

The Special Laws, IV

Philo of Alexandria

tr. C. D. Yonge translation

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Chapter I

I have in my previous treatises spoken of the laws relating to adultery and murder, and to all the subordinate offences which come under those head, with, as I persuade myself, all the accuracy which the case admits of, and now, proceeding in the regular order, I must consider what is the third commandment in the second table, but the eighth in all, if the two tables are taken together, namely, the commandment, "Thou shalt not Steal."

Whoever carries off or leads away the property of another when he has no right to do so, if he does it openly and by main force, shall be set down as a common enemy, and shall be prosecuted as having with lawless wickedness contrived a shameless act of audacity. But if he has done it secretly, endeavouring to escape notice like a thief, exhibiting some modesty, and making the darkness the veil of his iniquity, let him then be punished privately as only liable to condemnation in respect of the one individual whom he endeavoured to injure; and let him restore double the value of the thing stolen, making amends by his own most righteous suffering for the unrighteous advantage he has endeavoured to gain.

But if he is a poor man, and consequently unable to pay the penalty, let him be sold (for it is fitting that that man should be deprived of his freedom who for the sake of his most iniquitous gain has endured to become a slave to guilt), that he who has been ill-treated may not be allowed to depart without consolation, as if he appeared to have his claims disregarded by reason of the poverty of the man who has robbed him.

And let no one accuse this ordinance of inhumanity; for the man who is sold is not left as a slave for ever and ever, but within the space of seven years he is released by a common proclamation as I have shown in my treatise on the number seven.

And let him be content to pay the double penalty, or even to be sold, since he has committed no slight offence; sinning in the first place in that, not being content with what he had, he has desired more, encouraging a feeling of covetousness, a treacherous and incurable wickedness. Secondly, because he has cast his eyes on the property of others and longed for it, and has laid plots to deprive his neighbour of his own, depriving the owner of what belongs to him. Thirdly, because through his desire to escape detection, he very often keeps to himself all the advantage that can be derived from the thing he appropriates, and diverts the accusation so as to cause it to fall upon the innocent, thus making the investigation of the truth blind.

And such a man appears in some degree to be himself his own accuser, being convicted by his own conscience of the theft of those things which he has secretly stolen, being filled either with shame or fear, one of which feelings is a proof of his considering his action a disgraceful one, for it is only disgraceful actions which cause shame, and the other is a sign of his thinking it deserving of punishment, for punishment causes fear.

Chapter II

If any one being insantly carried away by a desire for the property of others attempts to steal it, and not being able

easily to carry it off breaks into a house at night, using the darkness as a veil to conceal his wicked action, if he be caught in the fact before the sun has risen, he may be slain by the master of the house in the breaches, having accomplished the lesser object which he had proposed to himself, namely, theft, but having been hindered by some one from accomplishing the greater crime which might have followed it, namely, murder; since he was prepared with iron house-breaking tools which he bore, and other arms, to defend himself from any attack. But if the sun has risen, then let him no longer be slain by the hand of the master of the house, but let him be led away and brought before the magistrates and judges, to suffer whatever punishment they condemn him to.

For while men are remaining in their houses at night, and when they have betaken themselves to rest, whether they be rulers or private individuals, in either case there is no refuge or assistance for the offender; on which account the inmate of the house has the power of punishment in his own hands, being appointed magistrate and judge by the very time itself.

But in the day time the courts of justice and the council chambers are open, and the city is full of persons who will help to arrest the criminal; some of whom have been formally appointed guardians of the laws; and others, without any such appointment, by their natural disposition which hates iniquity, take up the cause of those who are injured; and before these men the thief must be brought; for thus the man who seeks revenge will escape the charge of arrogance or rashness, and appear to be acting in the spirit

of the democracy.

But if, when the sun has risen and is shining upon the earth, any one slays a robber with his own hand before bringing him to trial, he shall be held guilty, as having been guided by passion rather than by reason, and as having made the laws second to his own impulses. I should say to such a man, "My, friend, do not, because you have been injured by night by a thief, on this account in the daylight yourself commit a worse theft, not indeed affecting money, but affecting the principles of justice, in accordance with which the constitution of the state is established."

Chapter III

Now other thefts are to be atoned for by a payment of double the value of the thing stolen; but if any one steals an ox or a sheep, the law thinks such a man worthy of a greater punishment, giving a particular honour and precedence to those animals which are the most excellent among all tame flocks and herds, not only by reason of the beauty of their bodies, but also because of the service they are of to the life of man. And on this account the lawgiver has not affixed a fine of equal amount to the theft of each animal, but having calculated the use of both and the purposes for which both are available, he has appraised their value in this way.

For he commands that the thief shall restore four sheep and five oxen in the place of the one which he has stolen; since a sheep gives four kinds of tribute, milk, and cheese, and its fleece, and a lamb, every year: but an ox furnishes five; three of which are the same as those of the sheep — the milk, the cheese, and the offspring; but two are peculiar

to itself, the ploughing of the earth, and the threshing of the corn; the first of which actions is the first step towards the sowing of the crops, and the other is the end, being for the purification of the crop after it is gathered in, in order to the more easy use of it for food.

Chapter IV

A kidnapper also is a thief; but he is, moreover, a thief who steals the very most excellent thing that exists upon the earth. Now, in the case of inanimate things, and of those animals which are of no very great use indeed in life, he has commanded twice the value of them to be paid to their owners by those who steal them, as has been said before. And again, in the case of those tame and very useful flocks and herds of sheep and oxen, he has ordered the payment to be fourfold or fivefold;

but man, as it seems, has been assigned the most pre-eminent position among the animals, being, as it were, a near relation of God himself, and akin to him in respect of his participation in reason; which makes him immortal, although he is liable to death. On which account every one who feels any admiration of virtue is full of exceeding anger, and is utterly implacable against kidnappers, who for the sake of most iniquitous gain dare to inflict slavery on those who are free by birth, and who partake of the same nature as themselves.

For if masters perform a praiseworthy action when they emancipate servants born in their house or purchased with money, even though they have often not done them any great service, from the slavery in which they are held,

because of their own humanity by which they are influenced, how heavy ought to be the accusation which is brought against those who deprive of that most excellent of all possessions, freedom, those who are at present in possession of it; when it is an object for which man, who has been well born and properly brought up, would think it glorious to die?

And before now, some men, increasing their own innate wickedness, and directing the natural treachery of their characters to a violation of all rights, have studied to bring slavery not only upon strangers and foreigners, but even upon those of the same nation as themselves; and sometimes, even upon men of the same borough and of the same tribe, disregarding the community of laws and customs, in which they have been bred up with them from their earliest infancy, which nature stamps upon their souls as the firmest bond of good will in the case of all those who are not very intractable and greatly addicted to cruelty;

who, for the sake of lawless gain sell slaves to slave-dealers, and enslave them to any chance persons, transporting them to a foreign land, so that they shall never any more salute their native land, not even in a dream, nor taste of any hope of happiness. For these kidnappers would be committing a lighter iniquity if they themselves retained the services of those whom they have enslaved, but as the case stands at present they commit a double wrong, in selling them again, and thus making them two masters instead of one, and raising up two slaveries as enemies to their condition.

For they, being aware of the former prosperous condition of those whom they have carried off, might perhaps repent, feeling a tardy and late compassion for those who are thus fallen, having a proper awe of the uncertainty of fortune eluding all conjectures. But those who buy persons in this condition, out of ignorance of their families, will neglect them as if they were sprung from successive generations of slaves, having no inducement in their souls to display that gentleness and humanity towards them which it would be natural for them to preserve in the case of slaves who had become so after having been originally and naturally free-born.

And let whatever punishment the court of justice shall sentence them to be inflicted upon those who kidnap and enslave those of another nation; but upon those who kidnap those of their own country and of their own blood, and who sell them for slaves, shall be passed the unalterable sentence of death. For, in fact, one's own countrymen are not far from blood relations, and they must very nearly come under the same definition with them.

Chapter V

"In the field also," as some one of the old writers has said, "lawsuits arise;" since covetousness and a desire for the possessions of others does not exist only in the city, but is found also outside the walls, inasmuch as it has its abode not only in various places, but also in the minds of insatiable and contentious men.

On which account those cities which enjoy the best codes of laws elect double superintendents, and rulers, and

providers of a common regularity and safety; one class to manage within the walls, whom they call curators of the city; the others without the walls, to whom also they give an appropriate name, for they call them agrarian magistrates. But what need could there be of agrarian magistrates if there were not some persons in the fields living only for the injury of their neighbours?

If, therefore, any shepherd or goatherd, or oxherd, or in short any manager of any kind of cattle, drives his herds to feed and pasture upon another man's land, sparing neither crops nor trees, he shall pay a fine equal to the value of those crops and trees.

And he may be very well content to escape with this punishment, having met with a very merciful and exceedingly indulgent law, which, though he has adopted the conduct of implacable foreign enemies, who are accustomed to lay waste the lands and to destroy the cultivated trees of the inhabitants, has, nevertheless, not chastised him as a common enemy, inflicting upon him death, or exile, or of, lastly, a confiscation of all his property; but has merely sentenced him to make good the damage done to the owner.

For as the lawgiver was always seeking pretexts by which to lighten whatever misfortunes have been suffered by reason of the excessive gentleness and humanity which he derived from nature and from habit, he found an excuse for the shepherd on the ground that the nature of cattle was inconsiderate and disobedient, and especially so when in pursuit of food.

Let the shepherd, then, be guilty, as having originally driven his herd into an unsuitable place, but still let him not bear the blame of every thing that has ensued from his doing so. For it is natural to suppose that, as soon as he perceived the mischief that had taken place he endeavoured to drive them out again, but that his beasts resisted him, luxuriating in the green pasture, and the tender crops, and shoots which they were devouring.

Chapter VI

And not only do those men do damage who devour the property of others with their flocks and herds, but so also do those who inconsiderately and carelessly kindle a fire; for if the power of fire catches hold of any appropriate fuel, it spreads in every direction, and extends and devours all around. And when it has once got ahead it defies all the means of extinguishing it which any one seeks to apply, taking the very things employed for that purpose as food for its increase, until having consumed every thing it is at last exhausted by itself.

It is right, therefore, never to leave any fire either in a house or in any stables in the fields unguarded, since we well know that a single spark has often smouldered long, and at last has been fanned into a flame, and so has consumed great cities, especially when the flame has been borne onwards by a favourable wind.

Accordingly, in savage wars the first, the middle, and the last power which is excited is that of fire, to which the enemies trust more than they do to their squadrons of infantry, or cavalry, or to their fleets, or to their unlimited

supplies of arms and naval stores. For if any one with good aim shoots a fiery arrow among a numerous squadron of ships he may burn it with all the crews, or he may thus destroy vast camps with all their baggage, and furniture, and equipments, on which the army rested its hopes of victory.

If, then, any one scatters fire among a heap of brambles or thorns, and the fire kindles and burns a threshing floor full of wheat, or barley, or vetches, or sheaves of corn which have been gathered together, or any fertile plain full of pasture, then the man who scattered the fire shall pay the amount of the damage done, in order that by his suffering he may learn to take good care and to guard against the Beginnings (this resembles Ovid, which may be translated—“Check the first rise: all remedy’s too late / When long delay has made the mischief great.”) of things, and may not awaken and stir up an invincible power which might otherwise have remained quiet.

Chapter VII

A deposit is the most sacred of all those things which relate to the associations of men with regard to property, inasmuch as it depends upon the good faith alone of the man who has received it. For loans are proved by contracts and writings, and things which, independent of loans, are openly used, have all the persons who see them for witnesses.

But this is not the case with deposits, but the owner by himself gives them privily to the man who receives them by himself, looking carefully round the place, and not even

taking a slave with him for the purpose of carrying the thing to be deposited, even though he be ever so affectionate to his master; for each of the two parties appears to be anxious to avoid discovery; the one depositing the thing in order to receive it again, and the other being desirous not to be known to have received it. But we ought by all means to look upon the invisible God as an unseen third party to every concealed action, whom it is natural to make as a witness for both parties; the receiver calling him to witness that he will restore the deposit when it is demanded back from him, and the other making him to see that he receives it back at the proper time.

Let, then, the man who commits this great wickedness and denies his deposit not be ignorant that he has deceived him who committed it to him of his hope, and that he is concealing a wicked disposition under specious language, and that he is hypocritically pretending a bastard sort of faith while in reality faithless, showing that all his pledges are worthless and all his oaths disregarded, so that he neglects all human and all divine obligations; and that he is denying two deposits at once; firstly, the deposit of him who entrusted his property to his care; and secondly, that of that most unerring and infallible witness who sees all the actions of all men, and hears all the words of all men, whether they are willing that he should do so or not.

But if the man who has received a deposit as a sacred thing thinks that he ought to keep it without fraud, duly honouring truth and good faith, but yet others who are always plotting against their neighbours' property, such as cutpurses or housebreakers, break in treacherously and

steal the deposit so entrusted, then he shall pay as a penalty double the value of what has been stolen by the thieves.

And if they are not taken, then the man who received the deposit shall go of his own accord before the divine tribunal, and stretching out his hands to heaven shall swear by his own life that he himself had no hand in the theft from any desire to appropriate what had been deposited with him, and that he did not voluntarily give it up to any one else; and that, moreover, he is not making a false statement of a robbery which has never taken Place. For it would be absurd to punish a man who has done no wrong, or for a man who had taken refuge in the assistance of a friend when he was being injured by others, now to become the cause of injury to that friend.

And deposits consist not only of inanimate things but also of animals: the danger of which last is twofold; first, that while they share in common with inanimate things in being liable to be stolen, and also one which is distinct and peculiar to themselves, that they are liable to die. We have hitherto been speaking only of the first kind of deposit, but we must now also explain the law about the second.

If now any cattle which have been entrusted as a deposit die, then he who has received the deposit shall send for him who committed it to him, and show him the matter, protecting himself from any evil suspicion; but if the depositor be absent, then it is not proper to send for any one else, whose notice perhaps the depositor might have been desirous to escape; but when the depositor returns home, his friend shall swear to him that he has not been concealing any unjust appropriation of the animals by a

false statement of their death.

And if any one receives anything not as a deposit, but because he has borrowed it to use, whether it is a vessel or an animal; then if he be robbed of it, whichever it may be, or if the animal die, while the man who lent it is living with the borrower, the borrower shall not be liable, as the owner himself can be brought as a witness that there is no false pretence in the business; but if the lender be not with him at the time, he shall pay the value.

Why so? because it is possible that the man who used the animal when the owner was not present may have either worn him out by continual labour so as to kill him, or may have worn out the vessel, from not taking any care of the property of another of which he ought to have been careful, and to have put it away, and not to have given thieves an easy opportunity of stealing it.

But as our lawgiver was acute beyond all other men at discerning the consequences of actions, he proceeds to enact a series of prohibitions, one after another, preserving a due connection between them, and taking care that his later commandments shall be consistent with his earlier ones. And with this harmonious connection of what was to be said by him, he tells us that he was divinely inspired by the person of God speaking to him in this manner: —

These injunctions are given with great beauty and very instructively; for the thief being convicted by his own conscience denies and speaks falsely, fearing the punishment which would ensue upon his confession. And he who denies an action seeks to attach the imputation to some

one else, bringing a false accusation appear probable; and every false accuser is at once a perjured man, thinking but little of piety, since he has not just proofs; on which account he has recourse to what is called the inartificial mode of proof, that by oaths, thinking that by the invocation of God he shall produce belief among those who hear him. But let such an one know that he is ungodly and impious, inasmuch as he is defiling that which by nature is undefiled, the good and holy name of God.

(ex 20:16.)

Chapter VIII

This is the ninth of the ten commandments, being the fourth in number of those in the second table; but one which is calculated to bestow ten thousand benefits on human life if it be kept, as, on the other hand, it may injure men in innumerable ways if it is neglected;

for the false accuser is to be blamed, but he who bears witness to what is false is more guilty still; for the one acts only from a desire to protect himself, but the other is wicked from his wish to co-operate with another in iniquity. And in the comparison of wicked men he who does wrong for his own sake is less unrighteous than he who does so for another.

And every judge looks with suspicion on an accuser, as likely to pay but little attention to truth for the sake of coming off in safety himself, on which account the accuser stands in need of a preface to beg the attention of the hearer while he is speaking; but if the judge has no prejudice against a witness on any personal grounds he

receives his evidence with a willing mind and open ears, while he is covering over those most excellent things, truth and good faith, which specious language. And the false witnesses use seductive words as a sportsman uses bait for the purpose of attaining the objects which he desires and aims at.

For which reasons, in many parts of his enactment of the law, he commands that we should not approve of any wicked man or Action. For any approbation of what is not virtuous is likely to lead to giving false evidence; since every one to whom iniquity is a disagreeable and hateful thing is a friend of truth.

Now there is no great wonder in a man's having connected himself with one wicked person, who has incited him to an action resembling his own character; but it is a sign of a noble soul, and of a disposition practised in manly resolutions not to follow a multitude to do evil, like a man borne down over a precipice by the collective force of a torrent.

For some people, among the multitude, think some things lawful and just, even though they be most flagitious, not judging correctly; for it is well to follow nature, but this impulse of the multitude is wholly at variance with the following of nature.

If, then, some persons, being assembled together in companies and numerous multitudes, attempt to make any innovations, one must not consent to them, since they are adulterating the ancient and approved coinage of the state; for one wise counsel is superior to many attempts, but

ignorance, in conjunction with numbers, is a great evil;

but some persons practise such an excess of wickedness that they not only accuse mortal men, but adhere and cling to their unrighteousness, so as even to raise their lies as high as heaven, and to bear their testimony against the blessed and happy nature of God. And by these men I mean soothsayers, and diviners, and augurs, and all other persons who practise what they call divination studying, an art without any art, if one must tell the plain truth, a mere bare imitation of the real inspiration and prophetic gift;

for a prophet does not utter anything whatever of his own, but is only an interpreter, another Being suggesting to him all that he utters, while he is speaking under inspiration, being in ignorance that his own reasoning powers are departed, and have quitted the citadel of his soul; while the divine spirit has entered in and taken up its abode there, and is operating upon all the organization of his voice, and making it sound to the distinct manifestation of all the prophecies which he is delivering.

But all those persons who pursue the spurious and pretended kind of prophecy are inverting the order of truth by conjectures and guesses, perverting sincerity, and easily influencing those who are of unstable dispositions, as a violent wind, when blowing in a contrary direction, tosses about and overturns vessels without ballast, preventing them from anchoring in the safe havens of truth. For such persons think proper to say whatever they conjecture, not as if they were things which they themselves had found out, but as if they were divine oracles revealed to themselves alone, for the more complete inducement of great and

numerous crowds to believe a deceit.

Such persons our lawgiver very appropriately calls false prophets, who adulterate the true prophecy, and overshadow what is genuine by their spurious devices; but in a very short time all their manoeuvres are detected, since nature does not choose to be always hidden, but, when a suitable opportunity offers, displays her own power with irresistible strength.

For as in the case of eclipses of the sun the rays which have, for a brief moment, been obscured, a short time afterwards shine forth again, exhibiting an unclouded and far-seen brilliancy without anything whatever coming over the sun at all, but one unalloyed blaze beaming forth from him in a serene sky; so also, even though some persons may deliver predictions, practising a lying art of prophecy, and disguising themselves under the specious name of prophetic inspiration, falsely taking the name of God in vain, they will be easily convicted. For, again, the truth will come forth and will beam forth, shedding around a most conspicuous light, so that the falsehood which has previously overshadowed it will disappear.

Moreover there also was an Excellent commandment that Moses gave when he ordained that the judge should “not receive the testimony of one Witness.” First of all, because it is possible that one person may without designing it have a false impression of a thing, or may be careless about it and therefore be deceived. For there are innumerable false opinions, which frequently arise from an innumerable variety of grounds;

and secondly, because it is most unjust to trust to one witness against many persons, or indeed against only one individual; in the first place, because many are more entitled to belief than one, since the one is not superior in number to many, and equality of number is inconsistent with any preponderance; for why should the judge trust a single witness, bearing testimony against another, rather than the defendant pleading in his own behalf? But, as it should seem, it is best to suspend one's opinion, where there is no deficiency and no excess to guide the judgment.

Chapter IX

The law thinks that all those who adhere to the sacred constitution, established by Moses, ought to be free from all unreasonable passions, and from all wickedness; and most especially ought all men to be so, who are either appointed by lot or elected to judge between others; for it is an absurdity for these men to be themselves liable to the imputation of error, who undertake to dispense justice to others, whom it becomes to give a faithful copy of the works of nature, presenting an accurate representation of a model picture;

for as the power of fire which disperses warmth to all other things which it reaches, was, long before doing so, warm as far as it was itself concerned, and as, on the contrary, the power of snow cools other things, by the fact of its being itself cooled previously, so also ought the judge to be full of pure unalloyed justice, if he is to irrigate all who come before him with justice, in order that from him, as from a sweet fountain, a wholesome spring may be afforded

to all who thirst for a dispensation of good law.

And this will be the case of any one who undertakes the office of a judge looks upon it as if he were at the same time judging and being judged himself, and when he takes up the pebble with which he is to give his vote, were at the same time to take up wisdom so as not to be deceived, and justice so as to dispense to each party what they deserve, and courage so as never to yield to supplications or to feelings of compassion, so as to diminish the punishment due to convicted offenders;

for the man who studies these virtues may reasonably be looked upon as a common benefactor, like a good pilot tranquillising the storms of affairs in such a manner as to secure the preservation and safety of those who have committed their interests to him.

Chapter X

In the first place the law enjoins the judge not to listen to vain Reports. Why is this? The law says, "My good man, let thy ears be purified." And they will be purified if they are continually washed out with a stream of virtuous language, never admitting the long, and false, and vain, and hackneyed protestations, so deserving to be ridiculed, of fabulists or vain babblers, or hyperbolical exaggerations, who make a great deal of things of no importance;

and this is what is meant by the injunction not to listen to vain reports, and also by another precept in some degree consistent with the former. For, says the lawgiver, he who attends to those who give evidence on hearsay is attending to vanity and not to sound reason because the eyes do

indeed dwell with the very things which are done, taking hold of them as one may say, and comprehending and seizing upon them in all their parts, the light co-operating with them, by means of which all things are illuminated and clearly proved; but the ears, as one of the philosophers of old has very truly said, are less trustworthy than the eyes, inasmuch as they are not themselves present at the transactions, but are attracted by words as the interpreter of facts, which are not always disposed to tell the truth;

for which reasons some of the lawgivers among the Greeks, having transcribed some of the laws from the two tables of Moses, appear to have established very wise regulations, forbidding any one to mention in his testimony anything that he has heard, on the ground that it is right to look upon what a man has seen as trustworthy, but on what he has heard as not in all respects certain.

Chapter XI

The second commandment given to a judge is not to receive gifts; for gifts, says the law, blind the eyes that see, and pervert justice, and do not permit the mind to travel along the level road which leads to righteousness;

and to receive bribes to aid in unjust actions is the action of very wicked men indeed; and even to do so for the purpose of furthering good objects is the conduct of persons who are half wicked; for there are some judges speciously disguised, half wicked, something between just and unjust, armed indeed in the cause of those who are injured, as their champions against those who injure them, but still not desirous to cause them to prevail, without deriving any

advantage to themselves from their victory, though they ought to prevail; but making their decision corrupt and mercenary.

Then, when any one blames them, they affirm that they have not perverted justice; for that those have been defeated who ought to have been defeated, and that those have gained their cause who ought to have got the better; alleging a most unworthy and false defence; for a righteous judge ought to exhibit two things, a judgment in strict accordance with the law, and incorruptibility; but he who is a judge for bribes, even though he decides justly, does without perceiving it defile a thing which is beautiful by nature.

Moreover, he also offends in two other points; in the first place, because he is accustoming himself to be covetous of money; which is the beginning of the very greatest iniquities; and secondly, because he is injuring the man whom he ought to benefit; by making him pay a price for justice;

on which account Moses has very instructively commanded, that the judge shall pursue what is righteous in a righteous manner; intimating under this figurative expression, that it is possible to do so in an unrighteous manner, because of those men who sell just and legal decisions for money, and only in the courts of justice, but everywhere in every part of land and sea, and I had almost said in all the transactions of life.

For instance, it has happened before now, that a man who has received a deposit of small value, has given it back

again when demanded, more by way of laying a snare for him who receives it back, than with any idea of serving him, in order that by showing good faith in things of small value as a bait he may cover over the look of his faithlessness in greater things, and such conduct is nothing else than pursuing justice in an unrighteous manner; for the restitution of what did not belong to him was just, but it was done in an unrighteous manner, inasmuch as it was only done as a bait to attract more.

And the cause of all such offences is principally the inclination to and the familiar habit of falsehood, which, from their very birth and swaddling clothes, their nurses and mothers, and all the whole multitude in the house, whether free-born persons or slaves, habituate them to and familiarise them with both by words and actions, adapting it to and uniting it with their souls, as a necessary part of them by nature, though, if it had in truth been implanted in them by nature, it would have been necessary to eradicate it by instilling good habits into them instead.

And what in life is there equally beautiful with truth, which the all-wise legislator erected in the most sacred place, in that part of the dress of the chief priest, where the dominant part of the soul lies, wishing to adorn it with the most beautiful and glorious of all ornaments? And next to truth he has placed power as akin to it, which he has in this case called manifestation, being the two images of the two kinds of speech which exist in us, the secret speech and the lettered speech, for the lettered speech requires manifestation, by which the secret thoughts in all our hearts are made known to our neighbour, but the secret speech

has need of truth for the perfection of life and actions, by means of which the road to happiness is found out.

Chapter XII

The third commandment given to a judge is to investigate the transactions themselves, in preference to showing any regard to the parties to the suit; and to attempt, in every imaginable manner, to separate himself from all respect of persons; constraining himself to an ignorance and forgetfulness of all those things of which he has any knowledge or recollection; such as relations, friends, countrymen or foreigners, enemies or hereditary connections, so that neither affection nor hatred may overshadow his knowledge of justice; for he must stumble like a blind man, who is advancing without a staff, and who has no one to guide him in whom he can rely firmly.

For which reason it is fitting that a righteous judge should have it even concealed from him who the parties to the suit are, and that he should look at the undisguised, simple nature of the transactions themselves; so as not to be liable to judge in accordance with random opinion, but according to real truth, and to be guided by such an opinion as this, that judgment is of God; and that the judge is the minister and steward of his judgment; and a steward is not allowed to give away the things of his master, as he has received as a pledge the most excellent of all the things which exist in human life, from the most excellent of all beings.

Chapter XIII

And in addition to what has already been said, there is another most admirable precept given which enjoins the judge “not to show pity upon the poor man in his Judgment.” While in other precepts the lawgiver has filled nearly the whole of the law with precepts of mercy and humanity, and has uttered great threats against arrogant and insolent men, and has proposed great rewards for those who endeavour to make amends for the misfortunes of their neighbours, and who look upon their superfluities not as their own exclusive possessions, but as the common property of every one in want;

for it was a felicitous and true saying of one of the wise men of old, that men never act in a manner more resembling the gods than when they are bestowing benefits; and what can be a greater good than for mortal men to imitate the everlasting God?

Let not then the rich man collect in his house vast quantities of silver and gold, and store them up, but let him bring them forward freely in order by his cheerful bounty to soften the hard condition of the poor; nor let any man be puffed up with vain glory, and raise himself and boast himself in pride and arrogance, but let a man rather honour equality, and allow freedom of speech to those of low estate. And let the man who enjoys vigour of body be the prop of those who are weaker, and let him not like the men at the gymnastic contests strive by every means to overthrow those who are inferior in strength, but let him be willing and eager to assist with his own power those who, as far as they themselves are concerned, are ready to faint.

For all those who have drunk deep of the fountains of wisdom, having banished envy entirely out of their minds, are of their own accord, and without any prompting, ready to undertake the assistance of their neighbours, pouring the streams of their words into their souls through their ears, so as to impart to them a participation in similar knowledge with themselves. And when they see young men of good dispositions springing up like flourishing and vigorous shoots of a vine, they rejoice, thinking that they have found proper inheritors for this wealth of their souls, which is the only real riches, and having taken them they cultivate their souls with doctrines and good meditations, until they arrive at full strength and maturity, so as to bring forth the fruit of excellence.

Many such ornaments as these are woven into and inserted among the laws, in order to enrich the poor on whom it is always proper to have compassion except at the time of giving judgment, for compassion is due to misfortunes; but he who behaves wickedly with deliberate purpose is not unfortunate but unrighteous,

and punishment is due to the unrighteous just as honours should be confirmed to the just, so that no wicked man who is in difficulties, and who conceals the truth, ought to escape punishment through the pity excited by his poverty, since he has done what deserves not pity (how should it?) but great anger. And let the man who undertakes the duty of a judge, like a skilful money-changer, divide and distinguish between the natures of things, in order that confusion may not be caused by the mixing together of what is good with what is spurious.

And there are many other things which may be said with respect to false witnesses and judges; but for the sake of avoiding prolixity we must proceed now to the last of the ten commandments, which is delivered also in a concise and summary form as each of the others is: and this commandment is, "Thou shalt not covet."

Chapter XIV

Every passion is open to and deserving of blame, inasmuch as every immoderate and violent impulse, and every irrational and unnatural emotion of the soul is also faulty and blameable, for what is either of these things but an ancient passion spread over a wider extent? If any one, therefore, does not set limits to these feelings, nor put a bridle on them as on restive horses, he will be afflicted by an evil difficult to remedy, and then, without being aware of it, he will, because of their unrestrainable character, be carried away by them, as a charioteer sometimes is by a chariot, and hurried into ravines and pits from which it is difficult to rise up, and very hard to escape with safety.

But of all the passions there is not one so grievous as a covetous desire of what one has not got, of things which are in appearance good, but not in reality; a desire which produces grievous anxieties which are hard to satisfy; for such a passion puts the reason to flight, and banishes it to a great distance, involving the soul in great difficulties, while the object which is desired flies away contemptuously, retreating not with its back but with its face to one;

for when a person perceives this passion of covetousness after having started up rapidly, then resting for a short

time, either with a view to spread out its alluring toils, or because it has learnt to entertain a hope of succeeding in its object, he then retires to a longer distance uttering reproaches against it; but the passion itself, being left behind and coming too late to succeed, struggles, bearing a Tantalus-like punishment in its miserable future; for it is said that Tantalus, when he desired to obtain any liquor to drink, was not able to do so, as the water retreated from his lips, (the story of Tantalus is told in Homer, *Od.* 11.581 (as it is translated by Pope)— “There Tantalus along the Stygian bounds, / Pours out deep groans (with groans all hell resounds); / Ev’n in the circling floods refreshment craves, / And pines with thirst among a sea of waves; / When to the water he his lip applies, / Back from his lip the treacherous water flies. / Above, beneath, around his hapless head, / Trees of all kinds delicious fruitage spread; / There figs, sky-dyed, a purple hue disclose, / Green looks the olive, the pomegranate glows; / There dangling pears exalting scents unfold, / And yellow apples ripen into gold. / The first he strives to seize; but blasts arise, / Toss it on high, and whirl it to the skies.”) and if he wished to gather any fruit, it all disappeared, the productiveness of the trees becoming suddenly barren;

for as those implacable and inexorable mistresses of the body, thirst and hunger, do very often strain it more, or at all events not less, than those unhappy persons are strained who are racked by the torture even to death, unless when they have become violent some one appeases them with meat and drink; in like manner, covetous desire, having first rendered the soul empty through its forgetfulness of what is present and its recollection of what is removed to a great

distance, fills it with impetuosity and madness, and introduces into it masters worse than even its former tyrants, but having the same names with them, namely, hunger and thirst, not, however, now of those things which conduce to the enjoyment of the belly, but of money, and glory, and authority, and beauty, and of innumerable other things which appear to be objects of desire and contention in human life.

And as the disease which the physicians call the herpes, (so called from herpop, "to creep.") does not stop in one part of the body, but moves about and overruns the skin, and, as its name shows, creeps about (dierpei), and becomes diffused in every direction, and spreading widely seizes hold of and infects with its contact the whole combination of the different parts of the body from the head to the feet, so in the same manner does covetous desire spread over the whole soul, and leave not even the smallest portion of it free from its inroads, imitating the power of fire when supplied with abundant fuel, for that spreads and burns away till it has devoured and destroyed everything with which it meets.

Chapter XV

So great and so excessive an evil is covetous desire; or rather, if I am to speak the plain truth concerning it, it is the source of all evils. For from what other source do all the thefts, and acts of rapine, and repudiation of debt, and all false accusations, and acts of insolence, and, moreover, all ravishments, and adulteries, and murders, and, in short, all mischiefs, whether private or public, or sacred or profane,

take their rise?

For most truly may covetous desire be said to be the original passion which is at the bottom of all these mischiefs, of which love is one and the most significant offspring, which has not once but many times filled the whole world with indescribable evils; which even the whole circumference of the world has not been large enough to contain, but out of their vast number they, as if carried on by the impetuosity of a torrent, have fallen into the sea, and all seas in every region have been filled with hostile fleets. It is owing to this passion that all the terrible evils which are caused by naval wars have happened; and, coming upon all continents and all islands together, have thrown them into confusion, spreading everywhere and returning in their own steps like the warriors in the diaulos, (the diaulos was the race in which the runners ran to the goal and back to the starting post.) or like the ebb and flow of the tides of the sea, returning to the point from which they originally set out.

And by looking at it in this manner we shall more clearly perceive the power of this passion. Everything which covetous desire lays hold of is by it changed for the worse, like poisonous serpents or deadly poisons. Now what is it that I mean when I say this?

If this passion is directed towards money, it makes thieves, and cut-purses, and clothesstealers, and house-breakers, and taints men with the guilt of the repudiation of debts, of the denial of deposits, of bribery and sacrilege, and all such iniquities as those.

If it is directed towards glory, it makes men insolent, overbearing, fickle, and unstable in their dispositions, depending wholly on what is said to them and on what they hear, at the same time humbled and elated by reason of the variety and inconstancy of the multitudes who praise and blame them with inconsiderate impetuosity, inconsiderate in their enmity and in their friendship, so as easily to change from one to the other, and fills them with all sorts of humours akin to and resembling these.

Again, if the desire takes the direction of wishing for authority and power, it renders men's natures seditious, unequal, and tyrannical, it makes them cruel and inhuman enemies of their native countries, implacable masters unable to restrain themselves, irreconcilable forces to all who are equal to themselves in might, flatterers of those who are more powerful than themselves, in order to be able to attack them treacherously. If what is desired is beauty of person, it makes men seducers, ravishers, adulterers, paederasts, practisers of licentiousness and incontinence, it teaches them to regard the greatest evils as the most fortunate of blessings. This passion, also, when it extends to the tongue, often causes innumerable evils;

for some persons desire either to be silent about what ought to be mentioned, or to mention what ought to be buried in silence, and avenging justice pursues them if they reveal things improperly, or, on the contrary, if they are unseasonably silent.

When it affects the parts about the belly it makes men gluttonous, insatiable, intemperate, debauched, admirers of a profligate life, delighting in drunkenness, and epicurism,

slaves to strong wine, and fish, and meat, pursuers of feasts and tables, wallowing like greedy dogs; owing to all which things their lives are rendered miserable and accursed, and they are reduced to an existence more grievous than any death.

For this reason those who have tasted deeply of philosophy, not merely with their lips, but feasting thoroughly on its profound doctrines, investigating the nature of the soul, and comprehending its threefold character, and how it is divided into reason, and anger, and appetite, have attributed the chief post to reason as the principal authority, assigning to it the head as its most appropriate abode, where also the company of the outward senses, who are always present as the body-guards of the mind as their king, are stationed;

and assigning the breast as the abode of anger, partly in order that the man, being, like a soldier, armed with this as with a breastplate, so that, even if it be not utterly free from all injury, it may, at least, be difficult to subdue, and partly in order that, dwelling near the mind, it may be benefited by its neighbour, who charms it by its wisdom, and who renders the passions gentle and manageable; and to appetite they assign the place around the navel, and to that part which is called the diaphragm.

For it was proper that that, as having the smallest participation in reason, should be removed as far as possible from the palace of the mind and located almost at the very extremities; and that which is the most insatiable and the most intemperate of all, the passions, should be confined to the pastures of cattle, where they can find food

and opportunities for the propagation of their species.

Chapter XVI

And the most holy Moses appears to me to have had a regard to all these circumstances, and on that account to have commanded that men should discard this passion, detesting it as the most disgraceful thing and the cause of most disgraceful actions; and, therefore, to have prohibited it above all other feelings as an engine for the destruction of the soul; but if that engine is destroyed and the soul brought back to its obedience, to the guidance of reason, the man will become entirely filled with peace and obedience to law and all sorts of perfect good things, so as to produce complete happiness.

But as he was fond of brevity and accustomed to cut short things which were inclined to be countless in point of number, by a mode of teaching which was confined to general instances, he begins to admonish and to correct one appetite, that which is concerned about the belly; conceiving that the other appetites will not be equally restive, but will be brought to order by learning that the most important and authoritative of the whole has become obedient to the laws of moderation.

What, then, is the lesson which he gives us about this origin of all vices? There are two things of a most comprehensive nature, meat and drink. He, then, has not left either of them unrestrained, but has bridled them with especial commands most calculated to lead them to temperance and to humanity, and to the greatest of all virtues, piety;

for he commanded men to offer first fruits of corn, and wine, and oil, and cattle, and other things; and to distribute the first fruits among the sacrificers and the priests; among the sacrificers because of the gratitude due to God for the abundance and fertility of all things, and to the priests because of their sacred ministrations about the temple, and therefore they were worthy to receive wages for their services in respect of the sacred Ceremonies.

And he utterly forbids any one to taste of anything, or to take any portion of anything, before separating off the first fruits, wishing also by this injunction to inculcate the practice of most useful temperance; for he who has learnt not to throw himself greedily on all the abundance which the seasons of the year have brought, but to wait till the first fruits are consecrated, is likely to be able to restrain the restive obstinacy of the passions, making them gentle and manageable.

Chapter XVII

Moreover, Moses has not granted an unlimited possession and use of all other animals to those who partake in his sacred constitution, but he has forbidden with all his might all animals, whether of the land, or of the water, or that fly through the air, which are most fleshy and fat, and calculated to excite treacherous pleasure, well knowing that such, attracting as with a bait that most slavish of all the outward senses, namely, taste, produce insatiability, an incurable evil to both souls and bodies, for insatiability produces indigestion, which is the origin and source of all diseases and weaknesses.

Now of land animals, the swine is confessed to be the nicest of all meats by those who eat it, and of all aquatic animals the most delicate are the fish which have no scales; and Moses is above all other men skilful in training and inuring persons of a good natural disposition to the practice of virtue by frugality and abstinence, endeavouring to remove costly luxury from their characters,

at the same time not approving of unnecessary rigour, like the lawgiver of Lacedaemon, nor undue effeminacy, like the man who taught the Ionians and the Sybarites lessons of luxury and license, but keeping a middle path between the two courses, so that he has relaxed what was over strict, and tightened what was too loose, mingling the excesses which are found at each extremity with moderation, which lies between the two, so as to produce an irreproachable harmony and consistency of life, on which account he has laid down not carelessly, but with minute particularity, what we are to use and what to avoid.

One might very likely suppose it to be just that those beasts which feed upon human flesh should receive at the hands of men similar treatment to that which they inflict on men, but Moses has ordained that we should abstain from the enjoyment of all such things, and with a due consideration of what is becoming to the gentle soul, he proposes a most gentle and most pleasant banquet; for though it is proper that those who inflict evils should suffer similar calamities themselves, yet it may not be becoming to those whom they ill treated to retaliate, lest without being aware of it they become brutalized by anger, which is a savage passion;

and he takes such care to guard against this, that being desirous to banish as far as possible all desire for those animals abovementioned, he forbids with all his energy the eating of any carnivorous animal at all, selecting the herbivorous animals out of those kinds which are domesticated, since they are tame by nature, feeding on that gentle food which is supplied by the earth, and having no disposition to plot evil against anything.

Chapter XVIII

The animals which are clean and lawful to be used as food are ten in number; the heifer, the lamb, the goat, the stag, the antelope, the buffalo, the roebuck, the pygarga, the wildox, and the chamois, for he always adheres to that arithmetical subtilty which, as he originally devised it with the minutest accuracy possible, he extends to all existing things, so that he establishes no ordinances, whether important or unimportant, without taking and as it were adapting this number to it as closely connected with the regulations which he is ordaining. Now of all the numbers beginning from the unit, the most perfect is the number ten, and as Moses says, it is the most sacred of all and a holy number, and by it he now limits the races of animals that are clean, wishing to assign the use of them to all those who partake of the constitution which he is establishing.

And he gives two tests and criteria of the ten animals thus Enumerated by two signs, first, that they must part the hoof, secondly, that they must chew the cud; for those which do neither, or only one of these things, are unclean. And these signs are both of them symbols of instruction and

of the most scientific learning, by which the better is separated from the worse, so that all confusion between them is prevented;

for as the animal which chews the cud, while it is masticating its food draws it down its throat, and then by slow degrees kneads and softens it, and then after this process again sends it down into the belly, in the same manner the man who is being instructed, having received the doctrines and speculations of wisdom in at his ears from his instructor, derives a considerable amount of learning from him, but still is not able to hold it firmly and to embrace it all at once, until he has resolved over in his mind everything which he has heard by the continued exercise of his memory (and this exercise of memory is the cement which connects ideas), and then he impresses the image of it all firmly on his soul.

But as it seems the firm conception of such ideas is of no advantage to him unless he is able to discriminate between and to distinguish which of contrary things it is right to choose and which to avoid, of which the parting of the hoof is the symbol; since the course of life is twofold, the one road leading to wickedness and the other to virtue, and since we ought to renounce the one and never to forsake the other.

Chapter XIX

For this reason all animals with solid hoofs, and all with many toes are spoken of by implication as unclean; the one because, being so, they imply that the nature of good and evil is one and the same; which is just as if one were to say

that the nature of a concave and a convex surface, or of a road up hill and down hill, was the same. And the other, because it shows that there are many roads, though, indeed, they have no right to be called roads at all, which lead the life of man to deceit; for it is not easy among a variety of paths to choose that which is the most desirable and the most excellent.

Chapter XX

Having laid down these definitions with respect to land animals, he proceeds to describe what aquatic creatures are clean and lawful to be used for food; distinguishing them also by two characteristics as having fins or Scales. For those which have neither one nor the other, and those which have only one of the two, he rejects and Prohibits. And he must state the cause, which is not destitute of sense and propriety;

for all those creatures which are destitute of both, or even of one of the two, are sucked down by the current, not being able to resist the force of the stream; but those which have both these characteristics can stem the water, and oppose it in front, and strive against it as against an adversary, and struggle with invincible good will and courage, so that if they are pushed they push in their turn; and if they are pursued they turn upon their foe and pursue it in their turn, making themselves broad roads in a pathless district, so as to have an easy passage to and fro.

Now both these things are symbols; the former of a soul devoted to pleasure, and the latter of one which loves perseverance and temperance. For the road which leads to

pleasure is a down-hill one and very easy, being rather an absorbing gulf than a path. But the path which leads to temperance is up hill and laborious, but above all other roads advantageous. And the one leads men downwards, and prevents those who travel by it from retracing their steps until they have arrived at the very lowest bottom, but the other leads to heaven; making those who do not weary before they reach it immortal, if they are only able to endure its rugged and difficult ascent.

(LE 11:20.)

Chapter XXI

And adhering to the same general idea the lawgiver asserts that those reptiles which have no feet, and which crawl onwards, dragging themselves along the ground on their bellies, or those which have four legs, or many feet, are all unclean as far as regards their being eaten. And here, again, when he mentions reptiles he intimates under a figurative form of expression those who are devoted to their bellies, gorging themselves like cormorants, and who are continually offering up tribute to their miserable belly, tribute, that is, of strong wine, and confections, and fish, and, in short, all the superfluous delicacies which the skill and labour of bakers and confectioners are able to devise, inventing all sorts of rare viands, to stimulate and set on fire the insatiable and unappeasable appetites of man. And when he speaks of animals with four legs and many feet, he intends to designate the miserable slaves not of one single passion, appetite, but of all the passions; the genera of which were four in number; but in their subordinate species

they are innumerable. Therefore, the despotism of one is very grievous, but that of many is most terrible, and as it seems intolerable.

Again, in the case of those reptiles who have legs above their feet, so that they are able to take leaps from the ground, those Moses speaks of as clean; as, for instance, the different kinds of locusts, and that animal called the serpentfighter, here again intimating by figurative expressions the manners and habits of the rational soul. For the weight of the body being naturally heavy, drags down with it those who are but of small wisdom, strangling it and pressing it down by the weight of the flesh.

But blessed are they to whose lot it has fallen, inasmuch as they have been well and solidly instructed in the rules of sound education, to resist successfully the power of mere strength, so as to be able, by reason of what they have learnt, to spring up from the earth and all low things, to the air and the periodical revolutions of the heaven, the very sight of which is to be admired and earnestly striven for by those who come to it of their own accord with no indolence or indifference.

(LE 11:10.)

Chapter XXII

Having, therefore, in his ordinances already gone through all the different kinds of land animals and of those who live in the water, and having distinguished them in his code of laws as accurately as it was possible, Moses begins to investigate the remaining class of animals in the air; the innumerable kinds of flying creatures, rejecting all those

which prey upon one another or upon man, all carnivorous birds, in short, all animals which are venomous, and all which have any power of plotting against others.

But doves, and pigeons, and turtle-doves, and all the flocks of cranes, and geese, and birds of that kind, he numbers in the class of domestic, and tame, and eatable creatures, allowing every one who chooses to partake of them with impunity.

Thus, in each of the parts of the universe, earth, water, and air, he refuses some kinds of each description of animal, whether terrestrial, or aquatic, or a'rial, to our use; and thus, taking as it were fuel from the fire, he causes the extinction of appetite.

Chapter XXIII

Moreover, Moses Commands that no man shall take of any dead carcass, or of any body which has been torn by wild beasts; partly because it is not fitting that man should share a feast with untameable beasts, so as to become almost a fellow reveller in their carnivorous festivals; and partly because perhaps it is injurious and likely to cause disease if the juice of the dead body becomes mingled with the blood, and perhaps, also, because it is proper to preserve that which has been pre-occupied and seized beforehand by death untouched, having a respect to the necessities of nature by which it has been seized.

Now many of the lawgivers both among the Greeks and barbarians, praise those who are skilful in hunting, and who seldom fail in their pursuit or miss their aim, and who pride themselves on their successful hunts, especially when they

divide the limbs of the animals which they have caught with the huntsmen and the hounds, as being not only brave hunters but men of very sociable dispositions. But any one who was a sound interpreter of the sacred constitution and code of laws would very naturally blame them, since the lawgiver of that code has expressly forbidden any enjoyment of carcasses or of bodies torn by beasts for the reasons before mentioned.

But if any one of those persons who devote themselves wholly to meditations on and to the practice of virtue were suddenly to become fond of gymnastic exercises and of hunting, looking upon hunting as a sort of prelude to and representation of the wars and dangers that have to be encountered against the enemy, then, whenever such a man is successful in his sport, he ought to give the beasts which he has slain to his dogs as a feast for them, and as a reward or wages for their successful boldness and their irreproachable alliance. But he ought not himself to touch them, inasmuch as he has been previously taught in the case of irrational animals, what sentiments he ought to entertain, respecting his enemies. For he ought to carry on war against them, not for the sake of unrighteous gain like those who make a dishonest traffic of all their actions, but either in revenge for some calamities which he has previously suffered at their hands, or with a view toward some which he expects to suffer.

But some men, with open mouths, carry even the excessive luxury and boundless intemperance of Sardanapalus to such an indefinite and unlimited extent, being wholly absorbed in the invention of senseless

pleasures, that they prepare sacrifices which ought never be offered, strangling their victims, and stifling the essence of life, which they ought to let depart free and unrestrained, burying the blood, as it were, in the body. For it ought to have been sufficient for them to enjoy the flesh by itself, without touching any of those parts which have an connection with the soul or life.

On which account Moses, in another passage, establishes a law concerning blood, that one may not eat the blood nor the Fat. The blood, for the reason which I have already mentioned, that it is the essence of the life; not of the mental and rational life, but of that which exists in accordance with the outward senses, to which it is owing that both we and irrational animals also have a common existence.

But Moses commanded men to abstain from eating fat, because it is gross. And again, he gave us this injunction, in order to inculcate temperance and a zeal for an austere life: for some things we easily abandon, and without any hesitation; though we do not willingly encounter any anxieties or labours for the sake of the acquisition of virtue.

For which reason these two parts are to be taken out of every victim and burnt with fire, as a kind of first fruits, namely, the fat and the blood; the one being poured upon the altar as a libation; and the other as a fuel to the flame, being applied instead of oil, by reason of its fatness, to the consecrated and holy flame.

The lawgiver blames some persons of his time as gluttons, and as believing that the mere indulgence of luxury is the

happiest of all possible conditions, not being content to live in this manner only in cities in which there were abundant supplies and stores of all kinds of necessary things, but carrying their effeminacy even into pathless and untrodden deserts, and choosing in them also to have markets for fish and meat, and all things which can contribute to an easy life:

then, when a scarcity arose, they assembled together and raised an outcry, and looked miserable, and with shameless audacity impeached their ruler, and did not desist from creating disturbances till they obtained what they desired; and they obtained it to their destruction, for two reasons: first of all, that it might be shown that all things are possible to God, who can find a way in the most difficult and apparently hopeless circumstances; and secondly, that punishment might fall on those who were intemperate in their gluttonous appetites, and obstinate resisters of holiness.

For a vast cloud being Raised out of the sea showered down quails about the time of sunrise, and the camp and all the district around it for a day's journey for a well-girt active man was overshadowed all about with the Birds. And the height of the flight of the birds was distant from the ground a height of about two cubits, in order that they might be easily caught.

It would have been natural therefore for them, being amazed at the marvellous nature of the prodigy which they beheld, to be satisfied with the sight, and being filled with piety to nourish their souls on that, and to abstain from eating flesh; but these men, on the contrary, stirred up their

desires even more than before, and pursued these birds as the greatest good imaginable, and catching hold of them with both their hands filled their bosoms; then, having stored them up in their tents, they sallied forth to catch others, for immoderate covetousness has no limit. And when they had collected every description of food they devoured it insatiably, being about, vain-minded generation that they were, to perish by their own fulness;

and indeed at no distant time they did perish by the purging of their bile, so that the place itself derived its name from the calamity which fell upon them, for it was called the graves of their lust, (see Nu 11:34: "And he called the name of that place Kibroth-hattaavah, because there they buried the people that lusted.") than which there is not in the soul, as the scripture teaches, us, any greater evil.

For which reason Moses says with great beauty in his recommendations, "Let not every man do that which seemeth good to his own Eyes," which is equivalent to saying, let not any one gratify his own desire, but let each person seek to please God, and the world, and nature, and wise men, repudiating self-love, if he would become a good and virtuous man.

Chapter XXV

This may be sufficient to say, being in fact all that I am able to advance, about the laws which bear on appetite and desire by way of filling up the whole body of the ten commandments, and of the subordinate injunctions contained in them; for if we are to look upon the brief heads which were oracularly delivered by the voice of God, as the

generic laws, and all the particular ordinances which Moses subsequently interpreted and added as the special laws; then there is need of great care and skill in order to preserve the arrangement unconfused in order to an accurate comprehension of it, and I therefore have taken great care, and have assigned and apportioned to each of these generic laws of the whole code all that properly belonged to it.

But enough of this. We must however not remain ignorant that as separately there are some particular injunctions related to each one of the ten generic commandments, which have nothing in common with any one of the others; so also there are some things to be observed which are common to the whole, being adapted not to one or two, as people say, but to the whole ten commandments.

And I mean by this those virtues which are of common utility, for each one of these ten laws separately, and all of them together, train men and encourage them to prudence, and justice, and piety, towards God and all the rest of the company of virtues, connecting sound words with good intentions, and virtuous actions with wise language, that so the organ of the soul may be wholly and entirely held together in a good and harmonious manner so as to produce a well-regulated and faultless innocence and consistency of life.

We have spoken before of that queen of all the virtues, piety and holiness, and also of prudence and moderation; we must now proceed to speak of justice which is conversant about subjects which are akin and nearly related to Them.(yonge's translation includes a separate treatise

title at this point: On Justice. The publisher has elected to follow the Loeb numbering.)

Chapter XXVI

One portion of justice, and that not an unimportant one, relates to courts of justice and to the judge, which indeed I have mentioned before, when I was going through the subject of testimony, and dwelling on it at some length, in order that nothing which belonged to the subject should be omitted; and as I am not fond of repetitions, unless indeed some necessity arising from the imperious character of the occasion compels me to it, I will pass that part of the subject over now, and will turn my attention to the other portions, having just said thus much as a preface.

The law says, it is proper to lay up justice in one's heart, and to fasten it as a sign upon one's head, and as frontlets before one's eyes, figuratively intimating by the former expression that one ought to commit the precepts of justice, not to one's ears, which are not trustworthy, for there is no credit due to the ears, but to that most important and dominant part, stamping and impressing them on the most excellent of all offerings, a well approved seal;

and by the second expression, that it is necessary not only to form proper conceptions of what is right, but also to do what one has decided upon as proper without delay. For the hand is the symbol of actions, to which Moses here commands the people to attach and fasten justice, saying, that it shall be a sign, of what indeed he has not expressly stated, because it is not a sign as I conceive of one particular thing, but of many, and, I may almost say, of

everything with which the life of man is concerned.

And by the third expression, he implies that justice is discerned everywhere as being close to the eyes. Moreover he says that, these things must have a certain motion; not one that shall be light and unsteady, but such as by its agitation may rouse the sight to the spectacle manifest before it; for motion is calculated to attract the sight, inasmuch as it excites and rouses it; of, I might rather say, inasmuch as it renders the eyes awake and sleepless.

But the man to whom it happens to represent to the eyes of his mind things which are not quiet but which are in motion, and exerting energies in accordance with nature, is entitled to be set down as a perfect man, and no longer to be reckoned among learners and pupils, but among teachers and instructors; and he ought to allow all the young men who are desirous to do so, to drink of his wisdom as of an abundant stream flowing from a living fountain of lessons and Doctrines. And if there is any one who, out of modesty, is wanting of courage, and therefore delays, and is slow to approach him for the purpose of learning, let him go to him of his own accord, and pour into his ears a collection of admonitions, until the channels of his soul are filled with them.

And let him instruct in the principles of justice all his relatives and friends, and all young men, at home and on the road, and when they are going to bed, and when they rise up; that in all their positions, and in all their motions, and in all places whether private or public, not only waking, but also while asleep, they may be delighted with the image and conception of justice. For there is no delight more

exquisite than that which proceeds from the whole soul being entirely filled with justice, while devoted to the study of its everlasting doctrines and meditations, so that it has no vacant place at which injustice can effect an entrance.

Moreover, he ordains that those who have written out these things should afterwards affix them to every house belonging to a friend, and to the gates which are in their walls; that all people, whether coming in or going out, whether citizens or strangers, reading the writing thus fixed on pillars before the gates, may have an unceasing recollection of all that ought to be said or that ought to be done; and that every one may take care neither to do nor to suffer injury; and that all persons, whether going into their houses or going out of them, men and women, children and servants, may do all that is proper and becoming to one another and to themselves.

Chapter XXVII

The lawgiver also gives this most admirable injunction, that one must not add anything to, or take anything away from the law, but that it is a duty to keep all the ordinances as originally established in an equal and similar state to that in which they were at first delivered without alteration; for, as it seems, there might otherwise be an addition of what is unjust; for there is nothing which has been omitted by the wise lawgiver which can enable a man to partake of entire and perfect justice.

Moreover, by this command Moses intimates the perfection of all other virtue; for each separate virtue is free from all deficiency, and is complete, deriving its perfection

from itself; so that if there were any addition thereto, or anything taken away therefrom, it would be utterly and entirely changed and altered, so as to assume a contrary character.

What I meant to say is this, all who are profoundly ignorant and uninstructed, all who have the very slightest smattering of education, know that courage is a virtue which is conversant about terrible objects; is a science teaching one what he ought to endure and dare.

But if any one, under the influence of that ignorance which proceeds from insolence, should be so superfluous as to fancy himself capable of correcting that which requires no correction, and should consequently venture to add anything or take away anything, he, by so doing, is altering the whole appearance of the thing, changing that which had a good character into unseemliness; for by any addition to courage he will produce audacity, but if he takes anything away from it he will produce cowardice, not leaving even the name of courage, that most useful of all virtues to life.

In the same manner, if any one makes an addition, be it ever so small, or ever so great, to that queen of the virtues, piety, or if he takes anything away from it, he will change and metamorphose its whole appearance, and make it something quite different; for any addition will engender superstition, and any diminution will produce impiety, real piety itself wholly disappearing under the operation, which every one should pray for, that it may be continually conspicuous and brilliant, since it is the cause of the greatest of all blessings, inasmuch as it produces a knowledge of the service of God, which one ought to look

upon as more important and more precious than any dominion or authority.

And we may give instances of every other virtue resembling what we have said about these just mentioned; but since I am in the habit of avoiding prolixity, I will be satisfied with what has been stated, which may be a sufficient guide to what might be said respecting these virtues which we omit to mention.

Chapter XXVIII

There is also this commandment ordained which is of great common utility, that, "Thou shalt not move thy neighbours' landmarks which the former men have set Up."(deuteronomy 19:14.) And this injunction is given, as it seems, not only with respect to inheritances, and to the boundaries of the land, in order to prohibit covetousness respecting them, but also as a guard to ancient customs; for customs are unwritten laws, being the doctrines of men of old, not engraved on pillars or written on paper which may be eaten by moths, but impressed in the souls of those living under the same constitution.

For the children ought to inherit from the father of their being the national customs in which they have been brought up, and in which they have lived from their cradle, and not to despise them merely because they are handed down without being written. For the man who obeys the written laws is not justly entitled to any praise, inasmuch as he is influenced by compulsion and the fear of punishment. But he who abides by the unwritten laws is worthy of praise, as exhibiting a spontaneous and unconstrained Virtue.(yonge's

translation includes a separate treatise title at this point: On the Creation of Magistrates. Accordingly, his next paragraph begins with roman numeral I (= XXIX in the Loeb). Yonge's "treatise" concludes with number XIV (= XLII in the Loeb). The publisher has elected to follow the Loeb numbering.)

Chapter XXIX

Some persons have contended that all magistracies ought to have the officers appointed to them by lot; which however is a mode of proceeding not advantageous for the multitude, for the casting of lots shows good fortune, but not virtue; at all events many unworthy persons have often obtained office by such means, men whom, if a good man had the supreme authority, he would not permit to be reckoned even among his subjects:

for even those who are called lesser rulers by some persons, those whom men entitled masters, do not admit every one whom they can possibly find to be their servants, whether born in the house or bought with money; but they will only take those who are obedient, and at times they sell all those of incurably bad dispositions in a lot, as not being worthy to be the slaves of good men.

Therefore it is not right to make men masters and rulers of entire cities and nations, who obtain those places by lot, which is a sort of blunder on the part of fortune, which is an unstable and fickle thing. Beyond all question, casting of lots can have no connection with ability to attend upon the sick; for physicians do not obtain their employments by lot, but because their experience is approved of;

again, with reference to the successful voyage and safety of men at sea, it is not any man who may obtain the office of pilot by lot, who is sent at once to the stern to steer the vessel, and who then by his ignorance may cause a needless wreck in calm and tranquil weather, but that person has that charge given to him who, from his earliest youth, appears to have learnt and carefully studied the business of a pilot; this is a man who has made many voyages, and who has traversed every sea, or at all events most seas, and who has carefully ascertained the character of all the marts, and harbours, and anchorages, and places of refuge in the different islands and continents, and who is still better, or at all events not worse acquainted with the tracks over the sea, than he is with the roads on land, through his accurate observation of the heavenly bodies;

for having remarked the various motions of the stars, and having followed and being guided by their regular revolutions, he has learnt to be able to make out for himself an unerring and easy path through the pathless waste of waters, so that (what seems the most incredible of all things), beings whose nature it is to live on the land are able to traverse the sea which can only be crossed by sailing.

And if any one should be about to undertake the government or regulation of large and populous cities, full of inhabitants, and should attempt to settle the constitution of such, and should undertake the superintendence of private, and public, and sacred affairs, a task which any one may rightly call the art of arts, and the science of sciences, he would not trust to the uncertain chances of time, passing over the accurate and trustworthy test of truth; and the test

of truth is proof combined with reason.

Chapter XXX

The all-wise Moses seeing this by the power of his own soul, makes no mention of any authority being assigned by lot, but he has chosen to direct that all offices shall be elected to; therefore he says, "Thou shalt not appoint a stranger to be a ruler over thee, but one of thine own Brethren," implying that the appointment is to be a voluntary choice, and an irreproachable selection of a ruler, whom the whole multitude with one accord shall choose; and God himself will add his vote on favour of, and set his seal to ratify such an election, that being who is the confirmer of all advantageous things, looking upon the man so chosen as the flower of his race, just as the sight is the best thing in the body.

Chapter XXXI

And Moses gives also two reasons, on account of which it is not proper for strangers to be elected to situations of authority; in the first place, that they may not amass a quantity of silver, and gold, and flocks, and raise great and iniquitously earned riches for themselves, out of the poverty of those who are subjected to them; and secondly, that they may not make the nation quit their ancient abodes to gratify their own covetous desires, and so compel them to emigrate, and to wander about to and fro in interminable wanderings, suggesting to them hopes of the acquisition of greater blessings, which shall never be fulfilled, by which they come to lose those advantages of which they were in the secure enjoyment.

For our lawgiver was aware beforehand, as was natural that one who was a countryman and a relation, and who had also an especial share in the sublimest relationship of all, (and that sublimest of relationships is one constitution and the same law, and one God whose chosen nation is a peculiar people); so that he would never offend in any manner similar to those which I have been mentioning, but, on the other hand, instead of causing the inhabitants to quit their abodes, he would be likely even to afford a safe return to such of his countrymen as were dispersed in a foreign land; and instead of taking away the property of others, he would even give his own property to those who were in need of it, making his own wealth common.

Chapter XXXII

And from the first day on which any one enters upon his office, he orders that he shall write out a copy of the book of the Law with his own hand, which shall supply him with a summary and concise image of all the laws, because he wishes that all the ordinances which are laid down in it shall be firmly fixed in his soul; for while a man is reading the notions of what he is reading fleet away, being carried off by the rapidity of his utterance; but if he is writing they are stamped upon his heart at leisure, and they take up their abode in the heart of each individual as his mind dwells upon each particular, and settles itself to the contemplation of it, and does not depart to any other object, till it has taken a firm hold of that which was previously submitted to it.

When therefore he is writing, let him take care, every day, to read and study what he has written, both in order that he may thus attain to a continual and unchangeable recollection of these commands which are virtuous and expedient for all men to observe, and also that a firm love of and desire for them may be implanted in him, by reason of his soul being continually taught and accustomed to apply itself to the study and observance of the sacred laws. For familiarity, which has been engendered by long acquaintance, engenders a sincere and pure friendship, not only towards men, but even also towards such branches of learning as are worthy to be loved;

and this will take place if the ruler studies not the writings and memorials of some one else but those which he himself has written out; for his own works are, in a certain degree, more easily to be understood by each individual, and they are also more easily to be comprehended;

and besides that a man, while he is reading them, will have such considerations in his mind as these: "I wrote all this; I who am a ruler of such great power, without employing any one else as my scribe, though I had innumerable servants. Did I do all this, in order to fill up a volume, like those who copy out books for hire, or like men who practise their eyes and their hands, training the one to acuteness of sight, and the others to rapidity of writing? Why should I have done this? That was not the case; I did it in order that after I had recorded these things in a book, I might at once proceed to impress them on my heart, and that I might stamp upon my intellect their divine and indelible characters:

other kings bear sceptres in their hands, and sit upon thrones in royal state, but my sceptre shall be the book of the copy of the law; that shall be my boast and my incontestible glory, the signal of my irreproachable sovereignty, created after the image and model of the archetypal royal power of God.

“And by always relying upon and supporting myself in the scared laws, I shall acquire the most excellent things. In the first place equality, than which it is not possible to discern any greater blessing, for insolence and excessive haughtiness are the signs of a narrow-minded soul, which does not foresee the future.

“Equality, therefore, will win me good will from all who are subject to my power, and safety inasmuch as they will bestow on me a just requital for by kindness; but inequality will bring upon me terrible dangers, and these I shall escape by hating inequality, the purveyor of darkness and wars; and my life will be in no danger of being plotted against, because I honour equality, which has no connection with seditions, but which is the parent of light and stability.

Moreover, I shall gain another advantage, namely, that I shall not sway this way and that way, like the dishes in a scale, in consequence of perverting and distorting the commandments laid down for my guidance. But I shall endeavour to keep them, going through the middle of the plain road, keeping my own steps straight and upright, in order that I may attain to a life free from error or misfortune.”

And Moses was accustomed to call the middle road the royal one, inasmuch as it lay between excess and deficiency; and besides, more especially, because in the number three the centre occupies the most important place, uniting the extremities on either side by an indissoluble chain, it being attended by these extremities as its bodyguards as though it were a king.

Moreover, Moses says that a longenduring sovereignty is the reward of a lawful magistrate or ruler who honours equality, and who without any corruption gives just decisions in a just manner, always studying to observe the laws; not for the sake of granting him a life extending over many years, combined with the administration of the commonwealth, but in order to teach those who do not understand that a governor who rules in accordance with the laws, even though he die, does nevertheless live a long life by means of his actions which he leaves behind him as immortal, the indestructible monuments of his piety and virtue.

Chapter XXXIII

And it becomes a man who has been thought worthy of the supreme and greatest authority to appoint successors who may govern with him and judge with him, and, in concert with him, may ordain everything which is for the common advantage; for one person would not be sufficient, even if he were ever so willing, and if he were the most powerful man in the world, both in body and soul, to support the weight and number of affairs which would come upon him, as he would faint under the pressure and rapidity

of all kinds of business coming in upon him continually every day from all quarters, unless he had a number of persons selected with reference to their excellence who might co-operate with him by their prudence, and power, and justice, and godly piety, men who not only avoid arrogance, but even detest it as an enemy and as the very greatest of evils.

For these men would stand by, and assist, and co-operate with a virtuous and holy man, one who hated evils equally with themselves, and would be the most suitable persons to lighten and relieve his labours. And, besides, since of the matters which would force themselves upon his attention, some are of greater importance and others of less, the chief will very reasonably commit those which are more unimportant to his lieutenants, while he himself would of necessity become the most accurate judge of the weightier matters.

But the affairs which we ought to look upon as the most weighty are not, as some persons think, those in which persons of reputation are at variance with other persons of reputation, or rich men with rich men, or princes with princes; for, on the contrary, are rather where there are powerful men on one side, and private individuals, men of no wealth, or dignity, or reputation, on the other, men whose sole hope of escaping intolerable evils lies in the judge himself.

And we can find clear instances of both kinds in the sacred laws, which it is well for us to imitate; for there was once a time in which Moses, alone by himself, decided all causes and all matters of legal controversy, labouring from

morning till night. But after a time his father-inlaw came to him, and seeing with what a weight of business he was overwhelmed, as all those who had any disputes were everlastingly coming upon him, he gave him most excellent advice, counselling him to choose subordinate magistrates, that they might decide the less important affairs, and that he might have only the more serious causes to occupy him, and by this means provide himself with time for Rest.

And Moses, being convinced by the arguments of Jethro (for, indeed, they were for his good), having chosen the men of the highest reputation in the whole nation, he appointed them his lieutenants and judges, bidding them refer the more important cases to him.

And the history of the sacred laws contains this arrangement duly recorded, for the instruction of the rulers in all succeeding generations, that, in the first place, they may not despise the assistance of fellow counsellors, as if they were able to themselves to superintend everything, since that all-wise and godly man, Moses, did not reject them; and, secondly, that they may learn to choose subordinates of the second class and of the third class, so as to provide for themselves not being driven to neglect matters of greater importance, through being wholly occupied by affairs of a more trifling nature; for it is impossible for human nature to attend to everything at once.

Chapter XXXIV

We have here mentioned one example of what we before alluded to. We must now add an instance of the second kind.

I said that the causes of men of humble condition were important; for the widow, and the orphan, and the stranger are powerless and humble. And it is right that the supreme King should be the judge in their case, the Ruler who has the supreme authority over the whole nation; since, according to Moses, even God, the Ruler of the universe, did not exclude them from the provisions of his laws;

for when Moses, that holy interpreter of the will of God, is raising a hymn in praise of the virtues of the living God in these terms, "God is great and mighty, one who is no respecter of persons, and who does not take gifts to guide him in his Judgment." he adds, in whose case it is that he gives judgment, not in the case of satraps, and tyrants, and men who have the power by land and sea, but he gives judgment respecting the stranger, and the orphan, and the widow.

In the case of the first, because he has made his own kinsmen, whom alone it was natural for him to have as allies and champions, his irreconcilable enemies, by quitting their camp and taking up his abode with the truth, and with the honour of the one Being who is entitled to honour, abandoning all the fabulous inventions and polytheistic notions which his fathers, and grandfathers, and ancestors, and all his kindred, who cleave to the beautiful settlement which he has forsaken, were wont to honour. In the case of the second, because he is deprived of his father and mother, his natural defenders and protectors, and by consequence of the only power which was bound to show itself as his ally. And lastly, in the case of the woman who is a widow because she has been deprived of her husband, who

succeeded her parents as her guardian and protector; for a husband is to his wife in point of relationship what her parents are to a virgin.

And one may almost say that the whole nation of the Jews may be looked upon in the light of orphans, if they are compared with all other nations in other lands; for other nations, as often as they are afflicted by any calamities which are not of divine infliction, are in no want of assistance by reason of their frequent intercourse with other nations, from their habitual dealings in common. But this nation of the Jews has no such allies by reason of the peculiarity of its laws and customs. And their laws are of necessity strict and rigorous, as they are intended to train them to the greatest height of virtue; and what is strict and rigorous is austere. And such laws and customs the generality of men avoid, because of their inclination for and their adoption of pleasure.

But, nevertheless, Moses says that the great Ruler of the universe, whose inheritance they are, does always feel compassion and pity for the orphan and desolate of this his people, because they have been dedicated to him, the Creator and Father of all, as a sort of first-fruits of the whole human race.

And the cause of this dedication to God was the excessive and admirable righteousness and virtue of the founders of the nation, which remain like undying plants, bearing a fruit which shall ever flourish to the salvation of their descendants, and to the benefit of all persons and all things, provided only that the sins which they commit are such as are remediable and not wholly unpardonable.

Let not any one then think that nobility of birth is a perfect good, and therefore neglect virtuous actions, considering that that man deserves greater anger who, after he has been born of virtuous parents, brings disgrace on his parents by reason of the wickedness of his disposition and conduct; for if he has domestic examples of goodness which he may imitate, and yet never copies them, so as to correct his own life, and to render it healthy and virtuous, he deserves reproach.

Chapter XXXV

The law also forbids, by a most just and reasonable prohibition, the man who has undertaken the care and government of the common interests of the state, to behave with treachery among the people; for a treacherous disposition is the mark of an illiberal and very slavish soul, which seeks to overshadow its real nature by hypocrisy;

for, in reality, a ruler ought to stand up in defence of his subjects as a father would in defence of his children, that he may be honoured by them as if they were his own real children; on which account good rulers are the common parents of their cities and nations, if one may say the plain truth, displaying equal, and sometimes even superior, good will to them;

but those men who acquire great power and authority to the injury and damage of their subjects, ought to be entitled, not rulers, but enemies, inasmuch as they are acting the part of implacable foes. Not but what those who injure one treacherously are even more wicked than those who oppose one openly, since it is possible to repel the one

without difficulty, as they display their hostility without disguise; but the evil-mindedness of the others is difficult to detect and hard to unveil, being like the conduct of men on the stage, who are clothed in a dress which does not belong to them, in order to conceal their real appearance.

But there is a kind of pre-eminence and superior authority, which I had almost said pervades every part of life, varying only in respect of magnitude and quantity; for what the king of a city is, that also is the first man in a village, and the master of a house, and a physician among the sick, and a general in his camp, and an admiral with respect to his crew and to his passengers, and a captain of a ship in regard to merchant vessels and transports, and a pilot among common sailors, every one of whom has power to make things either better or worse. But they ought to wish to conduct themselves in everything for the best, and the best is to use all their energies to assist people and not to injure them;

for this is to act in imitation of God, since he also has the power to do either good or evil, but his inclination causes him only to do good. And the creation and arrangement of the world shows this, for he has summoned what had previously no being into existence, creating order out of disorder, and distinctive qualities out of things which had no such qualities, and similarities out of things dissimilar, and identity out of things which were different, and intercommunion and harmony out of things which had previously no communication nor agreement, and equality out of inequality, and light out of darkness; for he is always anxious to exert his beneficent powers in order to change

whatever is disorderly from its present evil condition, and to transform it so as to bring it into a better state.

Chapter XXXVI

Therefore it is right for good rulers of a nation to imitate him in these points, if they have any anxiety to attain to a similitude to God; but since innumerable circumstances are continually escaping from and eluding the human mind, inasmuch as it is entangled among and embarrassed by so great a multitude of the external senses, as is very well calculated to seduce and deceive it by false opinions, since in fact it is, as I may say, buried in the mortal body, which may very properly be called its tomb, let no one who is a judge be ashamed to confess that he is ignorant of that of which he is ignorant,

for in the first place the man who is deceived becomes worse than he was before, because he has expelled truth from the confines of his soul; in the second place, he will do exceeding mischief to those on whose causes he is deciding by delivering a blind decision in consequence of his not seeing what is just.

When, therefore, he does not clearly comprehend a case by reason of the perplexed and unintelligible character of the circumstances which throw uncertainty and darkness around it, he ought to decline giving a decision, and to send the matter before judges who will understand it more accurately. And who can these judges be but the priests, and the ruler and governor of the priests?

For the genuine, sincere worshippers of God are by care and diligence rendered acute in their intellects, inasmuch

as they are not indifferent even to slight errors, because of the exceeding excellence of the Monarch whom they serve in every point. On which account it is commanded that the priests shall go Soberly to offer sacrifice, in order that no medicine such as causes men to err, or to speak and act foolishly may enter into the mind and obscure its vision,

and perhaps because the real genuine priest is at once also a prophet, having attained to the honour of being allowed to see the only true and living God, not more by reason of his birth than by reason of his virtue. And to a prophet there is nothing unknown, since he has within himself the sun of intelligence, and rays which are never overshadowed, in order to a most accurate comprehension of those things which are invisible to the outward senses, but intelligible to the intellect.

Chapter XXXVII

Again, merchants and pedlars, and people in the market, and all those who deal in things necessary for life, and who in consequence are conversant with measures, and weights, and balances, since they sell things both dry and wet, are put in subjection to the superintendants of the market, and these superintendants are bound to govern them if they act with moderation, doing what is right, not out of fear, but voluntarily, for spontaneous good conduct is in every case more honourable than that which proceeds from compulsion.

On which account the law orders these merchants and dealers, and all other persons who have adopted this way of life, to take care to provide themselves with just balances,

and measures, and weights, not practising any wicked manoeuvres to the injury of those who purchase of them, but to do and say everything with a free and guileless soul, considering this, that unjust gains are injurious, but that that wealth which is acquired in accordance with justice a man cannot be deprived of;

and since wages are offered to artisans as a reward for their work, and since it is people in want who are artisans, and not men who have an abundance of wealth, the law commands that the payment of their wages shall not be delayed, but that their employers shall pay them the wages agreed upon the same day that they are earned; for it is absurd for the rich to avail themselves of the services of the poor, and yet for those who live in plenty and affluence not at once to give the poor the proper remuneration for those services.

Are not these things very conspicuous instances to teach us to guard against greater offences? For he who will not allow a payment which is sure to be eventually repaid to be delayed beyond the proper time, fixing the evening of the day for the time on which the artisan, at his return home, is to carry his wages home with him, does not he much more by such a commandment prohibit rapine and theft, and the repudiation of debts, and all things of that sort, fashioning and moulding the soul according to the approved characteristics of virtue and piety?

Chapter XXXVIII

Also this commandment is given with exceeding propriety, which forbids anyone from blaspheming and

speaking ill, especially of a deaf man, and of one who is unable to perceive by the aid of his outward senses the injuries which are done to him, nor to retaliate in an equal manner under similar circumstances; for that is the most iniquitous conflict of all, in which the one side is considered only in acting, and the other only in suffering;

and those who speak ill of the dumb, or of people whose sense of hearing is defective, are committing the same offences as those who put stumbling blocks in the way of the blind, or who offer other obstacles to their progress; for in this case also it is impossible for the blind to step over the obstacles, as they are not aware of their existence, so they stumble over them, and both are hindered in their progress and hurt their feet.

Accordingly, with great propriety and fitness, does the law threaten those who devise and execute wickedness of this kind with punishment at the hand of God; since he alone holds his protecting hand over and defends those who are unable to protect themselves, and all but says in plain words to those who injure the innocent,

“O foolish minded men, do you expect to escape detection while turning the misfortunes of those men into ridicule, and committing offences against those very parts in respect of which they are unfortunate, attacking their ears by false accusations, and their eyes by putting stumbling blocks in their path? But you will never escape the notice of God, who sees everything and governs everything, while you insult in this manner the calamities of miserable men, so as to avoid meeting with similar distresses yourselves, inasmuch as your bodies are also liable to all kinds of diseases, and your

outward senses are susceptible of injury and mutilation, being such as, by a very slight and ordinary cause, they are often not only impaired, but crippled by incurable mutilations.

Why then should those who forget themselves, and who in their arrogance fancy that they themselves are superior to the ordinary natural weakness of mankind, and that they are out of the reach of the invisible and unexpected attacks of fortune, which often aims sudden blows at all people, and which has often wrecked men, who up to that moment had enjoyed a prosperous voyage through life, when they had almost arrived in the very harbour of ultimate happiness, why, I say, should such men triumph in and insult the misfortunes of others, having no respect for justice, the ruler of human life, who sits by the side of the great Ruler of the universe, who surveys all things with sleepless and most piercing eyes, and sees what is in recesses as clearly as if it was in the pure sunlight?

It seems to me that these men would not spare even the dead, in the extravagance of their cruelty, but, according to the proverb so commonly quoted, would even slay the slain over again, since they in a manner think fit to insult and ill treat those members of them which are already dead; for eyes which do not see are dead, and ears which are devoid of the power of hearing are devoid of life; so that if the man himself to whom these members belong, were to be extinct, they would then show their merciless and implacable nature, doing no humane or compassionate action, such as is shown to the dead, even by their enemies in irreconcilable wars. And this may be enough to say on this

subject.

Chapter XXXIX

After this the lawgiver proceeds to connect with these commandments a somewhat similar harmony or series of injunctions; commanding breeders not to breed from animals of different species; not to sow a vineyard so as to make it bear two crops at once; and not to wear garments woven of two different substances, which are a mixed and base work. Now the first of these injunctions we have already mentioned in our treatise on adulterers, in order to make it more evident, that our people ought not to be anxious for marriages with foreigners, corrupting the dispositions of the women, and destroying also the good hopes which might be conceived of the propagation of legitimate children. For the lawgiver, who has forbidden all copulation between irrational animals of different species, appears to have utterly driven away all adulterers to a great distance.

And we must now speak again of this rule in this our treatise on justice. For we must take care not to pass over the opportunity of adapting it to as many particulars as possible. It is just then to bring together those things which are capable of union; now animals of the same species are by nature capable of union, as, on the other hand, all animals of different species are incapable of any admixture or union, and the man who brings unlawful connections to pass between such animals is an unjust man, transgressing the ordinances of nature;

but that which is the really sacred law takes such exceeding care to provide for the maintenance of justice, that it will not permit even the ploughing of the land to be carried on by animals of unequal strength, and forbids a husbandman to plough with an ass and a heifer yoked to the same plough, lest the weaker animals, being compelled to exert itself to keep up with the superior power of the stronger animal, should become exhausted, and sink under the effort;

and the bull is looked upon as the stronger animal, and is enrolled in the class of clean beasts and animals, while the ass is a weaker animal and of the class of unclean beasts; but nevertheless he has not grudged those animals which appear to be weaker, the assistance which they can derive from justice, in order, as I imagine, to teach the judges most forcibly, that they are never in their decisions to give the worse fate to the humbly born, in matters the investigation of which depends not on birth but on virtue and vice.

And resembling these injunctions is the last commandment concerning things yoked in pairs, namely, that it is unlawful to wear together substances of a different character, such as wool and linen; for in the case of these substances, not only does the difference prevent any union, but also the superior strength of the one substance is calculated rather to tear the other than to unite with it, when it is wanted to be used.

Chapter XL

The commandment which came in the middle of the three injunctions about pairs, was that one was not to sow a

vineyard so as to make it bear two crops at the same time; the object of this law being, in the first place, that those things which are of different species might not be confused by being mixed together; for crops grown from seed have no connection with trees, nor trees with crops grown from seed; on which account nature has not appointed to them both the same time for the production of their fruits, but has assigned to the one the spring as the season of their harvest, while to the others it has appointed the end of summer, as the season for the gathering of their fruits;

accordingly, it happens that at the same period of the year the one are become withered having been in bloom at an earlier time, while the others are just budding having been dried up before; for the crops which are produced from seed begin to flourish in the winter, when the trees are losing their leaves; and in the spring, on the contrary, when all the crops which are produced from seed are drying up, the wood of all trees, whether wild or improved by cultivation, are shooting; and one may almost say, that the period in which the crops which are produced from seed come to perfection is the same as that in which those of the trees derive the beginning of their productiveness.

Very naturally therefore, has God separated things so wholly different from one another, both in their natures and in the period of their flowering, and in the seasons of their producing their appropriate fruits, and has appointed different situations for them, producing order out of disorder; for order is closely connected with arrangement, and disorder with a want of arrangement.

And in the second place, in order that the two different species may not go through a reciprocal system of inflicting and suffering injury, because of one kind drawing away the nourishment from the other kind, while if that nourishment is divided into small portions, as happens in times of famine and of scarcity of necessaries, all plants of every kind will in every place become weak, and will be either afflicted with barrenness, becoming utterly unproductive, or at all events will never bear tolerably fine fruit, inasmuch as they have been previously weakened by want of nourishment.

And in the third place, in order that the naturally fertile land may not be oppressed with burdens beyond its strength, partly by the continued and uninterrupted thickness of the crops which are sown, and of the trees which are planted in the same place, and partly by the doubling of the crops, which are exacted from the ground; for it ought to be quite sufficient for the owner to draw one yearly tribute from one spot, just as it is sufficient for a king to receive his tribute from a city once a year; and to endeavour to extract larger revenues is the act of exceeding covetousness, by which all the laws of nature are attempted to be overturned.

For which reason the law might well say to those who have determined to sow their vineyards with seed out of pure covetousness; "Do not you be worse than those kings who have subdued cities with arms and warlike expeditions, for even they, from a prudent regard for the future and from a proper wish to spare their subjects, are content to receive one payment of tribute each year, as they are desirous not to reduce them utterly to the very extremity of want and

distress in a short time;

but if you in the spring exact from the same piece of ground crops of barley and of wheat, and in the summer the crops from the fruit-bearing trees, you will be exhausting it by a double contribution; for then it will very naturally grow faint and fail, like an athlete, who is never abroad any time to take breath and to collect his strength for the beginning of another contest.

“But you seem rashly to forget those precepts of general advantage which I enjoined you to observe. For, at all events, if you had recollected the commandment concerning the seventh year, in which I commanded you to allow the land to remain fallow and sacred, without being exhausted by any agricultural operation of any kind, by reason of the labours which it has been going through for the six preceding years, and which it has undergone, producing its crops at the appointed seasons of the year in accordance with the ordinances of nature; you would not now be introducing innovations, and giving vent to all your covetous desires, be seeking for unprecedented crops, sowing a land fit for the growth of trees, and especially one planted with vines, in order by two crops every year, both being founded in iniquity, to increase your substance out of undue avarice, amassing money by lawless desires.”

For the same man would never endure to let his land lie fallow every seventy years without exacting any revenue from it, for the sake of not having his land exhausted by over-production, but of allowing it to recover itself by rest, and yet at the same time to oppress and overwhelm it by double burdens;

therefore I have judged it necessary to pronounce all acquisition or exaction of wealth in this way unholy and impious; I mean the production of the fruit of trees, and of such crops as are derived from seed, because such fertility does in a manner exhaust and destroy the vivifying principle in the good soil, and, because too, by requiring so much, the owner of the land is insulting and abusing the bounty and liberality of God, giving full reins to his unrighteous desires, and not restraining them by any limits.

Ought we not, then, to feel an attachment to such commandments as these, which tend to restrain us from and to remove us to a great distance from the acts of covetousness, which are common among men, blunting the edge of the passion itself? For if the private individual, who, in the matter of his plants, has learnt to renounce all unrighteous gain, if he should acquire power in weightier matters and become a king, would adopt the same practice towards men and women, not exacting twofold tributes from them, not exhausting his subjects with taxes and contributions; for the habits in which he has been brought up would be sufficient for him, and would be able to soften the harshness of his disposition, and in a manner to educate him, and to re-mould him to a better character. And that is a better character which justice impresses upon the soul.

These, then, are the laws which he appoints to be observed by each individual. But there are other commandments of a more general nature of which he enjoins the observance to the whole nation in common, recommending them to attend to them, not only with regard to their own friends and allies, but also to those who are

unconnected with their alliance.

For if, says Moses, they shut themselves up within their walls and make their necks stiff, then let you young men arm themselves well, and being provided with all the preparations necessary for war, go forth and fortify their camp all around, and watch in expectancy, not indulging their anger so as to neglect reason, but taking care to apply themselves to what must be done firmly and strenuously.

Let them, therefore, at once send out heralds to invite the enemy to an agreement, and at the same time let them display the power and considerable character of the force which is encamped; and if the enemy, repenting of the evil designs which they had conceived, submit and turn to peace in any manner, then let the people gladly receive them and make a truce with them; for peace, even though it be very unfavourable, is more advantageous than war.

But if they persevere in their folly, and push it further, acting with audacity, then let our people, display vigorous confidence, relying also on the invincible alliance of justice, and so let them advance, placing their destructive engines against the walls, and when they have made a breach in some part of them let them all enter in together; and shooting with their spears with correct aim, and brandishing their swords, and slaying the enemies all around, let them repel them unshrinkingly, inflicting upon them what they were intended to suffer themselves,

until they have overthrown the whole army arrayed against them, every man of them, and taken their silver, and their gold, and all the booty. And let them bring fire against

their city, and burn it so that it may never, after an interval of rest, again raise its head and excite wars and tumults, with the view also of terrifying and warning the neighbouring states, since it is by the calamities of others that men are taught to act with moderation. But let them suffer the maidens and the women to go free, inasmuch as they did not expect to suffer any of the evils which war brings upon men at their hands, as they are exempt from all military service through their natural weakness.

From all which it is plain that the nation of the Jews is allied with and friendly to all those who are of the same sentiments, and all who are peaceful in their intentions; and that it is not to be despised as one that submits to those who begin to treat it with injustice out of cowardice; but when it goes forth to defend itself, it distinguishes between those who are habitually plotting against it and those who are not;

for to be eager to slay all men, and even those who have committed but slight offences, or no offences at all against one, I should call the conduct of an inhuman and pitiless soul, as it would be also to treat women as if they were an addition to the men who carry on war, when their way of life is naturally peaceful and domestic.

But our lawgiver implants such a love of justice in all men who live under the institution which he has established, that he does not permit them to injure the fertile land of even an hostile city by ravaging it, or by cutting down the trees, so as to destroy the crops.

“For why,” says he, “do you bear a grudge against inanimate things, which are in their nature quiet, and which

produce wholesome fruits? Does the tree, my friend, display the hostile spirit of a man that is an enemy, so that you are to tear it up by the roots in retaliation for the evils which it has inflicted, or which it has designed to inflict upon you?

On the contrary, it assists you, bestowing on you, when you are victorious, an abundance of necessary food, and of supplies which conduce to rendering life happy and luxurious; for it is not men alone who contribute revenues to their lords, but plants offer even more useful tribute at the fixed seasons of the year, a tribute without which men cannot live."

But there is no prohibition against their cutting down those trees which are barren and unproductive, and which are not cultivated for food, for the purpose of making staves, or poles, or posts, or fences; and, when occasion requires, ladders, and engines, and wooden towers; for the chief use of these kinds of trees is for such and other similar purposes.

We have now enumerated the matters which belong to justice; but as for justice itself, what poet or orator could celebrate it, in worthy terms, since it is beyond all panegyric and all praise? At all events, there is one most important good thing belonging to it, (the text has *eumeneia*, which Mangey pronounces corrupt.) which, even if one were to pass over and be silent about all its other parts, would be an all-sufficient panegyric on it;

for this is the principle of equality, which is, as those who have accurately investigated the secrets of nature have handed down to us, the mother of justice; and equality is a

light which is never shaded; the sun (if one must speak the plain truth) appreciable by the intellect alone, since inequality, on the contrary, in which that which is superior and that which is inferior are both found, is the beginning and source of darkness;

it is equality which, by its unchangeable laws and ordinances, has arranged, in their present beautiful order, all the things in heaven and earth; for who is there who does not know this fact, that the days are measured in due proportion to the nights, and the nights in due proportion to the days, by the sun, according to the equality of proportionate distances?

Nature, therefore, has marked out those periods in every year, which are called the equinoxes, from the state of things which exists at that time, namely, the spring and the autumnal equinox, with such distinctness, that even the most illiterate persons are aware of the equality which then exists between the extent of the days and of the nights.

Again, are not the periods of the moon, as she advances and retraces her course, from a crescent to a full circle, and again, from a complete orb to a crescent, also measured by an equality of distances? For as great and as long as the period and amount of her increase is, so also is her diminution, in both respects, as to magnitude and duration, as to the number of days and the size of her orb.

And as, in that purest of all essences, heaven, equality is honoured with especial honours, so also is she in the neighbour of heaven, the air. For as the year is portioned out into four divisions, the air is formed by nature to endure

changes and alterations at what are called the seasons of the year, and it displays an indescribable regularity in its irregularity; for as the atmosphere is divided by an equal number of months into winter, and spring, and summer, and autumn, it completes the whole year by allotting three months to each season; as, in fact, the very name of the year (eniautos) intimates. For it in itself (autos en autou) contains everything, being complete in itself, though otherwise it would not be able to effect this, if it were not aided by the regular revolutions of the seasons of the year.

Again, this same equality extends from the heavenly bodies, and from those which are raised on high, to the things upon earth, raising on high its own pure nature, which is akin to the air, and sending downwards its beams like the sun, as a sort of secondary light,

for all the things which are inharmonious or irregular among us are caused by inequality, and all those which have in them that regularity which becomes them are the work of equality, which, in the universal essence of the universe, one may fairly call the world, and in cities one may entitle it that best regulated and most excellent of all constitutions, democracy, and in bodies health, and in souls virtue.

For, on the contrary, inequality is the cause of diseases and wickednesses; and the existence of the longest lived man of the human race would fail, if he were to attempt to enumerate all the praiseworthy qualities of equality, and of its offspring, justice. In consequence of which it seems to me to be best to be satisfied with what has already been said, which may be sufficient to rouse up the recollection of those persons who are fond of learning, and to leave the

remaining circumstances unwritten in their souls, as divine images in a most sacred place.