Classical Quarterly 61.1 134–142 (2011) Printed in Great Britain
doi:10.1017/S0009838810000431

INSTITUTIONALIZING DISHONOUR IN PLATO'S *LAWS*

Even a cursory reading of the *Laws* reveals a startling number of references to penalties such as dishonour, shame and even degradation.[1] Indeed, as we shall learn, notions of honour and dishonour were among the foundational principles of Magnesia. One form of dishonour that recurs is *atimia*, which, surprisingly, Plato did not include among the serious penalties set forth in his penal code. The latter include death, imprisonment, whipping, humiliation, fines and exile (855c, 890c, 949c). There is one exception, a passage in which Plato adds to the list the penalty of *atimiai* (890c: plural of *atimia*). This curious reference has been variously translated as 'deprivation of civic rights', 'degradation', or 'dishonors'.[2] Whatever the meaning of 890c, no citizen of Magnesia suffered the fate of countless Athenian citizens, who, as punishment for a long list of offences, including public debt, were totally disfranchised, losing their civic rights and being barred from Athens' political centre, the Agora.[3] Far from following Athens' example, Plato states very clearly that no Magnesian, even in exile, is to be totally *atimos* (855c: ἄτιμον … παντάπασι), deprived of all civic rights and privileges.[4]

While *atimia* in the traditional sense may not be part of Plato's penal code, yet *atimia* and its cognates (ἄτιμος, ἀτιμάζειν) recur throughout the *Laws*. They are found in conjunction with loss of reputation, dishonour and disgrace, and, in many instances, with the removal of a specific right or privilege.

What then does *atimia* signify and where does it fit in Plato's penal code? These questions point in turn to a larger issue: the uses of reputation in Magnesian society. For again even a cursory reading of the *Laws* reveals that forms of dishonour, including *atimia*, institutionalized in the *Laws* are more than mere penalties. Like their opposite, honour, they have important uses in regulating and sustaining Magnesian society.

[1] For brief references to public disgrace and the loss of reputation, see R.F. Stalley, *An Introduction to Plato's* Laws (Oxford, 1983), 138 and, more fully, 'Punishment in Plato's *Laws*', *History of Political Thought* 16 (1995), 481–2; T.J. Saunders, *Plato's Penal Code: Tradition, Controversy, and Reform in Greek Penology* (Oxford, 1991), 326–7, 336, 338; and D.L. Cairns, Aidos: *The Psychology and Ethics of Honour and Shame in Ancient Greek Literature* (Oxford, 1993), 376 n. 98.

[2] Respectively, T.J. Saunders, *Plato:* The Laws (Harmondsworth, 1970), 418; R.G. Bury in the Loeb Classical Library, *Laws* 2, 317; and T.L. Pangle, The Laws *of Plato* (New York, 1980), 287.

[3] On *atimia*, see M.H. Hansen, Apagoge, Endeixis *and* Ephegesis *against* Kakourgoi, Atimoi *and* Pheugontes: *A Study in the Athenian Adminstration of Justice in the Fourth Century* B.C. (Odense, 1976), 55–90 and, for public debtors, V.J. Hunter, 'Policing public debtors in Classical Athens', *Phoenix* 54 (2000), 21–38.

[4] L. Gernet, '*Les Lois* et le droit positif' (second part of the introduction to the Budé edition of *The Laws*) (Paris, 1951), p. cxc believes that this alludes to *atimia* as practised in Athens. As for Magnesia, Plato 'ne veut pas pour sa cité de membres véritablement déchus'. Cf. Saunders (n. 1), 328.

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In Magnesia, loss of reputation takes a number of forms. At its simplest, the law assigns a disparaging epithet (or attribute) to a wrongdoer, its purpose being to evoke public blame and so disgrace. He (or she) might be deemed 'cowardly', 'crude', 'lawless', or just plain 'bad' (a 'bad citizen').[5] A variation on this procedure is the declaring of a wrongdoer liable to reproach or censure or attributing to him a reputation for bad behaviour. Reproaches can be coupled with *atimiai*, forms of dishonour.[6] More seriously, one might be liable to a curse or even the curse of Zeus.[7] Both epithets and censure are inflicted not just on active wrongdoers but also on bystanders who fail to meet their public responsibilities.[8]

For the most part, the loss of reputation is more complex, with serious consequences for the loser and his honour. In what follows I shall analyse in some detail several extended examples of what amounts to institutionalized dishonour. The first two are drawn from the section of the *Laws* that deals with marriage and procreation (Book 6, 771e–785b). They affect private life. The next three, offences committed by citizens on military service (Book 12, 943a–945b), affect public life.

1. CELIBACY AND FAILURE TO PROCREATE

a) Celibacy (774a–c)

Under Magnesian law, young men were expected to marry between the ages of 25 and 35 (772d; cf. 721b). Anyone who refused to do so and still remained a bachelor at 35 was liable to an annual fine (30 to 100 drachmas, depending on one's property class). More importantly, he was also declared *atimos*, without honour, but *atimos* in a particular way: he was deprived of the privilege of receiving respect from men younger than himself (*τιμῆς δὲ παρὰ τῶν νεωτέρων ἄτιμος πάσης ἔστω*). None of the young were, of their own accord, to pay him any heed. Moreover, if he tried to chastise anyone, bystanders were to come to the victim's rescue and defend him. The bystander who failed to do so was declared by law to be a coward and a bad citizen.[9]

b) Failure to Procreate (783e–784d)

Even as they required appropriate and timely marriage, the laws of Magnesia sought to ensure timely procreation on the part of citizens. In the first instance, persuasion is meant to ensure that couples produce children. If persuasion fails, laws stand ready to threaten them (783d). Plato's persuasive techniques are complex, with a number of levels of inspection over a period of years. If all attempts at persuasion fail, the *nomophylakes* are asked to intervene. Finally, if even they

[5] e.g. cowardly (*δειλός*, 774c or *κακός*, 880b); crude (*ἄγροικος*, 880a); lawless (*ἀκοινώνητος νόμων*, 914c); bad (*κακὸς … πολίτης*, 774c); and slavish or ungentlemanly (*ἀνελεύθερος*, 880a, 914c).

[6] e.g. reproach or censure (*ὀνείδει … τῷ μεγίστῳ*, 808e; cf. 926d, 944e; *ψόγῳ*, 917c, 926d); reputation for bad behaviour (*δόξαν … κακίας*, 914a); disgrace and dishonours (*ὀνείδεσί τε καὶ ἀτιμίαις*, 847a).

[7] e.g. curse and reproach (*ἀρᾷ καὶ ὀνείδει*, 742b); curse of Zeus (*ἀρᾷ … Διός*, 881d).

[8] e.g. 774c, 808e, 880b, 881d and 917c.

[9] The same regulation appears earlier at 721b–d, a passage which speaks directly of *atimia*, qualifying it in the same manner as 774b.

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cannot reform the couple, they are to publicize the case, posting up the name(s) of those alleged to be guilty (784c). If the accused loses the lawsuit that ensues, he (and presumably she) is declared *atimos*.[10] Again *atimia* is specific, involving loss of privileges or rights. The man is forbidden to attend weddings or celebrations in honour of the birth of children; the woman, to attend female processions and honours or weddings and celebrations in honour of the birth of children. Once again bystanders play a role. If a childless man (or again presumably a woman) persists in attending forbidden festivities, anyone may with impunity punish him with a beating (784d: *πληγαῖς*).

A number of general points emerge from the above. First, the examples cited confirm that *atimia* does not imply an inferior category of citizenship as it did in Athens. *Atimia* indicates merely an absence, the absence or loss of honour, *time*, but *time* of a particular kind, in both instances, a privilege or right. Secondly, while ostensibly the loss affects only private life, in fact public acts are at the centre of both examples, presupposing in one case the co-operation of Magnesia's young men in refusing recognition to the celibate and in both cases the intervention of bystanders. What this represents is a resort to popular, even 'rough', justice, a form of justice emanating from the community itself and dependent on the participation of ordinary citizens.[11] In fact, it is the legal responsibility of the latter to intervene in such situations. In the absence of police or police officials like the Athenian Eleven, of whom we hear nothing in the *Laws*, Magnesia, it seems, was for the most part self-policing.[12] Thirdly, the above raises the question of public knowledge and law enforcement. How, for example, were the celibate made known? Or, how, for that matter, did one know that a fellow citizen had the reputation of a coward or a bad citizen for failing in his responsibilities as a bystander? Was the acquaintanceship of Magnesian citizens with one another in itself sufficient to ensure that people of ill repute were widely known? – i.e. was Plato prepared to leave this kind of public knowledge to 'talk' (*φήμη* or gossip)? Possibly, but more likely the names of at least some offenders were inscribed in public just as they were in Athens in the case of traitors and public debtors (see below). In two instances, the names of men convicted of possessing unregistered wealth (754e–755a) and of *agronomoi* who deserted their post (762c) were so inscribed for all to see, in the case of the latter, in the agora. I suspect that Plato had this procedure in mind for other offenders.

2. MILITARY OFFENCES

(a) Draft-dodging (943a–b)

Under Magnesian law, if a citizen called up for military service fails out of cowardice to appear for duty without having the permission of his superiors, he is liable to be indicted under a *graphe astrateias* and tried in a court composed of those who did fight in the campaign. His penalty if found guilty is loss of honour,

[10] Plato states explicitly that the same rules (*nomima*) apply to women.

[11] For other examples of rough justice, where beatings with impunity are allowed or even advocated, see 762c, 917c and 935c.

[12] For all aspects of policing in Athens, including self-policing, see V.J. Hunter, *Policing Athens: Social Control in the Attic Lawsuits, 420–320 B.C.* (Princeton, 1994), ch. 5.

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for he is debarred from competing for any award for military valour (943b: τῆς ὅλης ἀριστείας).[13] He also suffers the legal disability of being prohibited from ever bringing a charge of *astrateia* against any other draft-dodger. The offence is serious enough that the court is also to assess an additional penalty, possibly a fine.

(b) Desertion (943d)

In the same way, if a soldier returns home during a military campaign before the leaders have withdrawn the troops, he is liable to prosecution for desertion (under a *graphe leipotaxiou*) and tried in the same court as that which deals with draft-dodgers. The penalties are the same.

(c) Abandonment of weapons (943e–945)

The third example is the most complex, beginning with a kind of preamble explaining how not every loss of weapons constitutes abandonment. The accused must have dropped or tossed them away voluntarily in the heat of battle (944c). Here Plato makes it very clear that the major penalty envisioned is lifelong disgrace (944e: κακῷ ὀνείδει ξυνεχόμενος). For the man guilty of shamefully throwing away his weapons shall be obliged to live virtually the life of a woman, never facing dangers again. The penalty is that henceforth no officer shall employ him as a soldier or offer him any military position whatever. In addition to being barred from manly dangers because of his cowardly nature, the solder must also pay back his wages (945a).

It is worth noting that, while loss of reputation and dishonour are the outcome in all three examples, the three differ in a number of ways from the two discussed above. First, in devising penalties for military offences, Plato makes no mention of *atimia* even in the most basic sense of loss of honour or privilege. Compared to Athens, where the penalty for such offences was full *atimia*, the penalties here are relatively light.[14] In two instances, the guilty are debarred from competing for a prize of valour and from exercising a minor legal right and, in the third, are condemned to lifelong disgrace through being barred from military service. In fact, disgrace would seem to be the real penalty in all three forms of military offence. In other words, in spite of the seriousness of these offences (extraordinary dereliction of duty), Plato is not prepared to follow the Athenian model and deprive a Magnesian citizen of all rights and privileges (cf. 855c). Secondly, the apprehension of the guilty does not depend on popular justice or citizen intervention. The whole process is public, with charges laid by military authorities, followed by a trial held in a military setting. Finally, public knowledge of the guilty presents no problem here, since his offence would be known immediately to his military superiors or his comrades in arms.

The above discussion reveals that in Magnesia loss of reputation takes a number of forms. The first and most simple is the assigning of a disparaging epithet or

[13] The awards, *aristeia*, are described at 943c as an olive wreath for each soldier who wins first, second or third prize in his own class. His accomplishment is commemorated by being dedicated, duly inscribed, in a temple of his choice.

[14] On these military offences and their difference from analogues in Athens, see Saunders (n. 1), 324–8.

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attribute to a wrongdoer or the infliction on him (her) of some form of public censure or reproach. The second involves loss of honour through the loss of a specific privilege or right that might be deemed private (e.g. a prohibition on attending certain festivities). Women shared equally in this type of dishonour. The third extends this loss to the public sphere, curtailing participation in the political, military or legal life of the *polis*, including the right to compete for prizes. The examples Plato offers of the latter seem to affect only male citizens. In some few examples the loss inflicted is referred to as *atimia* or the individual designated as *atimos*.

3. HOW WAS REPUTATION LOST IN MAGNESIA?

First let us set forth in broad outline those areas of social, political or economic life within which activities, if wrongly undertaken, could result in some form of dishonour. Where the family is concerned, they include, in addition to celibacy and childlessness, adultery (841e), failure to intervene in violence against parents or grandparents (881b–d), to win a suit before the Select Judges about the care of orphans (926d), or to inform the authorities about the neglect of parents (932d). Failure to punish misbehaviour on the part of a child or his pedagogue or teacher (808e–809a) or to follow the rules for state education (810a) had similar consequences for reputation and associated privilege. In what might be termed economic matters, the breach of rules about the sharing of the fruit harvest (844d–845d) and the failure to respond to bad behaviour on the part of retailers in the marketplace (917b–d) were also areas where reputation and associated privilege could be lost. Connected matters are the prohibition on the kinds of economic pursuits a citizen could follow (846d–847a), the possession of foreign money, which must be exchanged, or the knowledge of such possession (742b), and the removal of property, together with the failure to inform about the removal of buried treasure (913c–914c). Finally, certain public activities could lead to disgrace: in addition to military offences, they include failure to vote in the election of officials (763e–764a), fisticuffs on the part of a man over forty (880a), failure to intervene and separate two combatants of unequal age (880b), failure on the part of an official to punish abusive language in public (935a–c), the production of censored comedy (936a–b), and bad behaviour on the part of *agronomoi* (762a–c) or *euthynoi* (947e–948a). Dishonour, in other words, could be incurred in virtually every area of Magnesian life, affecting citizens, both male and female, who either acted wrongly or failed in some civic duty, bystanders who did not assume their responsibilities, and officials who failed in their duties.

While it goes beyond the scope of this paper to discuss each of the above in detail, some recurring peculiarities are worth pursuing:

(a) Atimos/atimia

Atimia occurs in four instances in addition to celibacy and childlessness: i) adultery, where the culprit is legally *atimos*, here not privileged to share in state commendation (841e: ἄτιμον αὐτὸν τῶν ἐν τῇ πόλει ἐπαίνων); ii) state education, where failure to follow the curriculum laid down by the state renders one *atimos*,

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ineligible for school prizes (810a: ἄτιμος τῶν παιδείων … τιμῶν); iii) economic pursuits, where citizens who take up a craft face censure and *atimiai*, degradation (847a: ὀνείδεσί τε καὶ ἀτιμίαις);[15] iv) responsibilities of *agronomoi*, where failure to prosecute a colleague who deserts his post means loss of the right to exercise authority over the young men (762d: περὶ τὰς τῶν νέων ἀρχὰς ἠτιμώσθω πάσας).

(b) Bystanders/passers-by

In some of the above cases the dishonour meted out attaches not to the offender himself but to bystanders who fail i) to punish the misbehaviour of a child or its pedagogue or teacher (808e: he is liable to the deepest disgrace); ii) to intervene when anyone beats a person twenty or more years his senior (880b: he is held to be a coward, *kakos*); iii) to administer a beating to retailers (metics or *xenoi*) who ignore market regulations (917c: he is liable to censure for betraying the laws); iv) to intervene by force (πληγαῖς) and stop abusive language in the less ceremonial parts of the city (935c: he is disqualified for competing for *aristeia* or public awards of merit).[16] v) In a variation of the above, a passer-by – man, woman, or child – who fails to intervene and repel one who dares to strike his parent or grandparent is liable by law to a curse from Zeus the protector of kin and family (881d–e).

(c) Rough justice

In all examples that concern bystanders, the latter are encouraged – or better, required – to resort to rough justice. In four cases blows are mentioned as appropriate (762c, 784d, 917c, 935c).

(d) Failure to inform

In some cases, failure to inform the authorities that an offence has been committed results in dishonour. These include the knowledge i) that a returned traveller has retained foreign currency (742b: a curse and censure); ii) that hidden treasure has been removed (914a: a reputation for vice); iii) that a parent is being neglected (932d: a reputation as *kakos*). In two of the above, the technical term for informing is employed (the verb μηνύειν). iv) In a somewhat similar procedure, where the verb ἐλέγχειν is used, anyone who fails to expose the seller of adulterated goods is also deemed *kakos* (917d).

[15] The *astynomoi* are responsible for administering this last penalty. It becomes clear that, *pace* Saunders (above, n. 2), *atimiai* represent 'degradation' (Bury) or 'dishonors' (Pangle), not 'deprivation of civic rights'.

[16] Public areas like the market, courts or assembly were regulated by the appropriate official, who, if he failed in his duty to punish an offender, was disqualified from competing for awards of merit, *aristeia* (935b–c).

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(e) Status distinctions[17]

In many instances, some form of dishonour or alternative to dishonour is laid down for those who are not citizens. The most detailed is the account of penalties for those who fail to stop violence against a parent or grandparent (881b–c): a metic must go into permanent exile, an alien (*xenos*) is liable to censure, and a slave punished by a public whipping.[18] Other examples of such distinctions are found in the case of sharing fruit with travellers who are passers-by (844d–845d) and of the removal of property (914b–c). In both instances the slave who touches forbidden fruit or removes property is beaten.[19] Remarkably, where hidden treasure is removed, a slave who knows of it and fails to inform is put to death (914a). Dishonour, like honour, is an attribute of the free. Thus, the vast majority of cases, some of which involve prerogatives exclusive to citizens, also concern only citizens. An alien may on occasion be honoured but a slave, never. Hence, a slave also never experiences dishonour. His (or her) penalty is physical, a whipping or death, and his reward, if any, is freedom.[20]

4. DISHONOUR/DISGRACE AND SOCIETY

So far we have considered dishonour or the loss of reputation (whether deemed *atimia* or not) as a penalty for wrongdoing. But Plato sets his sights beyond mere penalties in institutionalizing dishonour, together with its opposite, honour. The use of both is fundamental to the regulation of Magnesian society. If then we consider dishonour in a larger framework, it will be seen, again along with its opposite, honour, to be embedded in the foundational principles of Magnesia, principles often attributed to the lawgiver. For instance, very early in the *Laws* Plato proposes that the lawgiver must supervise the citizens throughout the life cycle, from marriage to old age, by conferring honour and dishonour in correct proportions (631e). Indeed, if the state is to survive and achieve the full measure of human happiness, it must distribute honours and dishonours appropriately (697b). Elsewhere, as part of his theory of punishment, Plato discusses a variety of ways to deter criminals from repeating their mistakes and to learn to love justice. They are set forth in contrasting pairs: words/deeds, pleasures/pains, fines/rewards and honours/dishonours (862d).[21] At one point, Plato even ventures to suggest that, in the eyes of a person of good sense, censure and disgrace (926d) amount to a

[17] For a full account of status or class distinctions in the *Laws*, see Saunders (n. 1), 334–48.

[18] A citizen, as we have seen above, is liable to a curse from Zeus. The corresponding rewards are, for a metic, a front seat at the games, for an alien, commendation, and for a slave, freedom.

[19] By contrast, in the case of choice fruit, such as apples or pears, a citizen who disobeys the rules is liable to be disqualified from competing for honours. Curiously, a person under thirty, presumably citizen or foreigner, may be driven off by force (through blows, πληγαί). Where removal of property is concerned, a free man must recompense the owner tenfold and be considered a lawless person lacking in the manners of a gentleman (*aneleutheros*).

[20] For slave whipping, see 845a, 881c and 914b. Its opposite, freedom as a reward, is found at 881c, 914a and 932d. Death is decreed at 914a.

[21] As part of his Utopian prescriptions, Plato constantly contrasts honour and dishonour. See e.g. 631e, 648b–c, 697b, 711b–c, 740d, 784e, 862d and 952b. Stalley, 'Punishment' (n. 1), 486 believes that Plato has a 'disciplinary view of the state', aimed not just at conformity but also at the internalization of 'the values embodied in the laws'. Punishment, including the deprivation of honours, or actual disgrace, must be seen within the context of this larger societal project.

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heavier penalty than a large fine. Other ways in which dishonour and honour are used in the regulation of society include encouraging fearlessness in war (648b–c), stimulating the birth rate (740d), and responding to the behaviour of the young men (virtual protégés) attached to the Nocturnal Council (952b). In other words, dishonour was well entrenched in Magnesian society both within and beyond the penal system. It represented a potent form of social regulation aimed at producing obedient and productive citizens.

That honour and dishonour are deeply embedded in Magnesian society is scarcely surprising. In this, Magnesia merely replicates Greek society in general and Athens in particular. What is unusual, perhaps even unique, is the incorporation of forms of dishonour as a minor penalty within the penal code. I say minor in comparison with penalties for serious crimes like murder, treason or temple robbery, where death was decreed. What is also worth remarking is that, in institutionalizing dishonour, Plato did not follow his usual model, Athens. For there, only rarely was dishonour a penalty. Thus, examples of humiliation and so disgrace being decreed under Athenian law are very few. Adultery is one of them. In a procedure very like Plato's treatment of the childless, violence was permitted against an adulterous woman who attended public sacrifices or adorned her person. Anyone might punish her with impunity. This included beating her (Aeschin. 1.183; cf. Dem. 59.85–7).[22] Another penalty devised to cause intense shame and so lifelong disgrace was the public exposure of a convicted thief, who was obliged to spend five days and five nights in the stocks so that everyone might see him confined and chained (Dem. 24.105, 114–15). Public records could also bring shame to certain individuals who had been disgraced. These include state debtors and traitors whose names were inscribed on the Acropolis and in the Bouleuterion respectively.[23] The latter is of course not a legislated penalty and serves to underscore the fact that only exceptionally was dishonour institutionalized as a penalty within the Athenian penal code.

Athens aside, might Plato have had another model? In answer, I would suggest Sparta, not a surprising choice, given the admiration of Athenian intellectuals, including Plato (*Resp*. 544c),[24] for Sparta's disciplined way of life and her courageous citizens, both the result, they believed, of *eunomia* (good government). Whether through law, custom or social pressure, obedience and conformity were the rule in Spartan society. At the heart of that society was the honour system described by Xenophon (*Lac*. 3.3: *τῶν καλῶν τυγχάνειν*; cf. 4.4): this meant honour for some, but its opposite for those who failed to meet Sparta's high standards. Dishonour, humiliation and ridicule[25] threatened individuals at all levels of Spartan society – in the *agoge*, the *syssitia*, the army, and even in family and personal life. Two examples will suffice here. Most notorious is the treatment of cowards, who faced social ostracism and ignominy on such a scale that

[22] According to Aeschines, Solon's aim was to disgrace (*ἀτιμῶν*) such a woman and make her life unbearable.

[23] For the ancient evidence for the public inscription of the names of state debtors and traitors, see Hunter (n. 12), 133.

[24] On Athenian intellectuals and Sparta, see G.R. Morrow, *Plato's Cretan City: A Historical Interpretation of the* Laws (Princeton, 1960), 41–4 and D.M. MacDowell, *Spartan Law* (Edinburgh, 1986), 15–16.

[25] On laughter and ridicule in Sparta, see E. David, 'Laughter in Spartan society', in A. Powell (ed.), *Classical Sparta: Techniques Behind Her Success* (London, 1989), 1–25.

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to Xenophon death seemed preferable to their life (*Lac.* 9.4–6; cf. Hdt. 7.231). Similarly, the celibate suffered a series of humiliations, including the disgrace of being deprived of the honour (*time*) and attendance that young men usually afforded their elders (Plut. *Lyc*. 15.1–2). As we have seen above, disgrace was the penalty Plato prescribed for military offences. He did not, however, adopt the more flagrant forms of humiliation common in Sparta. Nor did he do so in the case of the celibate, reserving only the loss of respect of the young for their elders. In general then, Plato eschewed the extreme forms of disgrace practised in Sparta. None the less, he saw that the uses of reputation could have positive effects on society: in moderation, fear of disgrace ensured obedience and conformity. He thus incorporated dishonour and disgrace as penalties within Magnesia's penal code.[26]

5. CONCLUSIONS – DISHONOUR AND *ATIMIA*

Throughout this paper the notion of *atimia* has recurred. Very early on, however, we discovered that *atimia* did not mean full disfranchisement in the Athenian sense, though it could involve loss of some rights or privileges. Whether, as some believe, the latter represents a form of partial or restricted *atimia* based on the Athenian model remains a moot point.[27] But this does not mean that we should drop the notion of *atimia* altogether. For if Plato did not replicate Athenian *atimia*, in institutionalizing dishonour, he created what amounts to a comparable system of penalties which, *mutatis mutandis*, served much the same function as *atimia*. One need only peruse the list of ways in which reputation was lost in Magnesia to note the frequency of the notion of 'failure', failure that is to carry out some public duty. Like habitual idleness or the refusal to divorce an adulteress and many other offences of omission that led to *atimia* in Athens, most of the analogous offences in Magnesia represent a 'neglect of civil duties'[28] or even of the behaviour expected of a citizen. Plato, we know, was loath to inflict full *atimia* on the citizens of Magnesia.[29] Given the restricted number of citizens in the state (5040), this would not only withdraw individuals from adequate and necessary participation but might also cause division within the *polis*. Through institutionalizing dishonour, he found a way to retain a full complement of citizens and yet penalize those who failed to live up to the standards of citizenship. In a word, dishonour played much the same role as *atimia* and, in so doing, served to regulate and sustain Magnesian society.

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[26] This is hardly surprising, given his many other borrowings from Sparta. Morrow (n. 23), 533–4 provides a considerable list.

[27] Saunders (n. 1), 331 refers to restricted *atimia* at 937b–c, while Morrow (n. 23), 294 speaks of partial *atimia* at 938b–c.

[28] Hansen (n. 3), 74, who concludes that '*atimia* was the penalty *par excellence* which an Athenian might incur in his capacity of a citizen'. This characterization would fit most of the offences that were penalized with dishonour in Magnesia.

[29] Above, n. 4. This paper was read, in a penultimate version, at the Annual Meeting of the Classical Association of Canada in Vancouver in May 2009.

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