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PLATO'S AND PLUTARCH'S THEORIES OF PUNISHMENT

In Plato Greek thinking about punishment reaches its zenith. He not only expounds his own views, but also relates them to contemporary popular and philosophical trends, and the ideas of Protagoras and Socrates in particular have a prominent place in his writings. The *Protagoras*, *Gorgias*, and the *Laws* employ his formal theory of punishment, their main concern being its justification, and the *Laws* came to be regarded as a model penal code for practical everyday use. Also characteristic of Plato are his views about eschatological punishments and rewards, which are set forth in the eschatological passages of the *Gorgias*, *Phaedo*, *Phaedrus*, *Republic*, and the *Laws*.¹

In spite of his extraordinary interest in various aspects of punishment, he had in this respect surprisingly little effect on his disciples. In Aristotle we find only a few obiter dicta,² and it was not until the first century A. D. that the Platonist Plutarch wrote major work on punishment that was clearly influenced by Plato's writings.³ Since he and his master present their reflections on certain fundamental penological problems in a more or less systematic way, it seems appropriate to pay them due attention in order to show, in what follows later, how far their theories can be applied to the views and tenets of the Hebrew Bible.

¹ In any discussion of Plato's views on punishment the following studies are relevant: T. J. Saunders, "Penology and Eschatology in Plato's *Timaeus* and *Laws*," *CQ.NS* 23 (1973) 232-44; idem, "Protagoras and Plato on Punishment," *The Sophists and Their Legacy* (ed. G. B. Kerferd; Hermes 44; Wiesbaden: F. Steiner, 1981) 129-41; M. M. Mackenzie, *Plato on Punishment* (Berkeley / Los Angeles / London: University of California Press, 1981); J. Annas, "Plato's Myths of Judgement", *Phronesis* 27 (1982) 119-43.

² See R. Nilstun, *Aristotle on Freedom and Punishment* (LMPPH 3; Lund: Studentlitteratur, 1981).

³ See *De sera numinis vindicta*, ed. by W. R. Paton, M. Pohlenz, and W. Sieveking, *Plutarchi Moralia III* (Leipzig: Teubner, 1929) 394-444 – English edition *On the Delays of the Divine Vengeance* (LCL, Plutarch's *Moralia* VII; Cambridge / London: Harvard University Press / W. Heinemann, 1959, 1968) 169-299. For an interpretation of this work see T. J. Saunders, "Plutarch's *De Sera Numinis Vindicta* in the Tradition of Greek Penology", *Studi economico-giuridici: Il problema della pena criminale tra filosofia greca e diritto romano* (ed. O. Diliberto? Napoli: Casa editrice dott. E. Jovene, 1993) 65-94.

1. Plato's Formal Theory of Punishment

Plato's penology is an integral part of his general moral theory which "rests upon arguments designed to show that without *aretē* you cannot be either theoretically or practically rational and that without rationality you cannot have *aretē* . . . And a key part of Plato's view is that not to understand what virtue is precludes one from being virtuous."⁴ Plato thinks that reason itself has the power to generate action. In the *Protagoras* Socrates holds that "whoever learns what is good and what is bad will never be swayed by anything to act otherwise than as knowledge (*ἐπιστήμη*) bids, and that intelligence (*φρόνησις*) is a sufficient succour for mankind" (352c4–8). It follows, then, that man's failures are always a matter of ignorance. Socrates argues, addressing Protagoras: ". . . you have admitted that it is from defect of knowledge (*ἐπιστήμης ἐνδεία*) that men err, when they do err, in their choice of pleasures and pains – that is, in the choice of good and evil; and from defect not merely of knowledge but of the knowledge which you have now admitted also to be that of measurement. And surely you know well enough for yourselves that the erring committed without knowledge is done through ignorance" (357d5–e2).

The second corner-stone in Plato's moral foundations is the metaphor of disease, or weakness, beyond man's control. On the analogy of healthy and diseased conditions of the body, justice means a healthy condition and injustice a diseased condition of the soul. In the *Republic* he says: ". . . Virtue, then, as it seems, would be a kind of health and beauty and good condition of the soul, and vice would be disease, ugliness, and weakness" (444d10–e2).⁵ In the *Timaeus* Socrates argues that diseases of the soul can originate in disorders of the body: "Such is the manner in which diseases (*νοσήματα*) of the body come about; and those of the soul which are due to the condition of the body arise in the following way. We must agree that folly is a disease of the soul (*νόσον μὲν δὴ ψυχῆς ἄνοιαν*); and of folly there are two kinds, the one of which is madness, the other ignorance. Whatever affection a man suffers from, if it involves either of these conditions it must be termed >disease<; and we must maintain that pleasures and pains in excess are the greatest of the soul's diseases" (86b1–8). In the same dialogue Socrates claims that "no one is voluntarily wicked, but the wicked man becomes wicked by reason of some evil condition of body and unskilled nurture, and these are experiences which are hateful to everyone and involuntary" (86d10–e3). In the *Protagoras* he elucidates a poem of Simonides by

⁴ See A. MacIntyre, *Whose Justice? Which Rationality?* (London: G. Duckworth, 1988) 69.

⁵ Cf. the analogy of the condition of body and soul in 409 and in the *Gorgias* 464a.

arguing: "I am fairly sure of this – that none of the wise men considers that anybody ever willingly errs or willingly does base and evil deeds; they are well aware that all who do base and evil things do them unwillingly" (345d11-e3). And in the *Laws* he says: ". . . when men commit wrongs which are remediable, one should, in the first place, recognize that every wrongdoer is a wrongdoer involuntarily; for no one anywhere would ever voluntarily acquire any of the greatest evils, least of all in his own most precious possessions. And most precious in very truth to every man is, as we have said, the soul" (731c1-7).

One's attitude to wrongdoing derives from one's evaluation of virtue. According to Socratism and Plato virtue is an intrinsic good, while wrongdoing results in intrinsic disadvantage and suffering. This means that Plato's approach is basically individualist. In the *Republic* Glaucon proposes a classification of goods. Addressing Socrates he says: "Is it your desire to seem to have persuaded us or really to persuade us that it is without exception better to be just than unjust? . . . do you agree that there is a kind of good which we would choose to possess, not from desire for its after effects, but welcoming it for its own sake?" (357a5-b7). Socrates agrees that there are things that are good in themselves, things that are good in themselves and in their consequences, and things which are good only in their consequences. Being asked in which of these classes he places justice Socrates answers: "In my opinion, it belongs in the fairest class, that which a man who is to be happy must love both for its own sake and for the results" (357a1-358a3). In the *Gorgias* Socrates argues that the just man acts in accordance with the skill he possesses; he thinks that the just man will never wish to act unjustly (460c), that wrongdoing is worse than being wronged (473a5-6; cf. 472d6-475e8; 482e-483b), and "that to strike or cut me or mine wrongfully is yet more of a disgrace and an evil, and likewise stealing and kidnapping and housebreaking, and in short any wrong whatsoever done to me or mine, are both worse and more shameful to the wrongdoer than to me the wronged" (508e6-8). Since justice belongs in the fairest class, injustice, which is considered as the vice of the soul, is conversely the foulest evil "because it produces the greatest pain or harm or both" (477c). In the light of this argument, what Socrates says in the *Republic* is particularly appropriate: "And now at last, it seems, it remains for us to consider whether it is profitable to do justice and practise honourable pursuits and be just, whether one is known to be such or not, or whether injustice profits, and to be unjust, if only a man escape punishment and is not bettered by chastisement" (444e5--445a4).

The criterion of culpability is the disposition of the soul rather than conduct. Of special importance is Plato's principle of the "proper order" of the soul. In the *Gorgias* Socrates describes a just man by drawing an analogy with the skill of a craftsman: "... each of them arranges everything according to a certain order, and forces one part to suit and fit with another, until he has combined the whole into a regular and well-ordered production (τεταγμένον τε καὶ κεκοσμημένον πρᾶγμα)" (503e8--504a2). The point is best illustrated in the following conversation between Socrates and Callicles in the *Gorgias*: "... But surely the virtue of each thing, whether of an implement or of a body, or again of a soul or any live creature, does not arrive most properly by accident, but by an order or rightness or art that is apportioned to each. Is that so? I certainly agree. Then the virtue of each thing is a matter of regular and orderly arrangement (τάξει ἄρα τεταγμένον καὶ κεκοσμημένον ἐστὶν ἡ ἀρετὴ ἐκάστου)? I at least should say so. Hence it is a certain order (κόσμος τις ἄρα) proper to each existent thing that by its advent in each makes it good? That is my view. So then a soul which has its own proper order is better than one which is unordered (καὶ ψυχὴ ἄρα κόσμον ἔχουσα τὸν ἑαυτῆς ἀμείνων τῆς ἀκοσμήτου) necessarily. But further, one that has order is orderly (ἀλλὰ μὲν ἡ γε κόσμον ἔχουσα κοσμίᾳ)? Of course it will be. And the orderly one (κοσμίᾳ) is temperate? Most necessarily. So the temperate soul is good . . ." (506d6--507a2). In the *Republic* the proper order of the soul is likened to the internal organisation of a just state; a man is just in the same way in which a city was just (441d; 443de).⁶

The order of an internal organisation assumes man's rationality and sense of responsibility. "The original Socratic position, that vice is ignorance, supposed that the agent had misguided impulses towards what he thought to be in his interests, for his failure we can but pity his intellectual deficiency. It is possible, however, to imagine a situation where his ignorance is wilful and therefore, even if his actions prove to be against his interests, he is culpable. The new doctrine, that virtue is psychic order, raises this question of culpability with even greater urgency, since we may readily conceive of a man deliberately promoting disorder (although his clumsy counterpart does not)."⁷ How the question of responsibility and culpability is reflected in the theory of punishment?⁸

⁶ Cf. the statement about psychic harmony in the *Laws* 689d5-8; the Stranger argues: "... For without harmony (ἄνευ ζυμφωνίας), my friends, how could even the smallest fraction of wisdom exist? It is impossible. But the greatest and best of harmonies would most properly be accounted the greatest wisdom . . ."

⁷ See M. M. Mackenzie, *Plato on Punishment*, 148-49.

⁸ Since the *Protagoras* and the *Laws* deal very similarly with the question of punishment, we shall discuss the *Gorgias* before the *Protagoras* even though the latter was written before the former.

a) *The Gorgias*

In this work Socrates enunciates two interrelated paradoxes: first, it is better to suffer than to do wrong; secondly, for an unjust man it is better to be punished than to escape punishment, for punishment is a release from evil (473--479).⁹ These themes are repeated several times in various forms in the dialogue between Socrates and Polos in order to illustrate the issue. Socrates says at one point: "I think, indeed, that you and I and the rest of the world believe that doing wrong is worse than suffering it, and escaping punishment worse than incurring it" (472d6-5).¹⁰ The argument concerning punishment makes the following points: paying the penalty for wrongdoing means suffering something; he who punishes rightly punishes justly; he who pays the penalty by being punished suffers what is just; to suffer what is just means something good; the benefit of the justly punished is that he becomes better in soul; he is relieved from badness of the soul which is the greatest evil; injustice is the foulest vice of the soul and is consequently the most painful; the justice of the law courts reforms the wrongdoer and acts as a medicine for wickedness; medical treatment is not pleasant but it is beneficial¹¹; happiest is he who has no vice in his soul and next after him he who is relieved of it; not paying a penalty is a retention of the evil in us, and the worst life is led by him who is not relieved of evil by punishment; to do wrong and not pay the penalty is the greatest of evils; it is always the wrongdoer who is more wretched than the wronged, and the unpunished than the punished (475e9--479e11).

After having developed this complex argument Socrates offers the following logical advice concerning the wrongdoer: "If he is guilty of wrongdoing, either himself or anyone else he may care for, he must go of his own freewill where he may soonest pay the penalty, to the judge as if to his doctor, with the earnest intent that the disease of his injustice shall not become chronic and cause a deep incurable ulcer in his soul . . . Then for pleading in defence of injustice, whether it is oneself or one's parents or friends or children or country that has done the wrong, rhetoric is of no use to us at all, Polos; except one were to suppose, perchance, to the contrary, that a man ought to accuse himself first of all, and in the second place his

⁹ For 477e7--479e9 see commentary of E. R. Dodds, *Plato: Gorgias* (Oxford: Clarendon Press, 1959, 1990) 254,55.

¹⁰ Cf. the conclusion of the section in 475e3-7: "Then I spoke the truth when I said that neither you nor anyone else in the world would choose to do wrong rather than suffer it, since it really is more evil."

¹¹ Cf. Aristotle, *Nicomachean Ethics* 1104b.17-19 (2.3.4): "Another indication is the fact that pain is the medium of punishment; for punishment is a sort of medicine, and it is the nature of medicine to work by means of opposites."

relations or anyone else of his friends who may from time to time be guilty, to bring it to light in order that he may pay the penalty and be made healthy; and, moreover, to compel both himself and his neighbours not to cower away but to submit with closed eyes and good courage, as it were, to the cutting and burning of the surgeon, in pursuit of what is good and fair, and without reckoning in the smart: if his crimes have deserved a flogging, he must submit to the rod; if fetters, to their grip; if a fine, to its payment; if banishment, to be banished; or if death, to die; himself to be the first accuser either of himself or of his relations, and to employ his rhetoric for the purpose of so exposing their iniquities that they may be relieved of that greatest evil, injustice" (480a7-d8).¹²

From these premises follows, conversely, paradoxical advice on how to injure an enemy: ". . . we must make every exertion of act and word to prevent him from being punished or coming to trial, or if he does, we must contrive that our enemy shall escape and not be punished; nay, if he has carried off a great lot of gold, that he shall not refund it but keep and spend it on himself and his, unjustly and godlessly, or if he has committed crimes that deserve death, that he shall not die; if possible, never die, but be deathless in his villainy, or failing that, live as long a time as may be in that conditon" (481a1-b1).

b) The *Protagoras*

Protagoras introduces his views on punishment within the framework of his doctrine that virtue can be acquired by teaching. He maintains that the people do not regard virtue "as natural or spontaneous, but as something taught and acquired after careful preparation by those who acquire it" (323c6-8). Protagoras sees support for his doctrine in the reaction of the people to those who have evil in them by accident, and in the function of punishment of actual wrongdoers. The former are not punished: "one merely pities them" (323d4-5). As for the real wrongdoers, Protagoras argues: "If you will consider punishment, Socrates, and what control it has over wrong-doers, the facts will inform you that men agree in regarding virtue as procured. No one punishes a wrong-doer from the mere contemplation or on account of his wrong-doing, unless one takes unreasoning vengeance like a wild beast. But he who undertakes to punish with reason does not avenge himself for the past offence, since he cannot make what

¹² Cf. Socrates' suggestion in the *Republic* 409e4-410a4: "Then will you not establish by law in your city such an art of medicine as we have described in conjunction with this kind of justice? And these arts will care for the bodies and souls of such of your citizens as are truly well born, but of those who are not, such as are defective in body they will suffer to die and those who are evil-natured and incurable in soul they will themselves put to death."

was done as though it had not come to pass; he looks rather to the future, and aims at preventing that particular person and others who see him punished from doing wrong again. And being so minded he must have in mind that virtue comes by training: for you observe that he punishes to deter. This then is the accepted view of all who seek requital in either private or public life; and while men in general exact requital and punishment from those whom they suppose to have wronged them, this is especially the case with the Athenians, your fellow-citizens, so that by our argument the Athenians also share the view that virtue is procured and taught" (324a3-c7).

The crux of this argument concerns the justification of punishment. Protagoras claims that no rational being inflicts punishment on the ground of the bare fact that wrongdoing has been committed, "since he cannot make what was done as though it had not come to pass." This saying is especially noteworthy because the idea appears also elsewhere. In the *Laws* 934a7-8 it occurs in similar statement on punishment: ". . . for what is done can never be undone . . ." Aristotle also uses the expression in his treatment of the question of choice: "Choice is not concerned with anything that has happened already: for example, no one chooses to have sacked Troy; for neither does one deliberate about what has happened in the past, but about what still lies in the future and may happen or not; what has happened cannot be made not to have happened. Hence Agathon is right in saying *This only is denied even to God. The power to make what has been done undone.*"¹³ In the context of Plato's penology the expression means that all ideas of backward-looking reference or retributive punishment, which were very strong in Greek thought, are ruled out. Instead of taking vengeance (like a wild beast) on a crime of the past, the punisher looks to the future. His aim is the teaching of virtue by deterrence from doing wrong through punishment. According to Protagoras such an attitude to punishment is "the accepted view of all who seek requital in either private or public life." This rejection of retributive punishment is surprising, for punishing for the sake of the future does not mean that punishing *also* for the sake of the past is not justified and must therefore be excluded. Conversely, punishing for the sake of the past does not preclude punishing for the sake of the future *as well*.¹⁴

Since Protagoras uses the problem of punishment to support his thesis that virtue is teachable and that all should partake of it, the question arises of how to deal with wrongdoers who resist education and appear to be incurable. His answer is that those who fail to

¹³ See *Nicomachean Ethics* 1139b.8-11 (6.2.6).

¹⁴ See T. J. Saunders, *The Sophists and Their Legacy*, 132.

respond to instruction should be exiled or put to death: "... we should instruct and punish such as do not partake of it (virtue), whether child or husband or wife, until the punishment of such persons has made them better, and should cast forth from our cities or put to death as incurable whoever fails to respond to such punishment and instruction" (325a5-b2).

c) The *Laws*

In his late work, the *Laws*, Plato presents a detailed penal code, which is concerned with the public good rather than the interests of the individual. The question of punishment is a side issue. Plato retains the theoretical basis of the *Gorgias* and especially of the *Protagoras*, but realises that he must clarify some of the details from the points of view of both criminal and victim in order to justify his penal code. Therefore his emphasis is in some respects differently placed. The first noteworthy point is his curable / incurable antithesis, which forms part of his thesis that no one does wrong willingly -- something he sees as a reason for restraint in punishing criminals: "Every man ought to be at once passionate and gentle in the highest degree. For, on the one hand, it is impossible to escape from other men's wrongdoings, when they are cruel and hard to remedy, or even wholly irremediable, otherwise than by victorious fighting and self-defence, and by punishing most rigorously, and this no soul can achieve without noble passion. But, on the other hand, when men commit wrongs which are remediable, one should, in the first place, recognize that every wrongdoer is a wrongdoer involuntarily . . ." (731b3-c3).

On the other hand, Plato was so much concerned with the community or the state as a whole that he called for extrusion of all criminals who endanger the rest of the body politic. The Stranger depicts the community as a flock from which the unsound animals must be separated out from the sound ones: "The best purge is painful, like all medicines of a drastic nature, -- the purge which hales to punishments by means of justice linked with vengeance ($\delta\ \tau\eta\ \delta\acute{\iota}\kappa\eta\ \mu\epsilon\tau\acute{\alpha}\ \tau\iota\mu\omega\rho\acute{\iota}\alpha\varsigma\ \epsilon\iota\varsigma\ \tau\omicron\ \kappa\omicron\lambda\acute{\alpha}\xi\epsilon\iota\nu\ \acute{\alpha}\gamma\omega\nu$), crowning the vengeance ($\tau\iota\mu\omega\rho\acute{\iota}\alpha$) with exile or death: it, as a rule, clears out the greatest criminals when they are incurable and cause serious damage to the State" (735d8-e5).¹⁵ In book 9 the Stranger explicitly points to the purpose

¹⁵ Cf. 728b2-c5: "Hardly anyone takes account of the greatest >judgment< (as men call it) upon evil-doing; that greatest judgment is this, -- to grow like unto men that are wicked, and, in so growing, to shun good men and good counsels and cut oneself off from them, but to cleave to the company of the wicked and follow after them; and he that is joined to such men inevitably acts and is acted upon in the way that such men bid one another to act. Now such a resultant condition in not a >judgment< (for justice and judgment are things honourable), but a punishment, an infliction that follows on injustice; both he that undergoes this and he that

of punishment and advocates at the same time the principle of individual retribution: “. . . no penalty that is legally imposed aims at evil, but it effects, as a rule, one or other of two results, -- it makes the person who suffers it either better or less bad. But if any citizen is ever convicted of such an act, -- that is, of committing some great and infamous wrong against gods, parents, or State -- the judge shall regard him as already incurable, reckoning that, in spite of all the training and nurture he has had from infancy, he has not refrained from the worst iniquity. For him the penalty is death, the least of evil; and, moreover, by serving as an example, he will benefit others, when himself disgraced and removed from sight beyond the borders of the country; but his children and family, if they shun their father's ways, shall be honoured, and honourable mention shall be made of them, seeing that they have done well and bravely in leaving the ways of vice for those of virtue” (854d7--855a5).

In book 9 the Stranger clarifies the voluntary / involuntary antithesis by invoking the notion of deliberation: only deliberately done good deeds may be called just, and only deliberate injuries may be termed unjust (860d--863a).¹⁶

To this antithesis Plato attaches an outline of his theory of punishment: “As regards unjust injuries and gains, in case one man causes another to gain by acting unjustly towards him, all such cases as are

undergoes it not are alike wretched, -- the one in that he remains uncured, the other in that he is destroyed in order to secure the salvation of many others.” Cf. also 854c1-6: “. . . every man is bound to honour what is noble and just; but the company of evil men shun wholly, and turn not back. And if it be so that by thus acting your disease grows less, well; but if not, then deem death the more noble way, and quit yourself of life.”

¹⁶ M. M. Mackenzie, *Plato on Punishment*, 202, argues: “Thus we may expect just acts from the just man and unjust acts from the unjust man, when each is acting with intent. In terms of the new definition, the just man under these circumstances will be acting both deliberately and voluntarily, in that he is pursuing his true interests. The unjust man will, however, be acting deliberately but not, in terms of the paradox, voluntarily, since he is in fact failing to follow his own true interests.” Cf. the conclusion of the article by R. J. Saunders, “The Socratic Paradoxes in Plato's *Laws*. A Commentary on 859c--864b,” *Hermes* 96 (1968) 434: “If my interpretation is right, what are the consequences for the penal code? We are punishing a man for what he admittedly >wanted< to do; but this was not what he >really< wanted to do. His will has been taken over by emotions or misdirected by ignorance, and in the Socratic sense his action was involuntary. >Guilt< or >blameworthiness< has no place in Plato's penology, except in an attenuated and purely legal sense, for >guilt< implies knowing the good but opting for the bad without being compelled. The punishments in his penal code therefore aim simply at producing a >conditioned response< to tug against the >bad strings< mentioned in the puppet metaphor (644dff.) and to pull with the good (cf. 862d). From one point of view, Plato's doctrine is distasteful to us; it seems to deny individual responsibility and to treat a man as the mere plaything of opposing forces; from another point of view it seems to be a resounding vote of confidence in the fundamental soundness of the human will.”

curable we must cure, regarding them as diseases of the soul. And we should affirm that our cure for injustice lies in this direction . . . whenever any man commits any unjust act, great or small, the law shall instruct him and absolutely compel him for the future either never willingly to dare to do such a deed, or else to do it ever so much less often, in addition to paying for the injury. To effect this, whether by action or speech, by means of pleasures and pains, honours and dishonours, moneyfines and money-gifts, and in general by whatsoever means one can employ to make men hate injustice and love (or at any rate not hate) justice, -- this is precisely the task of laws most noble. But for all those whom he perceives to be incurable in respect of these matters, what penalty shall the lawgiver enact, and what law? The lawgiver will realise that in all such cases not only is it better for the sinners themselves to live no longer, but also that they will prove of a double benefit to others by quitting life -- since they will both serve as a warning to the rest not to act unjustly, and also rid the State of wicked men, -- and thus he will of necessity inflict death as the chastisement of their sins, in cases of this kind, and of this kind only" (862c6--863a4).

In this passage Plato speaks more explicitly of some aspects of punishment than in the *Protagoras*, and deals with some entirely new issues. He emphasises a medical analogy in discussing re-education and the question of recompense. Perhaps the most striking point is his suggestion that those who are supposed to punish wrongdoers may even employ various kinds of gifts in order to "make men hate injustice and love justice," but the focal point is his forwardlooking justification of punishment and its deterrent effect. Both Protagoras and Plato agree that punishment should not be mere vengeance. This crucial insight is, apart from the issue of recompense, reinforced in book 11 of the *Laws*: "In all cases where one man causes damage to another by acts of robbery or violence, if the damage be great, he shall pay a large sum as compensation to the damaged party, and a small sum if the damage be small . . . And he shall pay the penalty, not because of the wrong-doing, -- for what is done can never be undone (*οὐ γὰρ τὸ γεγρονός ἀγέννητον ἔσται ποτέ*), -- but in order that for the future both he himself and those who behold his punishment may either utterly loathe his sin or at least renounce to a great extent such lamentable conduct" (933e7--934b2).

2. Plato's Eschatological Myths of Judgment

In addition to his discussion of traditional views about punishment and formal theories of punishment, Plato had an intuition or vision that "at the end" an eschatological judgment will take place. The idea recurs in the *Gorgias*, *Phaedo*, *Phaedrus*, *Republic*, and the *Laws*. It is obvious that accounts of a *last* judgment must have several

characteristics in common that far transcend the compass of a formal theory of punishment: the aim of punishment ceases to be reform and becomes the fulfilment of the requirements of justice "at the end" -- hence eschatological punishment is retributive. Since punishment is considered as the consequence of vice, the determination of punishment is linked with reward as the consequence of virtue; the judgment takes place at a crossroads, and from there the righteous and the wicked have to go to their separate destinations. The emphasis is laid on personal responsibility, so there is no room for exculpation of the wrongdoer or pity towards him.

a) *The Gorgias* (523a--527e)

In the beginning of the account given in the *Gorgias* Socrates offers Callicles a short and simple vision of a *last* judgment: ". . . Now in the time of Cronos there was a law concerning mankind, and it holds to this very day amongst the gods, that every man who has passed a just and holy life departs after his decease to the Isles of the Blest, and dwells in all happiness apart from ill; but whoever has lived unjustly and impiously goes to the dungeon of requital and penance which, you know, they call Tartarus" (523a6-b4). Socrates here outlines a received popular view,¹⁷ which he uses in order to emphasise some basic ideas concerning virtue in general and punishment in particular.¹⁸ He cites the good man who is not treated properly by his judges, and suggests that a later trial -- after death -- will turn the tables. Earthly trials are flawed because the judges are misled by false appearances, "because they who are on trial are tried in their clothing, for they are tried alive . . . Next they must be stripped bare of all those things before they are tried; for they must stand their trial dead. Their judge also must be naked, dead, beholding with very soul the very soul of each immediately upon his death, bereft of all his kin and having left behind on earth all that fine array, to the end that the judgement may be just" (523c3-e8).

Eschatological judgment is intended to serve a deterrent purpose, but its principal aim is to reinforce the intrinsic value of virtue and the importance of correction, and Socrates concludes: ". . . among the many statements we have made, while all the rest are refuted this one alone is unshaken -- that doing wrong is to be more carefully shunned than suffering it; that above all things a man should study not to seem

¹⁷ Cf. the *Republic* 330d7-e2: "The tales that are told of the world below and how the men who have done wrong here must pay the penalty there, though he may have laughed them down hitherto, then begin to torture his soul with the doubt that there may be some truth in them."

¹⁸ For a commentary on the whole passage see E. R. Dodds, *Plato: Gorgias*, 372-86.

but to be good both in private and in public; that if one becomes bad in any respect one must be corrected; that this is good in the second place, -- next to being just, to become so and to be corrected by paying the penalty . . ." (527b3-c2).

b) The *Phaedo* (78b3--84b8; 106b11--115a10)

In this work the issue of final judgment is combined with that of reincarnation. Plato's way of presenting these issues is dictated by his view that soul and body are distinct and opposed. A soul is pure if it never willingly associates with the body, and its excellence lies in separation from its turbulent partner. The philosopher presumably possesses the highest kind of virtue because he does not identify with the body's concerns. Therefore he alone escapes the doom of permanent embodiment. A pure soul "goes away into that which is like itself, into the invisible, divine, immortal, and wise, and when it arrives there it is happy, freed from error and folly and fear and fierce loves and all the other human ills, and as the initiated say, lives in truth through all after time with the gods" (81a3-9). On the other hand, a soul that is defiled and impure "because it was always with the body and cared for it and loved it and was fascinated by it and its desires and pleasures . . . because the body has been its constant companion and the object of its care . . . such a soul is weighed down by this and is dragged back into the visible world, through fear of the invisible and if the other world, and so, as they say, it flits about the monuments and the tombs, where shadowy shapes of souls have been seen, figures of those souls which were not set free in purity but retain something of the visible; and this is why they are seen . . . And it is likely that those are not the souls of the good, but those of the base, which are compelled to flit about such places as a punishment for their former evil mode of life. And they flit about until through the desire of the corporeal which clings to them they are again imprisoned in a body. And they are likely to be imprisoned in natures which correspond to the practices of their former life" (81b1-e5).

It is striking that at this point Plato introduces the possibility of reincarnation as a punishment for an evil life -- implying, of course, that pure souls are not liable to undergo it. The proposal may sound droll but is obviously seriously intended: "Those who have chosen injustice and tyranny and robbery pass into the bodies of wolves and hawks and kites. Where else can we imagine that they go?" (82a2-5).¹⁹

¹⁹ Concerning all the others Socrates asks the question in 82b4-9: "Is it not likely that they pass again into some such social and gentle species as that of bees or of wasps or ants, or into the human race again, and that worthy men spring from them?"

In the second section of the dialogue the emphasis is on the soul's immortality and imperishability -- hence the following advice from Socrates: "We ought to bear in mind, that, if the soul is immortal, we must care for it, not only in respect to this time, which we call life, but in respect to all time, and if we neglect it, the danger now appears to be terrible. For if death were an escape from everything, it would be a boon to the wicked, for when they die they would be freed from the body and from their wickedness together with their souls. But now, since the soul is seen to be immortal, it cannot escape from evil or be saved in any other way than by becoming as good and wise as possible" (107b11-d2). Socrates goes on to speak of the travelling of the soul before it comes to judgment. Then he says: "And when it arrives at the place where the other souls are, the soul which is impure and has done wrong, by committing wicked murders or other deeds akin to those and the works of kinder souls, is avoided and shunned by all, and no one is willing to be its companion or its guide, but it wanders about alone in utter bewilderment, during certain fixed times, after which it is carried by necessity to its fitting habitation. But the soul that has passed through life in purity and righteousness, finds gods for companions and guides, and goes to dwell in its proper dwelling. Now there are many wonderful regions of the earth, and the earth itself is neither in size nor in other respects such as it is supposed to be by those who habitually discourse about it, as I believe on someone's authority" (108b4-c10).

Socrates offers his own interpretation of the legend of Tartarus and the isles of the Blessed, which are no longer placed outside our world but are integral with it. The dead are destined to come to their appropriate place, each in accordance with his ways: "Now when the dead have come to the place where each is led by his genius, first they are judged and sentenced, as they have lived well and piously, or not. And those who are found to have lived neither well nor ill, go to the Acheron and, embarking upon vessels provided for them, arrive in them at the lake; there they dwell and are purified, and if they have done any wrong they are absolved by paying the penalty for their wrong-doings, and for their good deeds they receive rewards, each according to his merits. But those who appear to be incurable, on account of the greatness of their wrong-doings, because they have committed many great deeds of sacrilege, or wicked and abominable murders, or any other such crimes, are cast by their fitting destiny into Tartarus, whence they never emerge. Those, however, who are curable, but are found to have committed great sins -- who have, for example, in a moment of passion done some act of violence against father or mother and have lived in repentance the rest of their lives, or who have slain some other person under similar conditions -- these must needs be thrown into Tartarus, and when

they have been there a year the wave casts them out, the homicides by way of Cocytus, those who have outraged their parents by way of Pyriphlegethon. And when they have been brought by the current to the Acherusian lake, they shout and cry out, calling to those whom they have slain or outraged, begging and beseeching them to be gracious and to let them come out into the lake; and if they prevail they come out and cease from their ills, but if not, they are borne away again to Tartarus and thence back into the rivers, and this goes on until they prevail upon those whom they have wronged; for this is the penalty imposed upon them by the judges. But those who are found to have excelled in holy living are freed from these regions within the earth and are released as from prisons; they mount upward into their pure abode and dwell upon the earth. And of these, all who have duly purified themselves by philosophy live henceforth altogether without bodies, and pass to still more beautiful abodes which it is not easy to describe, nor have we now time enough" (113d1--114c7).

c) The *Phaedrus* (246a4--249d4)

The idea of judgment after death is related to the argument that the soul is immortal. In the *Phaedrus* Socrates describes the soul figuratively as consisting of a charioteer and two horses. He works out fully the myth of reincarnation in the context of a final judgment, thereby emphasising the advantage of the philosophers more strongly than in the *Phaedo*. He says of those who grasp the truth: "And this is a law of Destiny, that the soul which follows after God and obtains a view of any of the truths is free from harm until the next period, and if it can always attain this, is always unharmed; but when, through inability to follow, it fails to see, and through some mischance is filled with forgetfulness and evil and grows heavy, and when it has grown heavy, loses its wings and falls to the earth, then it is the law that this soul shall never pass into any beast at its first birth, but the soul that has seen the most shall enter into the birth of a man who is to be a philosopher or a lover of beauty . . ." (248c2-e4).

All souls are condemned to the cycle of rebirth, but not all have to remain in its toils for ever; the just will be rewarded by ultimate release: "Now in all these states, whoever lives justly obtains a better lot (*μοίρα*), and whoever lives unjustly, a worse. For each soul returns to the place whence it came in ten thousand years; for it does not regain its wings before that time has elapsed, except the soul of him who has been a guileless philosopher or a philosophical lover; these, when for three successive periods of a thousand years they have chosen such a life, after the third period of a thousand

years become winged in the three thousandth year and go their way; but the rest, when they have finished their first life, receive judgment, and after the judgment some go to the places of correction under the earth and pay their penalty, while the others, made light and reised up into a heavenly place by justice, live in a manner worthy of the life they led in human form. But in the thousandth year both come to draw lots and choose their second life, each choosing whatever it wishes. Then a human soul may pass into the life of a beast, and a soul which was once human, may pass again from a beast into a man. For the soul which has never seen the truth can never pass into human form. For a human being must understand a general conception formed by collecting into a unity by means of reason the many perceptions of the senses; and this is a recollection of those things which our soul once beheld, when it journeyed with God and, lifting its vision above the things which we now say exist, rose up into real being. And therefore it is just that the mind of the philosopher only has wings, for he is always, so far as he is able, in communion through memory with those things the communion with which causes God to be divine. Now a man who employs such memories rightly is always being initiated into perfect mysteries and he alone becomes truly perfect; but since he separates himself from human interests and turns his attention toward the divine, he is rebuked by the vulgar, who consider him mad and do not know that he is inspired" (248e5--249d4).

d) *The Republic* (613e16--621d3)

The passage cited above from the *Republic* contains the famous myth of Er, which is based on the idea of a cycle of reincarnations. The returning of soul to body is part of an endless process regulated by the Fates (*Moīrai*). This view is all the more striking as the main moral theme of the *Republic* is that virtue in general and justice in particular are good in themselves and in their intrinsic consequences. Socrates emphasises that justice "belongs in the fairest class, that which a man who is to be happy must love both for its own sake and for the results" (358a1-3). Before the account of the myth of Er starts, Socrates insists that towards the end of his activity and life a just man enjoys all its good consequences, whereas the unjust fail in their last days (613c-d). However, the advantages and disadvantages experienced during their lives "are nothing in number and magnitude compared with those that await both after death" (614a5-6).

Judgment after death is not based on the principle of strict retribution: "For all the wrongs they had ever done to any one and all whom they had severally wronged they had paid the penalty in turn tenfold for each, and the measure of this was by periods of a

hundred years each, so that on the assumption that this was the length of human life the punishment might be ten times the crime: as for example that if anyone had been the cause of many deaths or had betrayed cities and armies and reduced them to slavery, or had been participant in any other iniquity, they might receive in requital pains tenfold for each of these wrongs, and again if any had done deeds of kindness and been just and holy men they might receive their due reward in the same measure" (615a7-b7).

Nevertheless, in the myth of Er the sentence pronounced after death cannot be considered as a final judgment but rather as part of a cosmic cycle of reincarnations. A prophet, for instance, proclaims the word of Lachesis, the daughter of Necessity: "Souls that live for a day, now is the beginning of another cycle of mortal generation where birth is the beacon of death. No divinity (*δαίμων*) shall cast lots for you, but you shall choose your own deity. Let him to whom falls the first lot first select a life to which he shall cleave of necessity. But virtue has no master over her, and each shall have more or less of her as he honours her or does her despite. The blame (*αἴτια*) is his who chooses: God is blameless (*θεὸς ἀναιτίος*)" (617d9-e6). It is a notable feature of the myth that "the choice was determined for the most part by the habits of their former lives" (620a2-3): Orpheus selected the life of a swan, the soul of Thamyras chose the life of a nightingale, Ajax the life of a lion, Agamemnon the life of an eagle, Epeius the life of a craftswoman, and so on. When "all the souls had chosen their lives in the order of their lots, they were marshalled and went before Lachesis. And she sent with each, as the guardian of his life and the fulfiller of his choice, the genius that he had chosen, and this divinity led the soul first to Clotho, under her hand and her turning of the spindle to ratify the destiny of his lot and choice; and after contact with her the genius again led the soul to the spinning of Atropos to make the web of its destiny irreversible, and then without a backward look it passed beneath the throne of Necessity . . ." (620d6--621a1).

It is obvious that such imaginative conjurings are incompatible with belief in personal responsibility and the moral significance of human conduct since, if Er is to be credited, the present life is determined by past lives and their subsequent requitals. Sentencing after death can be cruel and the allocation of rewards arbitrary²⁰; the

²⁰ See the statement of J. Annas, "Plato's Myths of Judgement," *Phronesis* 27 (1982) 133: "How can it be right for me to be punished for having been unjust, if my unjust state resulted from factors over which I had little or no control? As personal requital for what I have done, punishment has become grossly unfair. It makes sense only if it is itself regarded as part of the cosmic pattern: my treatment after death is then merely inevitable requital for what I have done in life, and its results go on to

vice / punishments and virtue / rewards relationships are wholly impersonal; and the cosmic cycle of reincarnations cannot offer any reason to be just while in this world.

But precisely that seems to be the point of the myth of ER. Remembering the *Republic's* emphasis on the interintrinsic good consequences of behaving justly, we may conclude that the myth confirms that argument directly or indirectly. Since rewards after death have little or no significance for the life of the individual, we should choose justice for its own sake rather than for any deferred dividend it may pay. Justice is worth having for what it is -- even against the background of a world that is indifferent to the concerns of the individual.²¹

e) The *Laws*

In books nine and ten of the *Laws* there are some traces of impersonal eschatology, while the issue of reincarnations is not developed, but is implicit in certain passages. The dialogue treats eschatology as part of the fabric of penal prescriptions for crimes committed during a man's life, and its purpose in this context is to help convince the reader. A striking feature is the introduction of the *lex talionis*. After having pointed to certain types of murder, the Stranger claims "that vengeance for such acts is exacted in Hades, and that those who return again to this earth are bound to pay the natural penalty (καὶ πάλιν ἀφικομένοις δεῦρο ἀναγκαῖον εἶναι τὴν κατὰ φύσιν δίκην ἐκτίσαι), -- each culprit the same, that is, which he inflicted on his victim, -- and that their life on earth must end in their meeting a like fate (τοιαύτη μοῖρα τελευτῆσαι) at the hands of another" (870d10-e3).

Elsewhere the Stranger speaks of avenging the murder of relatives. There is no possibility of purification from a crime of this kind other than suffering a similar fate in a future incarnation: "The myth of story (or whatever one should call it) has been clearly stated, as derived from ancient priests, to the effect that Justice, the avenger

produce another stage of the cycle. But if the rewards or punishments only make sense when viewed as part of the total pattern, and not from my viewpoint, they cease to have real moral significance for me. They will still be either good or horrible, and therefore to be awaited with anxiety; but there is nothing that I can do that will bring it about that I receive the one rather than the other. Which it will be, has already been decided in and by lives that are already past."

²¹ See J. Annas, *Phronesis* 27 (1982) 138: "A realistic moral philosophy must start by accepting that individuals' lives do not have point in the world as a whole, and that even if justice does turn out to bring rewards in the end, that cannot be an inducement that has any cogency to an honest and realistic person. If we choose to be just, we must choose justice for itself, in a universe that we recognize to be indifferent rather than benevolent to us as individuals."

(τιμωρὸς δίκη) of kindred blood, acting as overseer, employs the law just mentioned, and has ordained that the doer of such a deed must of necessity suffer the same as he has done (καὶ ἔταξεν ἄρα δρᾶσαντί τι τοιοῦτον παθεῖν ταῦτά ἀναγκαίως ἅπερ ἔδρασεν): if ever a man has slain his father, he must endure to suffer the same violent fate at his own children's hands in days to come; or if he has slain his mother, he must of necessity (ἀναγκαῖον) come to birth sharing in the female nature, and when thus born be removed from life by the hands of his offspring in afterdays; for of the pollution of common blood there is no other purification, nor does the stain of pollution admit of being washed off before the soul which committed the act pays back murder for murder, like for like (φόνον φόνῳ δμοίῳ δμοιον), and thus by propitiation lays to rest the wrath of all the kindred. Wherefore, in dread of such vengeance (τιμωρίας) from Heaven a man should refrain himself; if, however, any should be overtaken by a disaster so lamentable that they have the audacity deliberately and of free will to reave soul from body for father, mother, brethren or children, in such cases the ordinance of the law of the mortal lawgiver stands thus: -- The warnings of exclusion from customary places, and the sureties, are the same as those prescribed for former cases; and if any man be convicted of such a murder, and of having slain any of the persons named, the officers of the judges and magistrates shall kill him and cast him out naked at an appointed cross-roads outside the city, and all the magistrates, acting on behalf of the whole State, shall take each a stone and cast in on the head of the corpse, and thus make atonement for the whole State; and after this they shall carry the corpse to the borders of the land and cast it out unburied, according to law" (872d9--873c1).

In addition to these passages there is a hint of reincarnation in the context of afterlife judgment (903e--905b). The blue print of the next world is unusual: instead of precisely defined locations for individual souls, Plato envisages the arranging of every "part" of the universe as a "Whole", "for every physician and every trained craftsman works always for the sake of a Whole, and strives after what is best in general, and he produces a part for the sake of a whole, and not a whole for the sake of a part (μέρος μὴν ἔνεκα ὅλου καὶ οὐχ ὅλον μέρους ἔνεκα ἀπεργάζεται) . . . And inasmuch as soul, being conjoined now with one body, now with another, is always undergoing all kinds of changes either of itself or owing to another soul, there is left for the draughts-player no further task, -- save only to shift the character that grows better to a superior place, and the worse to a worse, according to what best suits each of them, so that to each may be allotted its appropriate destiny (μοίρας)" (903c7-d11).

The Stranger claims that supervision of all things is child's play to the gods, and points to the role of "our King": "He designed a location for each of the parts, wherein it might secure the victory of goodness in the Whole and the defeat of evil most completely, easily, and well. For this purpose He has designed the rule which prescribes what kind of character should be set to dwell in what kind of position and in what regions; but the causes of the generation of any special kind he left to the will of each one of us men. For according to the trend of our desires and the nature of our souls, each one of us generally becomes of a corresponding character" (904b3-c4). The position of man in the next world is described in spatial terms. The soul moves over the surface in space towards the lower regions, named Hades, if it is unjust, or up to an eminent region if it is in union with divine virtue.²² This process serves the interests of the cosmos as a whole.

3. Plutarch's Theory of Punishment

As a Platonist, Plutarch adopts the main Platonic theories and models of punishment. Perhaps the two writers' most remarkable common ground is the medical analogy: the purpose of punishment is the cure of the soul. Plutarch does not, however, adapt Plato's patterns for practical purposes; his intent is to justify the ways of God (the gods) to man in the light of his providence (*πρόνοια*), omnipotence, omniscience, and magnanimity. As the title suggests, his main concern is to explain the reasons for delays in divine punishment. *De sera numinis vindicta* is conceived as a dialogue between himself and Olympichus, Patrocleas and Timon. The discussion opens with the fictitious attack of an Epicurean on divine providence, which cites in particular the delays that attend punishment of the wicked. The dialogue has a dialectical structure containing three main stages and concludes with a picturesque and fantastic eschatological myth (563b8--568).

The myth is for our purposes not of major interest even though certain sections are devoted to punishment after death. All the more important are the three main theses of the *λόγος* in which Plutarch

²² See T. J. Saunders, *CQ.NS* 23 (1973) 234: "The process is not, apparently, subject to more than minimal guidance from any personal agency: it seems to be automatic or semi-automatic, with perhaps some remote control from a supervisor who may have done no more than construct the system in the first place, which thereafter operates by virtue of its own built-in mechanisms." On pp. 237-38 Saunders points out that the eschatology of the *Laws* in book 10 is based on that of the *Timaeus* 40-44; 91. There reincarnation is mentioned in the framework of the four-element theory.

discusses the justifications and purposes of divine punishment inflicted in this world on man: a) four reasons for the delays in God's punishment (549e2--553f7); b) punishment is in fact not deferred, for it is contemporary with the offence, resulting immediately and inevitably in remorse, regret and terror (553f8--556e2); the punishment of descendants for their ancestors' sins is a special case of delay that calls for justification (556e3--560a12; 561c1--563b7). The section 560a13--561b14 is a discussion of the survival of the soul after death.

Plutarch's theodicy displays a wider spectrum of ideas than the Platonic works on punishment which are concerned, for the most part, with the punishment of man by man, and thus serve practical ends. Plutarch does not, however, explore the full range of rational argumentation against the background of divine omnipotence, omniscience and magnanimity. The main reason for this restraint seems to be his view that God is our model, requiring imitation. Men as individuals and human institutions are often compelled to act without delay even though they do not by so doing exclude the possibility that God may have reasons for delay in punishing the wicked. The main problem for man is that of reconciling principle with the challenge of the particular situation. Since mortals with their limited knowledge cannot properly imitate God's ways to man, one is all the more attracted by the Yahwistic maxim that recurs frequently in the Bible in different literary forms and is made explicit in Isa 55:8: ". . . my thoughts are not your thoughts, neither are your ways my ways, says the Lord."

a) Reasons for and Advantages of God's Delays

We noted above that sectin 549e2--553f7 offers four reasons for God's delays in punishing men. It starts by suggesting that it is presumptuous for mortals to inquire into the concerns of gods and demons when they determine the time, the manner, and the measure of a wrongdoer's punishment. Since the cure of the soul is the greatest of all skills, it can hardly be an easy matter to determine on what principle the gods punish some wrongdoers later and others earlier (549e2--550c15). Then comes the first reason for and advantage of delay (550d1--551c6): God is our model, and for human beings the chief blessing is therefore to become established in virtue through copying his beauty and goodness. He is slow to punish the wicked because he teaches us not to inflict punishment in a spirit of brutishness, violence, anger and hate but to imitate his mildness, with Time as our counsellor. "We should become cautious in such matters, and hold the gentleness and magnanimity (*τὴν πραότητα καὶ τὴν μεγαλοψυχίαν*) displayed by God a part of virtue that is divine, which by punishment amends a few, while it profits and admonishes many by the delay" (551c2-6).

The second argument (551c7--552d7) concludes that God "distinguishes whether the passions of the sick soul to which he administers his justice will in any way yield and make room for repentance (*μετάνοιαν*), and for those in whose nature vice is not unrelieved or intractable, he fixes a period of grace" (551d1-3); ". . . he does not expedite punishment (*τὴν τιμωρίαν*) for all alike, but at once removes from life and amputates what is incurable, as constant association with wickedness is certainly harmful to others, and most harmful of all to the sufferer himself; whereas to those whose sinfulness is likely to have sprung from ignorance of good rather than from preference of evil, he grants time for reform (*δίδωσι μεταβάλλεσθαι χρόνον*), but if they persist, these too he visits with condign punishment; for he need hardly fear they will escape" (551e1-9).

The third argument (552d8--553d4) distinguishes even among the incorrigible on the ground that some of them, experience shows, may eventually be the source of great benefits. For instance, some men of acknowledged virtue are the scions of a wicked, hated, or even cursed line, and the Deity has on occasion made use of the wicked to chastise their fellow evildoers. The argument closes with the question: "Where then is the absurdity, if, as a farmer does not cut away the prickly plant until he has culled its edible shoots, and the Libyans do not set fire to their shrub until they have gathered from it the gum ladanum, so God too does not destroy the rank and thorny root of a glorious and royal race until it has borne its proper fruit?" (553c3-9).

The fourth argument (553d5-f7) relies on the general principle "that punishments should take place at a fitting time and in a fitting manner rather than speedily and at once" (553d5-7).

b) Punishment is in Fact Contemporary with the Offence

At this point Plutarch introduces probably his most important argument. The assumption that the punishment of the wicked is deferred recalls Plato's statement that punishment follows on injustice,²³ but Plutarch finds Hesiod more convincing: punishment is contemporary with injustice, "springing up with it from the selfsame soil and root" (554a1-2). Hesiod's own statement is: "He does mischief to himself who does mischief to another, and evil planned harms the plotter most."²⁴ Plutarch develops this argument: "Whereas the blister beetle is reported to contain, mixed within itself, its own remedy, which operates by a sort of counteraction, wickedness engenders with

²³ See the *Laws* 728c2-3.

²⁴ See *Works and Days* 265-66.

itself its pain and punishment, and thus pays the penalty of its wrongdoing not later, but at the very moment of commission; and whereas every criminal who goes to execution must carry his own cross on his back, vice frames out of itself each instrument of its own punishment, cunning artisan that it is of a life of wretchedness containing with infamy a host of terrors, regrets, cruel passions, and neverending anxieties" (554a5-b6). It follows, then, that punishment does not begin with its execution which may rather be considered its end and consummation. For the same reason no criminal can escape punishment: "... those of the wicked who appear to have escaped the immediate blow, pay not after, but during a longer period a penalty more lasting, not more delayed, and have not been punished on growing old, but have grown old in punishment" (554c10-d2).

In the light of this argument the Divinity would, indeed, appear lax and negligent in punishing the offender early rather than in delaying punishment (555d). At the same time, the natural reaction of a soul burdened by guilt is to wonder: "how it might escape from the memory of its iniquities, drive out of itself the consciousness of guilt, regain its purity, and begin its life anew" (556a10-b3). The wicked condemn their own way of life and are in terror even of those who applaud them. This fact dictates to Plutarch the following conclusion: "For my part, if it is not impious to say so, I hold that the perpetrators of unholy deeds need neither god nor man to punish them: their life suffices for that office, as their wickedness has wholly ruined it and plunged it into turmoil" (556d10-e2).

c) The Punishment of Descendants

At 556e5 Timon sends "the last problem (τὴν τελευταίαν ἀπορίαν) into the field": the injustice of the gods in punishing later generations for the sins of their forbears. It is striking that Plutarch feels compelled to defend the principle of collective retribution as a special case of delayed punishment. When Timon summons up some impressive instances of such punishments (556f7--557e10), Plutarch dismisses them as fabulous and invokes cases in which descendants are rewarded for the good deeds of their ancestors. This is allowed to pass, and he goes on to argue that the punishment of descendants for their ancestors' misdeeds is equally reasonable (557f5--558d3). Another analogical point adduced by Plutarch is the fact of contagion. Just as a disease which has its origin in one country can devastate another, so justice (δίκη) should find her way from parents to their children (558d4-f10). Plutarch concludes: "For forces (αἱ δυνάμεις) have a way of reverting from their farthest points to their origins and effecting a connexion; and although the cause of this may be unknown to us, it silently achieves its proper effect" (558f7-10).

The next point is again analogical, and it follows from the premises that an individual remains the same throughout his life and that a city counts as an individual (558f11--559c12). "A city, like a living thing, is a united and continuous whole. This does not cease to be itself as it changes in growing older, nor does it become one thing after another with the lapse of time, but is always at one with its former self in feeling and identity, and must take all blame or credit for what it does or has done in its public character, so long as the association that creates it and binds it together with interwoven strands preserves it as a unity" (559a1-8). It seems reasonable to Plutarch that a city should suffer for its past offences as an old man may pay for the crimes of his youth: "A man is called one and the same from birth to death; and we deem it only proper that a city, in like manner retaining its identity, should be involved in the disgraces of its forbears by the same title as it inherits their glory and power" (559c4-9). This analogy is applied to family links (559c13-e9). A child has been created partly by its father, "and thus not only contains within itself a portion of what is his, but receives a portion of his due when rightly punished or honoured" (559d5-7). This analogical sequence continues by introducing the characteristically Platonic medical parallel (559e10--560a12). In medicine it is customary to cauterise a diseased part of the body in order to cure other organs. What is helpful is also "just" (δίκαιον). Plutarch claims that, accordingly, it is just to punish some persons in order to admonish others. In this way certain dispositions, afflictions, and corrections are transmitted both from soul to soul and through the body to the body.

The aim of the dialogue on the survival of the soul (560a13--561b14) is to make it clear that rewards and penalties are awarded or imposed after death rather than before it, and are therefore invisible to the eyes of the living, "whereas the rewards and penalties that reach such souls through children and descendants are rendered visible to the inhabitants of this world and thus deter and discourage many of the wicked" (561a6-9). A more subtle reason for chastening a man's offspring is that it punishes him by letting him see them suffer calamities on his account.

At this point Bion says that God, in punishing the children of the wicked, is more ridiculous than a physician who treats a grandson or son for a progenitor's disease (561c1-4). In his reply Plutarch points to the dissimilarity between medical cure and cure by punishment: the medical treatment of one person cannot cure another, "whereas the reason for making a public spectacle of the punishment of evildoers is that the function of justice, when rightly administered, is to restrain some men by punishing others" (561c8-d2). The comparison holds, however, in the case of preventive treatment. It has

been known for a man to fall ill as a result of over-indulgence and for a physician to treat that man's son -- who was merely predisposed to the same disease -- in order to dispel "the tiny seed of a great disorder by not allowing it to grow to any size" (561e2-3). Likewise God may chasten what only amounts to a vicious disposition on the part of the children of wicked parents. ". . . Where a good man is born of a bad, as a healthy child may come of a sickly parent, the penalty attached to the family is remitted, and he becomes, as it were, adopted out of vice; whereas if a man's disorder reproduces the traits of a vicious ancestry, it is surely fitting that he should succeed to the punishment of that viciousness as to the debts of an estate" (562f4-9).

d) Evaluation of Plutarch's Arguments in the Light of the Hebrew Bible

Since Plutarch's work on the delays that attend divine punishment is a theodicy rather than a general penal theory, his arguments contain a number of points reminiscent of the beliefs and views found in the Hebrew Bible. On the other hand, what he says is sometimes not in accord either with the Bible or with common sense.

The point most conspicuously suggestive of biblical theological presuppositions is the emphasis on God's mildness and magnanimity in punishing men. Recognition of this is fully compatible with the view that the main purpose of punishment is to heal vice. The Bible also makes some use of the terminology of medical healing. Belief in God's magnanimity and in the curative function of punishment allows us to infer God's patience and his readiness to make room for repentance and to grant time for reform to those of the wicked who are corrigible. The distinction between curables and incurables is based on experience. Plutarch follows the traditional Greek line that the incorrigible infect society and must therefore be eradicated. It is strange, however, that Plutarch should speak of the immediate extermination of such persons by God, for this obviously is not the general practice. Noteworthy is his conviction that it is worth waiting for the eventual good fruits of administering punishment to incurable evil-doers. In the Bible, terms such as obstinacy or stubbornness are preferred to incurability, and there are cases of the ruthless punishment of perpetrators of ungodly deeds or of obdurate rebels. Finally, the claim that God's punishment takes place at a fitting time and in a fitting manner is of great interest. This principle is stated or implied especially often in the Hebrew Wisdom literature.

So far there is no real discordance between the Bible's theological presuppositions and those of Plutarch, and it should be noted that he uses the word "God" more often in the singular than in the plural. Until one comes to the paragraphs dealing with four reasons for the delays in God's punishment one might even conclude that Plutarch is a monotheist of sorts.

The section on immediacy of punishment is independent of theological underpinning, for it ends with the statement that evildoers need neither God nor man to punish them. This section is much more important than it may seem at first sight for a general understanding of life, of the Bible, and of many literary works. It affirms the opposite side of the Platonic principle of the intrinsic value of virtue. Plutarch's marvellously explicit statements are all the more welcome, as their theme is implied in the majority of biblical writings: disobedience to God, disloyal attitudes of all kinds, destroy the very essence of human existence and are therefore punishment in themselves. It is not by chance that the Hebrew word 'āwôn can signify "guilt" or (and) "punishment."

This clarity makes the section on visiting the sins of the parents on the children seem all the more puzzling. It is surprising to find Plutarch indulging in rhetorical gymnastics in his attempt to justify what is assumed to be the delayed punishment of third parties, for it is a matter of common sense that someone who has not committed a crime should not be deliberately punished for it. All attempts to justify the direct punishment of later generations are therefore vain and pointless. It is unavoidable, of course, that descendants should sometimes suffer the consequences of their ancestors' misdeeds. This is not due to the direct will of God, however, but to the structure of a universe in which no man is an island. This is, of course, in line with Plutarch's collective conception of the human being, which emerges most clearly from his analogy between the city and the individual.

According to Greek thinking, the gods work through nature and not against it.²⁵ Such a concept provides ample room for speaking of the indirect punishment of descendants, but no ground whatever for assuming any direct infliction of retribution. The more it is evident that the gods do not transcend the laws of the cosmos, the more it should be clear that it would be unjustifiable -- and indeed impossible -- for them to punish directly those who have not commit-

²⁵ This statement is one of the main emphases in H. Lloyd-Jones, *The Justice of Zeus* (SCL 41; Berkeley, Los Angeles, London: University of California Press, 1971, 1983).

The English translations of Plato and Plutarch are taken from the translations published in Loeb Classical Library.

ted the crime in question. According to biblical belief God can intervene directly in the world, but it would belie his holiness and justice to punish directly the sins of the parents on the children. It seems appropriate, then, to say that God *permits* later generations to suffer because of their fathers' sins.

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