with them and say the same thing.

But when the children are brought forth and are separated from that which is produced with them, and are set free and placed by themselves, they then become real living creatures, deficient in nothing which can contribute to the perfection of human nature, so that then, beyond all question, he who slays an infant is a homicide, and the law shows its indignation at such an action; not being guided by the age but by the species of the creature in whom its ordinances are violated.

If, indeed, it seemed reasonable to be at all influenced by the age, then I think that a person might very reasonably be even more indignant at those who slay infants. For when full-grown people are killed, there may be ten thousand

plausible excuses for assaults upon or quarrels with them; but in the case of mere infants only just launched into human life and shown to the light of day, it is impossible for the greatest liar to invent an accusation against them, as they are wholly void of offence. On which account those ought to be looked upon as the most inhuman and pitiless of all men who entertain plots for the destruction of those infants, and justly does the sacred law detest such criminals and pronounce them worthy of death.

Chapter XXI

The sacred law says that the man, who has been killed without any intention that he should be so on the part of him who killed him, has been given up by God into the hands of his slayers; in this way designing to make an excuse for the man who appears to have slain him as if he had slain a guilty person.

For the merciful and forgiving God can never be supposed to have given up any innocent person to be put to death; but whoever ingeniously escapes the judgment of a human tribunal by means of his own cunning and wariness, he is convicted when brought before the invisible tribunal of nature, by which alone the uncorrupted truth is discerned without being kept in the dark by the artifices of sophistical arguments. For such an investigation does not admit of arguments at all, laying bare all devices and intentions, and bringing the most secret counsels to light; and, in one sense, it does not look upon a man who has slain another as liable to justice, inasmuch as he has only sinned to be the minister of a divine judgment, but still he will have incurred

an obscure and slight kind of defilement, which, however, may obtain allowance and pardon.

For God employs those who commit slight and remedial errors against those who have perpetrated enormous and unpardonable crimes as ministers of punishment; not, indeed, that he approves of them, but that he avails himself of them as suitable instruments of punishment, so that no one who is himself pure in his whole life and descended from virtuous parents may have homicide imputed to him, even if he be the greatest man in the world.

Therefore, the law has pronounced the sentence of banishment upon him who has slain a man, yet not of banishment any where, nor for ever; for it has assigned six cities, one fourth portion of what the whole sacred tribe received as its inheritance, for those who were convicted of homicide; which, from the circumstances connected with them, it has named cities of refuge. And it fixed the time of this banishment as the length of the life of the high priest, permitting the exiles to return home after his death.

Chapter XXII

And the cause of the first of these injunctions was this. The tribe which has been mentioned received these cities as a reward for a justifiable and holy slaughter, which we must look upon as the most illustrious and important of all the gallant actions that were ever performed.

For when the prophet, after having been called up to the loftiest and most sacred of all the mountains in that district, was divinely instructed in the generic outlines of all the special laws, and was out of sight of his people for many

days; those of the people who were not of a peaceable disposition filled every place with the evils which arise from anarchy, and crowned all their iniquity with open impiety, turning into ridicule all those excellent and beautiful lessons concerning the honour due to the one true and living God, and having made a golden bull, an imitation of the Egyptian Typhos, and brought to it unholy sacrifices, and festivals unhallowed, and instituted profane and impious dances, with songs and hymns instead of lamentations;

then the tribe aforesaid, being very terribly indignant at their sudden departure from their previous customs, and being enflamed with zeal by reason of their natural disposition which hated iniquity, all became full of rage and of divine enthusiasm, and arming themselves, as at one signal, and with great contempt and one unanimous attack, came upon the people, drunk thus with a twofold intoxication of impiety and of wine, beginning with their nearest and dearest friends and relations, thinking those who loved God to be their only relations and friends. And in a very small portion of the day, four-and-twenty thousand men were slain; the calamities of whom were a warning to those who would otherwise have joined themselves to their iniquity, but who now were alarmed lest they should suffer a similar fate.

Since then these men had undertaken this expedition of their own accord and spontaneously, in the cause of piety and holy reverence for the one true and living God, not without great danger to those who had entered in the contest, the Father of the universe received them with approbation, and at once pronounced those who had slain

those men to be pure from all curse and pollution, and in requital for their courage he bestowed the priesthood on them.

Chapter XXIII

Therefore the lawgiver enjoins that the man who has committed an unintentional murder should flee to some one of the cities which this tribe has received as its inheritance, in order to comfort him and to teach him not to despair of any sort of safety; but to make him, while safe through the privilege of the place, remember and consider that not only on certain occasions is forgiveness allowed to those who have designedly slain any person, but that even great and preeminent honours and excessive happiness is bestowed on them. And if such honours can ever be allowed to those who have slain a man voluntarily, how much more must there be allowance made for those who have done so not with any design, so that, even if no honour be bestowed on them, they may at least not be condemned to be put to death in retaliation. By which injunctions the lawgiver intimates that every kind of homicide is not blameable, but only that which is combined with injustice; and that of other kinds some are even praiseworthy which are committed out of a desire and zeal for virtue; and that which is unintentional is not greatly to be blamed.

This, then, may be enough to say about the first cause; and we must now explain the second. The law thinks fit to preserve the man who, without intending it, has slain another, knowing that in his intention he was not guilty, but that with his hands he has been ministering to that justice

which presides over all human affairs. For the nearest relations of the dead man are lying in wait for him in a hostile manner seeking his death, while others, out of their excessive compassion and inconsolable grief for the dead, are eager for their revenge; in their unreasoning impetuosity not regarding either the truth or the justice of nature.

Therefore, the law directs a man who has committed a homicide under these circumstances not to flee to the temple, inasmuch as he is not yet purified, nor yet into any place which is neglected and obscure, lest, being despised, he should be without resistance given up to his enemies; but to flee to the sacred city, which lies on the borders between the holy and profane ground, being in a manner a second temple; for the cities of those who are consecrated to the priesthood are more entitled to respect than the others, in the same proportion, I think, as the inhabitants are more venerable than the inhabitants of other cities; for the lawgiver's intention is by means of the privilege belonging to the city which has received them to give more complete security to the fugitives.

Moreover, I said before, he has appointed a time for their return, the death of the high priest, for the following Reason. As the relations of each individual who has been slain treacherously lie in wait to secure themselves revenge and justice upon those who treacherously slew him; in like manner the high priest is the relation and nearest of kin to the whole nation; inasmuch as he presides over and dispenses justice to all who dispute in accordance with the laws, and offers up prayers and sacrifices every day on

behalf of the whole nation, and prays for blessings for the people as for his own brethren, and parents, and children, that every age and every portion of the nation, as if it were one body, may be united into one and the same society and union, devoted to peace and obedience to the law.

Therefore, let every one who has slain a man unintentionally fear him, as the champion and espouser of the cause of those who have been slain, and let him keep himself close within the city to which he has fled for refuge, no longer venturing to advance outside of the walls, if he has any regard for his own safety, and for keeping his life out of the reach of danger.

When, therefore, the law says, let not the fugitive return till the high priest is dead, it says something equivalent to this: Until the high priest is dead, who is the common relation of all the people, to whom alone it is committed to decide the affairs of those who are living and those who are dead.

Chapter XXIV

Such, then, is the reason which it is fitting should be communicated to the ears of the younger men. But there is another which may be well set before those who are elder and settled in their characters, which is this. It is granted to private individuals alone to be pure from voluntary offences, or if any one chooses, he may add the other priests also to this list; but it can only be given as an especial honour to the high priest to be pure from both kinds, that is from both voluntary and involuntary offences;

for it is altogether unlawful for him to touch any pollution whatever, whether intentionally or out of some unforeseen perversion of soul, in order that he, as being the declarer of the will of God may be adorned in both respects, having a disposition free from reproach, and prosperity of life, and being a man to whom no disgrace ever attaches.

Now it will be consistent with the character of such a man to look with suspicion on those who have even unintentionally slain a man, not indeed regarding them as under a curse, but also not as pure and wholly free from offence, even though they may have appeared most completely to obey the intention of nature, who used them as her instruments to avenge herself on those whom they have slain, whom she had privately judged by herself and condemned to death.

Now servants are, indeed, in an inferior condition of life, but still the same nature belongs to them and to their masters. And it is not the condition of fortune, but the harmony of nature, which, in accordance with the divine law is the rule of justice. On which account it is proper for masters not to use their power over their slaves in an insolent manner, displaying by such conduct their insolence and overbearing disposition and terrible cruelty; for such conduct is not a proof of a peaceful soul, but of one which, out of an inability to regulate itself, covets the irresponsibility of a tyrannical power.

For the man who fortifies his own house like a citadel, and does not allow a single person within it to speak freely, but who behaves savagely to every one, by reason of his innate misanthropy and barbarity, which has perhaps even

been increased by exercise, is a tyrant in miniature; and by his conduct now it is plainly shown that he will not stop even there if he should acquire greater power.

For then he will at once go forth to attack other cities and countries, and nations, after having previously enslaved his own native land, so as to prove that he is not inclined to behave mercifully to any one who shall ever become subject to him.

Let, then, such a man be well assured that he will not always escape punishment for his continual ill-treatment of many persons; for justice, which hates iniquity, will be his enemy, she who is the assistant and champion of those who are treated with injustice, and she will exact of him a strict account of, and reckoning for, those who have fallen into calamity through his means,

even if he should say that he had only inflicted blows on them to correct them, not designing to kill them. For he will not at once get off with a cheerful countenance, but he will be brought before the tribunal and examined by accurate investigators of the truth, who will inquire whether he slew him intentionally or unintentionally. And if he be found to have plotted against him with a wicked disposition, let him die; not having any excuse made for him on the ground of his being the servants' master, so as to procure his deliverance.

But if the servants who have been beaten do not die at once after receiving the blows, but live one day or two, then the master shall no longer be liable to be accused of murder, having this strong ground of defence that he did

not kill them on the spot by beating, nor afterwards when he had them in his house, but that he suffered them to live as long as they could, even though that may not have been very long. Besides that, no one is so silly as to attempt to distress another by conduct by which he himself also will be a loser.

But any one who kills his servant injures himself much more, since he deprives himself of the services which he received from him while alive, and, moreover, loses the price which he paid for him which, perhaps, was large. If, however, the servant turn out to have done any thing worthy of death, let him bring him before the judges and prove his offence, making the laws the arbiters of his punishment and not himself.

Chapter XXVI

If a bull gore a man and kill him, let him be Stoned. For his flesh may not be either offered in sacrifice by the priests, nor eaten by men. Why not? Because it is not consistent with the law of God that man should take for food or for a seasoning to his food the flesh of an animal which has slain a man.

But if the owner of the beast knew that he was a savage and ferocious animal, and did not confine him, nor shut him up and take care of him, or if he had heard from others that he was not quiet, and still allowed him to feed at liberty, he shall be liable to a prosecution as guilty of the man's death. And then the animal which gored the man shall die, and his master shall be put to death also, or else shall pay a ransom and a price for his safety, and the court of justice shall

devise what punishment he ought to suffer, what penalty he ought to pay.

And if it be a slave who has been killed then he shall pay his full value to his master; but if the bull have gored not a man but another animal, then the owner of the beast which killed him shall take the dead animal and give his master another like him instead of him, because he was aware beforehand of the fierceness of his own beast, and did not guard against it. And if the bull has killed a sheep which belonged to some one else, he shall again restore this man one like it instead of it, and be thankful to him for not exacting a greater penalty of him, since it was he who was the first to do any injury.

Chapter XXVII

Some persons are accustomed to dig very deep pits, either in order to open springs which may bubble up, or else to receive rain water, and then they widen drains under ground; in which case they ought either to build round the mouths of them, or else to put a cover on them; but still they often, out of shameful carelessness or folly, have left such places open, by which means some persons have met with destruction.

If, therefore, any traveller passing along the road, not knowing beforehand that there is any such pit, shall step on the hole, and fall in, and be killed, any one of the relations of the dead man who chooses may bring an accusation against those who made the pit, and the tribunal shall decide what punishment they ought to suffer, or what penalty they ought to Pay. But if a beast fall in and perish,

then they who dug the pit shall pay its value to its owner as if it were still alive, and they shall have the dead body for themselves.

Again, those men also are committing an injury akin to and resembling that which has just been mentioned, who when building houses leave the roof level with the ground though they ought to protect them with a parapet, in order that no one may fall down into the hole made without perceiving it. For such men, if one is to tell the plain truth, are committing murder, as far as they themselves are concerned, even though no one fall in and perish; accordingly let them be punished equally with those who have the mouths of pits open.

Chapter XXVIII

The law expressly enjoins that it shall not be lawful to take any ransom from murderers who ought to be put to death, for the purpose of lessening their punishment, or substituting banishment for death. For blood must be atoned for by blood, the blood of him who has been treacherously slain by that of him who has slain him.

Since men of wicked dispositions are never wearied of offending, but are always committing atrocious actions in the excess of their wickedness, and increasing their iniquities, and extending them beyond all bounds or limits. For the lawgiver would, if it had been in his power, have condemned those men to ten thousand deaths. But since this was not possible, he prescribed another punishment for them, commanding those who had slain a man to be hanged upon a tree.

And after having established this ordinance he returned again to his natural humanity, treating with mercy even those who had behaved unmercifully towards others, and he pronounced, "Let not the sun set upon persons hanging on a Tree;" but let them be buried under the earth and be concealed from sight before sunset. For it was necessary to raise up on high all those who were enemies to every part of the world, so as to show most evidently to the sun, and to the heaven, and to the air, and to the water, and to the earth, that they had been chastised; and after that it was proper to remove them into the region of the dead, and to bury them, in order to prevent their polluting the things upon the earth.

Chapter XXIX

Moreover, there is this further commandment given with great propriety, that the fathers are not to die in behalf of their sons, nor the sons in behalf of their parents, but that every one who has done things worthy of death is to be put to death by himself alone. And this commandment is established because of those persons who set might above right, and also for the sake of those who are too affectionate;

for these last, out of their extraordinary and extravagant good will, will be often willing cheerfully to die for others, the innocent thus giving themselves up for the guilty, and thinking it a great gain not to see them punished; or else sons giving themselves up for their fathers in the idea that, if deprived of them they would for the future live a miserable life, more grievous than any kind of death.

But to such persons one must say, "This your good-will is out of season." And all things which are out of season are very properly blamed, just as things that are done seasonably are praised on that account. Moreover, it is right to love those who do actions worthy to attract love. But no wicked man can be really a friend to any one. And wickedness alienates relations, and even those who are the most attached of relations, when men violate all the principles of justice. For the agreement as to principles of injustice and as to the other virtues, is a closer tie than relationship by blood; and if any one violates such an agreement, he is set down not only as a stranger and a foreigner, but even as an irreconcilable enemy.

"Why then do you pervert and misapply the name of good-will which is a most excellent and humane one, and conceal the truth, exhibiting as a veil an effeminate and womanly disposition? For are not those person womanly in whose minds reason is overcome by compassion? And you do this in order to effect a double iniquity, delivering the guilty from punishment, and thinking it fair to punish yourselves, who are blameable in no respect whatever, instead of them."

Chapter XXX

But these men have this to say in excuse of themselves, that they are not pursuing any private advantage for themselves, and also that they are influenced by excessive affection for their nearest relations, for the sake of the preservation of whom they will cheerfully submit to die.

But who, I will not say of moderate men, but even of those who are very inhuman indeed in their dispositions, would not reject such barbarous and actually brutally disposed persons as those who, either by secret contrivance or by open audacity, inflict the greatest calamities on one person as a punishment for the faults of another, putting forward as a pretext the plea of friendship, or of relationship, or of fellowship, or something of that kind, as a justification for the destruction of those who have done no wrong? And at times they even do these things without having suffered any injury at all out of mere covetousness and a love of rapine.

Not long ago a certain man who had been appointed a collector of taxes in our country, when some of those who appeared to owe such tribute fled out of poverty, from a fear of intolerable punishment if they remained without paying, carried off their wives, and their children, and their parents, and their whole families by force, beating and insulting them, and heaping every kind of contumely and ill treatment upon them, to make them either give information as to where the fugitives had concealed themselves, or pay the money instead of them, though they could not do either the one thing or the other; in the first place, because they did not know where they were, and secondly, because they were in still greater poverty than the men who had fled.

But this tax-collector did not let them go till he had tortured their bodies with racks and wheels, so as to kill them with newly invented kinds of death, fastening a basket full of sand to their necks with cords, and suspending it there as a very heavy weight, and then placing them in the open air in the middle of the market place, that some of

them, being tortured and being overwhelmed by all these afflictions at once, the wind, and the sun, and the mockery of the passers by, and the shame, and the heavy burden attached to them, might faint miserably; and that the rest, being spectators, might be grieved and take warning by their punishment,

some of whom, having a more acute sense of such miseries in their minds than that which they could receive though their eyes, since they sympathised with these unfortunates as if they were themselves suffering in the persons of others, put an end to their own lives by swords, or poison, or halters, thinking it a great piece of good luck for persons, liable to such misery, to be able to meet with death without torture.

But those who did not make haste to kill themselves, but who were seized before they could do so, were led away in a row, as in the case of actions for inheritance, according to their nearness of kindred, the nearest relations first, then those next to them in succession, in the second or third place, till they came to the last; and then, when there were no relations left, the cruelty proceeded on to the friends and neighbours of the fugitives; and sometimes it was extended even into the cities and villages, which soon became desolate, being emptied of all their inhabitants, who all quitted their homes, and dispersed to places where they hoped that they might escape detection.

But perhaps it is not wonderful if men, barbarians by nature, utterly ignorant of all gentleness, and under the command of despotic authority, which compelled them to give an account of the yearly revenue, should, in order to

enforce the payment of the taxes, extend their severities, not merely to properties but also to the persons, and even to the lives, of those from whom they thought they could exact a vicarious payment.

But now, even those persons who are the very standard and rule of justice, the lawgivers themselves, having a regard to appearance rather than to truth, have endured to become, instead, standards of injustice, commanding the children of a traitor to be put to death with the traitor himself, and in the case of tyrants the five families most nearly related to them.

Why is this I should say? For if indeed they have shared in their wickedness, then let them likewise share in their punishment; but if they have not participated in that, and if they have not been imitators of such actions, and if they have not been elated by the prosperity of their kinsmen, so as to exult in it, why should they be put to death? Is it for this reason alone, that they are their relations? Are the punishments then inflicted for the relationship, or for the lawless conduct?

Perhaps you yourselves, O you venerable lawgivers, have had virtuous relations; but suppose they had been wicked, then it seems to me that you not only would never yourselves have devised any such commandments as this, but would have been furious with any one else who proposed such a law, because [...] (there appears to be an hiatus in the text here. There is clearly a want of connection and coherence in the rest of the sentence as it stands now.) taking care to avoid all liability to terrible calamity, and desiring to live in security, is now in great danger, and is

exposed to an equal degree of misfortune. For the one condition is liable to fear, which, though a person may guard against for himself, he will still not despise the safety of another, but the other state is free from all apprehension, and by it men have often been persuaded to neglect the safety of innocent men.

Therefore our lawgiver, considering these things and perceiving the errors of others, rejects them and hates them as destructive of the most excellent constitution, and consigns to punishment all those who give way to such, whether it be out of indifference, or out of inhumanity and wickedness, and never permits any of their countrymen or friends to be substituted for them, making themselves an addition to the crimes which the others have already committed;

on which account he has expressly forbidden sons to be put to death instead of their parents, or parents instead of their sons, thinking it right that they who have committed the crimes should also bear the punishment, whether it be a pecuniary fine, or stripes, and more severe personal chastisement, or even wounds and mutilation, and dishonour, and exile, or any other judicial sentence; for though he only names one kind of punishment, forbidding one person to be put to death for another, he also comprises other kinds, which he does not expressly mention.

Chapter XXXI

Market places, and council chambers, and courts of justice, and large companies and assemblies of numerous crowds, and a life in the open air full of arguments and

actions relating to war and peace, are suited to men; but taking care of the house and remaining at home are the proper duties of women; the virgins having their apartments in the centre of the house within the innermost doors, and the full-grown women not going beyond the vestibule and outer courts;

for there are two kinds of states, the greater and the smaller. And the larger ones are called really cities; but the smaller ones are called houses. And the superintendence and management of these is allotted to the two sexes separately; the men having the government of the greater, which government is called a polity; and the women that of the smaller, which is called oeconomy.

Therefore let no woman busy herself about those things which are beyond the province of oeconomy, but let her cultivate solitude, and not be seen to be going about like a woman who walks the streets in the sight of other men, except when it is necessary for her to go to the temple, if she has any proper regard for herself; and even then let her not go at noon when the market is full, but after the greater part of the people have returned home; like a well-born woman, a real and true citizen, performing her vows and her sacrifices in tranquillity, so as to avert evils and to receive blessings.

But when men are abusing one another or fighting, for women to venture to run out under pretence of assisting or defending them, is a blameable action and one of no slight shamelessness, since even, in the times of war and of military expeditions, and of dangers to their whole native land, the law does not choose that they should be enrolled

as its defenders; looking at what is becoming, which it thinks desirable to preserve unchangeable at all times and in all places, thinking that this very thing is of itself better than victory, or then freedom, or than any kind of success and prosperity.

Moreover, if any woman, hearing that her husband is being assaulted, being out of her affection for him carried away by love for her husband, should yield to the feelings which overpower her and rush forth to aid him, still let her not be so audacious as to behave like a man, outrunning the nature of a woman; but even while aiding him let her continue a woman. For it would be a very terrible thing if a woman, being desirous to deliver her husband from an insult, should expose herself to insult, by exhibiting human life as full of shamelessness and liable to great reproaches for her incurable boldness;

for shall a woman utter abuse in the marketplace and give vent to unlawful language? and if another man uses foul language, will not she stop her ears and run away? But as it is now, some women are advanced to such a pitch of shamelessness as not only, though they are women, to give vent to intemperate language and abuse among a crowd of men, but even to strike men and insult them, with hands practised rather in works of the loom and spinning than in blows and assaults, like competitors in the pancratium or wrestlers. And other things, indeed, may be tolerable, and what any one might easily bear, but that is a shocking thing if a woman were to proceed to such a degree of boldness as to seize hold of the genitals of one of the men quarrelling.

For let not such a woman be let go on the ground that she appears to have done this action in order to assist her own husband; but let her be impeached and suffer the punishment due to her excessive audacity, so that if she should ever be inclined to commit the same offence again she may not have an opportunity of doing so; and other women, also, who might be inclined to be precipitate, may be taught by fear to be moderate and to restrain themselves. And let the punishment be the cutting off of the hand which has touched what it ought not to have touched.

And it is fitting to praise those who have been the judges and managers of the gymnastic games, who have kept women from the spectacle, in order that they might not be thrown among naked men and so mar the approved coinage of their modesty, neglecting the ordinances of nature, which she has appointed for each section of our race; for neither is it right for men to mix with women when they have laid aside their garments, but each of the sexes ought to avoid the sight of the other when they are naked, in accordance with the promptings of nature.

Well, then, of those things of which we are to abstain from the sight, are not the hands much more to be blamed for the touch? For the eyes, being wholly at freedom, are nevertheless often constrained so as to see things which they do not wish to see; but the hands are ranked among those parts which are completely under subjection, and obey our commands, and are subservient to us.

Chapter XXXII

And this is the cause which is often mentioned by many people. But I have heard another also, alleged by persons of high character, who look upon the greater part of the injunctions contained in the law as plain symbols of obscure meanings, and expressed intimations of what may not be expressed. And this other reason alleged is as follows. There are two kinds of soul, much as there are two sexes among human relations; the one a masculine soul, belonging to men; the other a female soul, as found in women. The masculine soul is that which devotes itself to God alone, as the Father and Creator of the universe and the cause of all things that exist; but the female soul is that which depends upon all the things which are created, and as such are liable to destruction, and which puts forth, as it were, the hand of its power in order that in a blind sort of way it may lay hold of whatever comes across it, clinging to a generation which admits of an innumerable quantity of changes and variations, when it ought rather to cleave to the unchangeable, blessed, and thrice happy divine nature.

Very naturally, therefore, the law Commands that the executioner should cut off the hand of the woman which has laid hold of what it should not, speaking figuratively, and intimating not that the body shall be mutilated, being deprived of its most important part, but rather that it is proper to extirpate all the ungodly reasonings of the soul, using all things which are created as a stepping-stone; for the things which the woman is forbidden to take hold of are the symbols of procreation and generation.

And, moreover, keeping up a consistent regard to nature, I will also say this, that the unit is the image of the first

cause, and the number two of the divisible matter that is worked upon. Whoever, therefore, receives the number two, honouring it above the unit, must be taught to know that he is, in so doing, approving of the matter more than of God. On which account the law has thought fit to cut off this apprehension of the soul as if it were a hand; for there can be no greater impiety than to ascribe the power of the agent to that which is passive.

Chapter XXXIII

And any one may here fitly blame those who appoint that punishments, in nowise corresponding to the offences, are to be inflicted on the offenders, imposing pecuniary penalties for assaults, or stigma and infamy for wounds and mutilations, or a banishment beyond the borders of the land for intentional murders, and everlasting exile or imprisonment for thefts; for irregularity and inequality are enemies to a constitution which is eager for the truth.

And our law, being the interpreter and teacher of equality, commands that offenders should undergo a punishment similar to the offence which they have committed; that, for instance, they should suffer punishment in their property if they have injured their neighbour in his property; in their persons, if they have injured him in his body, or in his limbs, or the organs of his outward senses; and, if their evil designs have extended to his life, then the law commands that the punishment should affect the life of the malefactor. For to exact a different and wholly unequal punishment which has no connection with or resemblance to the offence, but which is wholly at variance

with it in all its characteristics, is the conduct of those who violate the laws rather than of those who would establish them.

And when we say this, we mean provided no circumstances occur to give a different complexion to the affair; for it is not the same thing to inflict blows on one's father and on a stranger, nor to speak ill of a ruler and of a private person, nor to do anything which is forbidden on common ground or in holy places, or at the time of a festival, or of a solemn assembly, or of a public sacrifice; or, again, on the days on which there is no holiday or sacred observance, or on those which are completely common and profane. And all other things of this kind one must examine with a view to judge of the propriety of increasing or diminishing the punishment.

Again. "If," says the law, "any one strike out the eye of a servant or of a handmaiden, he shall let them depart Free." Because, as nature has assigned the chief position in the body to the head, having bestowed upon it a situation the most suitable to that pre-eminence, as it might give a citadel to a king (for having sent it forth to govern the body it has established it on a height, putting the whole composition of the body from the neck to the feet under it, as a pedestal might be placed under a statue), so also it has given the preeminence among the organs of the external senses to the eyes. At all events, it has assigned them a position above all the others, as if they were the chiefs, wishing to honour them not only by other things, but also by this most evident and conspicuous of all signs.

Chapter XXXIV

Now it would take a long time to enumerate all the necessities which the eyes supply to, and all the services which they perform for, the human race. But one, the most excellent of all, we may mention. It is the heaven which has showered philosophy upon us, it is the human mind which has received and which contains it, but it is sight which has entertained and been its host; for that is the faculty which was the first to see the level roads through the air.

And philosophy is the fountain of all blessings, of all things which are really good. And he who draws from this fountain, so as thus to acquire and make use of virtue is praiseworthy; but he who does it with the object of accomplishing wicked purposes and of condemning others is blameable. For the one is like a man at an entertainment, who is delighting both himself and all who are feasting in his company; but the other is like one who is swallowing down strong wine, in order to make himself and his neighbour drunk.

Now in what way it is that the sight may be said to have entertained philosophy as its host we must now proceed to explain. Having looked up to heaven it beheld the sun, and the moon, and the planets, and the fixed stars, the most beautiful host of heaven, the ornament of the world.

After that it arrived at a perception of the rising and setting of these bodies, and their harmonious motions, and the fixed seasons of their periodical revolutions, and their meetings, and eclipses, and re-appearances. After that it proceeded onwards to a comprehension of the increase and

decrease of the moon; of the motions of the sun along the breadth of heaven, as he comes from the south towards the north, and again recedes from the north towards the south, in order to the generation of the fruits of the year, so that they may all be brought to perfection, and ten thousand other wonderful things besides these. And having looked round and surveyed the things in the earth, and in the sea, and in the air, with great diligence displayed all the things in each of these elements to the mind.

But as the mind was unable by itself to comprehend all these things from merely beholding them by the faculty of sight, it did not stop merely at what was seen by it, but being devoted to learning, and fond of what is honourable and excellent, as it admired what it did see, it adopted this probable opinion, that these things are not moved spontaneously and at random by any irrational impulse of their own, but that they are set in motion and guided by the will of God, whom it is proper to look upon as the Father and Creator of the world. Moreover, that these things are not unrestrained by any bounds, but that they are limited by the circumference of one world, as they might be by the walls of a city, the world itself being circumscribed within the outermost sphere of the fixed stars. Moreover it considered also that the Father who created the world does by the law of nature take care of that which he has created, exerting his providence in behalf of the whole universe and of its parts.

In the next place it also considered what was the essence of the visible world, and whether all the things in the world had the same essence, or whether different things had

different essences, and also of what substances everything was made, and for what reasons it was made, and by what powers the world was held together, and whether these powers were corporeal or incorporeal.

For what can the investigation into these and similar subjects be called but philosophy? And what more fitting name could one give to the man who devoted himself to the investigation of these topics than that of a philosopher? For by his examination of the nature of God, and of the world, and of all the things in it, whether plants or animals, and of those models which are only appreciable by the intellect, and again of the perfected representations of those models which are visible to the outward senses, and of the virtues and vices which exist in all created things, he shows that his disposition is one truly devoted to learning, and contemplation, and philosophy; and this greatest of blessings to mortal man is bestowed upon him by the faculty of sight.

And this faculty seems to me to deserve this pre-eminence, since it is more nearly related to the soul than any one of the other outward senses, for they all of them have some kind of connection with the intellect; but this one obtains the first and principal rank as the nearest relation does in a private house.

And any one may conjecture this from many circumstances, for who is there who does not know that when persons are delighted their eyes betray their pleasure, and sparkle, but that when they are grieved their eyes are full of depression and heaviness; and if any heavy burden of grief oppresses, and crushes, and overwhelms the mind,

they weep; and if anger obtains and preponderance, the eyes swell, and become bloodshot and fiery;

and again change so as to be gentle and soft when the anger is relaxed. Again, when the man is immersed in deep thought and contemplation, the eyes seem fixed as if they in a manner joined in his gravity; but in the case of those who are of no great wisdom the sight wanders, because of their vacancy of intellect, and is restless, and in short the eyes sympathise with the affections of the soul, and are wont to change along with it in innumerable alternations, on account of the closeness of their connection with it; for it seems to me that there is no one visible thing which God has made so complete a representation of that which is invisible as the sight is of the mind.

Chapter XXXV

If therefore any one has ever plotted against this most excellent and most dominant of all the outward senses, namely sight, so as ever to have struck out the eye of a free man, let him suffer the same infliction himself, but not so if he have only struck out the eye of a slave; not because he is entitled to pardon, or because the injury which he has done is less, but because the man who has been injured will have a still worse master if he has been mutilated in retaliation, since he will for ever bear a grudge against him for the calamity which has fallen upon him, and will revenge himself on him every day as an irreconcilable enemy by harsh commands beyond his power to perform, by which the slave will be so oppressed that he will be ready to die.

Therefore the law has provided that the man who has thus done injury to his slave shall not be allowed to escape free, and yet has not commanded that the man who has already suffered the loss of his eye shall be ill-treated still further, enjoining that if any one strikes out the eye of his servant he shall without hesitation grant him his freedom;

for thus he will suffer a double punishment for the actions which he has committed, in being deprived of the value of his servant and also of his services, and thirdly, which is worse than either of the things already mentioned, in being compelled to do good to his enemy in the most important matters, whom very likely he wished to be able to ill-treat for ever. And the slave has a double consolation for the evils which he has been subjected to in being not only emancipated, but also in having escaped a cruel and inhuman master.

Chapter XXXVI

The law also commands that if any one strike out the tooth of a slave he shall bestow his freedom on the slave; why is this? because life is a thing of great value, and because nature has made the teeth the instruments of life, as being those by which the food is eaten. And of the teeth some are fitted for eating meat and all other eatable food, and on that account are called incisors, or cutting teeth; others are called molar teeth from their still further grinding and smoothing what has been cut by the incisors;

on which account the Creator and Father of the universe, who is not accustomed to make anything which is not appointed for some particular use, did not do with the teeth

as he did with every other part of the body, and make them at once, at the first creation of the man, considering that as while an infant he was only intended to be fed upon milk they would be a superfluous burden in his way, and would be a severe injury to the breasts, filled as they are at that time with springs of milk, from which moist food is derived, as they would in that case be bitten by the child while sucking the milk.

Therefore, having waited for a suitable season (and that is when the child is weaned), he then causes the infant to put forth the teeth which he had prepared for it before, as the most perfect food now supplied to it requires the organs above-mentioned now that the child rejects the food of milk.

If therefore any one, yielding to an insolent disposition, strikes out the tooth of his servant, that organ which is the minister and provider of those most necessary things, food and life, he shall emancipate him whom he has injured, because by the evil which he inflicted on him he has deprived him of the service and use of his tooth. "Is then," some one will say, "a tooth of equal value with an eye?"

"Each," I would reply, "is of equal value for the purposes for which they were given, the eye with reference to the objects of sight, the teeth with reference to those which are eatable." But if any one were to desire to institute a comparison, he would find that the eye is entitled to the highest respect among all the parts of the body, inasmuch as being occupied in the contemplation of the most glorious thing in the whole world, namely the heaven; and that the tooth is useful as being the masticator of food, which is the most useful thing as contributing to life. And he who strikes

out a man's eye does not hinder him from living, but a most miserable death awaits the man who has all his teeth knocked out.

And if any one meditates inflicting injury in these parts on his servants, let him know that he is causing them an artificial famine in the midst of plenty and abundance; for what advantage is it to a man that there should be an abundance of food, if the instruments by which he may be enabled to make use of it are taken from him and lost, through the agency of his cruel, and pitiless, and inhuman master?

It is for this reason that in another passage the lawgiver forbids creditors to exact from their debtors a molar tooth or a grinder as a pledge, giving as a reason that the person who does so is taking a man's life in pledge; for he who deprives a man of the instruments of living is proceeding towards murder, entertaining the idea of plotting even against life.

And the law has taken such exceeding care that no one shall ever be the cause of death to another, that it does not look upon those who have even touched a dead body, which has met with a natural death, as pure and clean, until they have washed and purified themselves with sprinklings and ablutions; and even after they are perfectly clean it does not permit them to go into the temple within seven days, enjoining them to use purifying ceremonies on the third and seventh day.

And again, in the case of persons who have gone into the house in which any one has died, the law enjoins that no one

shall touch them until they have both washed their bodies and also the garments in which they were clothed, and, in a word, it looks upon all the furniture and all the vessels, and everything which is in the house, as unclean and polluted;

for the soul of a man is a valuable thing, and when that has quitted its habitation, and passed to another place, everything that is left behind by it is polluted as being deprived of the divine image, since the human mind is made as a copy of the mind of God, having been created after the archetypal model, the most sublime reasoning.

And the law says, "Let everything which a man that is unclean has touched be also unclean as being polluted by a participation in that which is unclean." And this sacred injunction appears to have a wide operation, not being limited to the body alone, but proceeding as it would seem also to investigate the dispositions of the soul,

for the unjust and impious man is peculiarly unclean, being one who has no respect for either human or divine things, but who throws everything into disorder and confusion by the immoderate vehemence of his passions, and by the extravagance of his wickedness, so that everything which he touches becomes faulty, having its nature changed by the wickedness of him who has taken them in hand. For in like manner the actions of the good are, on the contrary, all praiseworthy, being made better by the energies of those who apply themselves to them, since in some degree what is done resembles in its character the person who does it.