LEX

On the Republic

MARCUS TULLIUS CICERO

Musean Translation

MOUSEIA

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Musean Translation

Translated by Michael Berardi

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THIS EDITION

All surviving text in Mueller's 1889 edition, including the Dream of Scipio and fragments. Machine-assisted Musean translation directly from Latin, independently of Plain English, with Latin-source model review. [...] marks loss; † marks a corrupt reading. In the Original, braces mark deleted words, which are not translated. Unidentified letter remnants remain in the Original.

TRANSLATOR

Michael Berardi

THE WORK

Written 54–51 BCE · Political philosophy

SOURCE

Original text from the Perseus Digital Library.

GAPS AND UNCERTAINTIES

Much of the six-book work is lost; complete means all surviving text in the pinned edition, not reconstruction. The source's discontinuous numbering and fragment suffixes are retained. No human specialist certification is claimed.

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Book 1

SECTION 1

CHAPTER 1

[...] had freed them from the assault; nor would Gaius Duilius, Aulus Atilius, and Lucius Metellus have freed them from the terror of Carthage; nor would the two Scipios have quenched with their own blood the rising blaze of the Second Punic War; nor, when it flared up with greater force, would Quintus Maximus have sapped its strength or Marcus Marcellus have crushed it, or Publius Africanus have torn it from this city's gates and driven it within the enemy's walls. Marcus Cato, an unknown man of no distinguished ancestry, whose example guides all of us with the same pursuits toward industry and virtue, certainly could have enjoyed his leisure at Tusculum, a healthy place close at hand. Yet this madman, as those thinkers consider him, though driven by no necessity, preferred to be tossed on these waves and storms to the very end of his old age rather than live most pleasantly in that peace and leisure. I pass over countless men, each of whom brought salvation to this state; and since they are not far beyond the memory of our own age, I refrain from naming them, lest anyone complain that he or one of his family has been over-

looked. I assert only this: nature has given the human race so great a need for virtue, so great a love of defending the common safety, that its force has conquered every lure of pleasure and leisure.

SECTION 2

CHAPTER 2

Nor is it enough to possess virtue as though it were some art, unless you practice it. An art, even when you do not practice it, can still be retained through knowledge alone; virtue rests entirely in its practice. Its highest practice is the government of a state, and the accomplishment in deed, not in words, of the very things these men proclaim in their corners. For philosophers say nothing, at least nothing rightly and honorably said, that was not brought into being and established by those who laid down laws for states. From where, and from whom, came devotion to duty or religious observance? From where came the law of nations, or this very law we call civil? From where justice, good faith, fairness? From where a sense of shame, self-restraint, the avoidance of disgrace, the pursuit of praise and honor? From where courage amid hardship and danger? Surely from those who, having shaped these things through instruction, established some by custom and sanctioned others by law.

SECTION 3

Indeed, they say that Xenocrates, among the most distinguished of philosophers, when asked what his pupils gained, answered, "They do of their own accord what the laws would compel them to do." Therefore the citizen who, by his authority and the penalties of law, compels everyone to do what philosophers can scarcely persuade a few to do by argument, deserves preference even over the teachers who discuss these subjects. What discourse of theirs is so exquisite that it should rank above a state well ordered by public law and custom? For my part, just as I think that "great and commanding cities," as Ennius calls them, deserve preference over hamlets and forts, so I hold that those who preside over these cities by their wisdom and authority far surpass in wisdom itself those who take no part in public business. And since we are drawn above

all to increase the resources of the human race, and strive by our judgment and labor to make human life safer and more prosperous, and nature's own spur urges us toward this pleasure, let us hold to the course that has always belonged to the best of men. Let us not listen to the signals sounding the retreat, seeking to call back even those who have already advanced.

SECTION 4

CHAPTER 3

Against these arguments, so certain and so clear, our opponents set first the hardships that must be endured in defending the commonwealth—a slight obstacle indeed for a vigilant and industrious man, and one to be disregarded not only in affairs of such importance but even in more modest pursuits or duties, or indeed in business. They add the dangers to life, confronting brave men with a shameful fear of death. Such men generally think it more wretched to waste away through nature and old age than to be granted an occasion to give back, above all for their country, the life that must in any case be given back to nature. But they think their argument rich and eloquent when they gather the disasters of illustrious men and the wrongs inflicted on them by ungrateful citizens.

SECTION 5

From this come those examples among the Greeks: Miltiades, the conqueror and subduer of the Persians, whose wounds, received facing the enemy in his glorious victory, were not yet healed when he poured out in his fellow citizens' chains the life he had saved from enemy weapons; and Themistocles, driven and frightened from the country he had freed, who fled not to the harbors of Greece he himself had saved, but to the shelter of the foreign land he had laid low. Nor is there any shortage of examples of Athenian fickleness and cruelty toward their greatest citizens. These evils, born and often repeated among them, are said to have spilled over even into our own most steadfast state;

SECTION 6

for they recall the exile of Camillus, the hostility toward Ahala, the resentment of Nasica, the expulsion of Laenas, the condemnation of Opimius, the flight of Metellus, or the bitter disaster of Gaius Marius and the slaughter of the leading citizens, or the destruction of the many others that followed soon afterward. Nor do they now spare my own name. Indeed, I believe that because they think my judgment and my peril preserved them in that life of leisure, they lament my fate still more gravely and affectionately. Yet I could not easily say why, when they themselves cross the seas to learn or to see the world [...]

SECTION 7

CHAPTER 4

[...] when, on leaving the consulship, I had sworn before the assembled people that it was safe, and the Roman people had sworn the same, I could easily have offset the distress and vexation of every wrong. Yet my misfortunes brought more honor than hardship, less vexation than glory; and I felt greater joy in the longing of good men for me than grief at the rejoicing of the wicked. But if things had turned out otherwise, as I have said, how could I complain, when nothing had befallen me that was unforeseen or more grievous than I had expected in return for such great deeds? For I was a man who could either have reaped richer fruits from leisure than others, through the varied delights of the studies in which I had lived since childhood, or, if some bitter fate befell us all, have borne no exceptional lot but the same as everyone else. Yet I did not hesitate to face the fiercest storms, almost the thunderbolts themselves, to save my fellow citizens, and through dangers of my own to win peace shared by all the rest.

SECTION 8

For our country did not bring us to birth or nurture us on the understanding that she should expect no sustenance, so to speak, from us in return, and merely serve our advantage, providing a safe refuge for our leisure and a tran-

quil place for our rest. Rather, she claimed as her pledge the largest and greatest part of our spirit, talent, and judgment for her own use, leaving us for our private use only as much as she herself could spare.

SECTION 9

CHAPTER 5

As for the refuges they take in excuses to enjoy their leisure more readily, these certainly deserve no hearing. They say that most who enter public life are men worthy of nothing good; to be ranked with them is degrading, while to contend with them, especially when the crowd has been stirred up, is wretched and dangerous. Therefore, they say, it is not for a wise man to take the reins when he cannot curb the wild and untamed impulses of the multitude, nor for a free man, struggling against foul and savage opponents, to endure the lash of insults or await wrongs that a wise man ought not to bear. As though good and brave men of great spirit could have any more just cause for entering public life than to avoid submission to the wicked, and to prevent those same men from tearing the commonwealth apart when they themselves would be powerless to bring help, however much they wished!

SECTION 10

CHAPTER 6

And who, I ask, could approve their proviso, when they deny that the wise man will take any part in public affairs unless circumstances and necessity compel him? As though anyone could encounter a greater necessity than the one I encountered! What could I have done in it if I had not been consul at the time? And how could I have been consul unless from childhood I had held to the course of life that enabled me, born to equestrian rank, to reach the highest office? You do not, then, have the power to help the commonwealth on the spur of the moment, or whenever you please, however hard danger presses upon it, unless you are in a position that allows you to do so.

SECTION 11

What usually strikes me as most astonishing in the arguments of learned men is this: the same men who deny that they can steer on a calm sea, because they have neither learned how nor ever cared to know, declare that they will take the helm when the greatest waves have risen. For these men commonly say openly, and even take great pride in saying, that they have never learned and do not teach anything about the principles of founding or preserving states. They think knowledge of such matters should be conceded not to learned and wise men, but to those practiced in that field. How, then, is it consistent to promise their services to the commonwealth only when necessity compels them, when they do not know how to govern it under no pressure of necessity, a far easier task? For my part, even if it were true that the wise man does not ordinarily enter public affairs of his own accord, but refuses that duty no longer when circumstances compel him, I would still think that a wise man should by no means neglect this knowledge of civic life. He must prepare himself in everything he may, for all he knows, someday be obliged to use.

SECTION 12

CHAPTER 7

I have spoken at some length about this because in these books I have undertaken and embarked upon a discussion of the commonwealth. If that discussion was not to be fruitless, I had above all to remove any hesitation about entering public life. Yet if there are any who are swayed by the authority of philosophers, let them attend for a moment and listen to those whose authority and renown stand highest among the most learned men. Even those of them who did not themselves administer the commonwealth I consider to have performed some public service, since they investigated and wrote much about it. As for the seven whom the Greeks named wise men, I find that almost all were immersed in public life. For there is nothing in which human virtue approaches closer to the power of the gods than founding new states or preserving those already founded.

SECTION 13

CHAPTER 8

On these matters, since it has been our good fortune both to achieve something worthy of remembrance in conducting public affairs and, in explaining the principles of civic life, a certain facility not only through experience but also through devotion to learning and teaching † we were authorities, whereas among our predecessors some had been highly polished in debate but had no deeds to show, while others were estimable in action but unskilled in discussion. Nor must we establish some new system invented by ourselves. Rather, we must recall a discussion among the most illustrious and wisest men of our state in a single generation. Publius Rutilius Rufus once recounted it to you and me, when you were a very young man and we were together at Smyrna for several days. In it almost nothing of great importance to the principles underlying the whole subject was passed over.

SECTION 14

CHAPTER 9

For when Publius Africanus, the son of Paulus, had decided to spend the Latin Festival in his gardens, in the consulship of Tuditanus and Aquilius, and his closest friends had said they would visit him often during those days, the first to come to him on the morning of the festival itself was his sister's son, Quintus Tubero. Scipio greeted him warmly and was glad to see him. "What brings you here so early, Tubero?" he said. "These holidays offered you a fine opportunity to work through your books." Then Tubero said, "All my time is free for my books; they are never busy. But to find you at leisure is a great thing, especially amid this turmoil in public affairs." Then Scipio said, "Well, you have found me so, but, by Hercules, freer from work than from thought." Tubero replied, "But you ought to relax your mind as well. Many of us, as we arranged,

are ready to make full use of this leisure with you, if it suits your convenience." SC. "Very willingly: let us at last be reminded of something to do with learned pursuits."

SECTION 15

CHAPTER 10

Then Tubero said, "Since you give me a kind of invitation and hold out the prospect of your company, shall we first consider, Africanus, before the others come, what there is to that report made in the Senate about a second sun? Those who say they have seen two suns are neither few nor frivolous; it is not so much their credibility we must question as the explanation we must seek." Here Scipio said, "How I wish we had our friend Panaetius with us! Among his other interests, he is particularly devoted to investigating these celestial matters. But, Tubero—to tell you frankly what I think—I do not altogether agree with that friend of ours on this entire subject. He makes assertions about things whose nature we can scarcely guess at by conjecture as though he saw them with his own eyes or positively handled them. This is why I generally judge Socrates the wiser: he set aside all concern of this sort, and said that inquiries into nature were either beyond the reach of human reason or had no bearing at all on human life."

SECTION 16

Then Tubero said, "I do not know, Africanus, why tradition has handed down that Socrates rejected all such discussion and habitually investigated only life and morals. For what more reliable authority on him can we cite than Plato? In many passages of his books, Socrates speaks in such a way that, even when discussing morals, virtues, and finally the commonwealth, he still tries to bring in numbers, geometry, and harmony in the manner of Pythagoras." Then Scipio said, "It is as you say. But I believe you have heard, Tubero, that after Socrates' death Plato went first to Egypt to learn, and afterward to Italy and Sicily to master the discoveries of Pythagoras; that he spent much time with Archytas of Tarentum and Timaeus of Locri, and obtained the writings of

Philolaus; and that, since Pythagoras' name flourished in those regions at that time, he devoted himself both to the Pythagoreans and to their studies. And so, since he had loved Socrates above all others and wished to credit him with everything, he wove Socrates' charm and subtlety of conversation together with Pythagoras' obscurity and his profound mastery of so many arts."

SECTION 17

CHAPTER 11

When Scipio had said this, he suddenly caught sight of Lucius Furius approaching. He greeted him, took him affectionately by the hand, and gave him a place on his own couch. Publius Rutilius, our source for this conversation, had arrived at the same time; after greeting him too, Scipio asked him to sit beside Tubero. Then Furius said, "What are you doing? Have we interrupted some conversation by coming in?" "Not at all," Africanus replied, "for you are an eager investigator of matters in the very field Tubero began asking about a little while ago. Our friend Rutilius, indeed, used sometimes to inquire into something of the kind with me even beneath the very walls of Numantia." "What subject had come up?" asked Philus. Scipio answered, "Those two suns. I am eager to hear what you think of them, Philus."

SECTION 18

CHAPTER 12

He had said this when a slave boy announced that Laelius was coming to see him and had already left home. Then Scipio put on his shoes and outer clothing and left his bedroom. After walking a little in the portico, he greeted Laelius as he arrived, and those who came with him: Spurius Mummius, whom he loved especially, and Gaius Fannius and Quintus Scaevola, Laelius' sons-in-law, learned young men already old enough for the quaestorship. Having greeted them all, he turned back along the portico and placed Laelius in the middle. For there was a kind of settled rule in their friendship: on campaign, because of his

exceptional military glory, Laelius revered Africanus like a god; at home, in turn, Scipio honored Laelius, who was his elder, as a father. After they had exchanged a very few words in one or two turns of their walk, their arrival having given Scipio great pleasure and delight, they decided to sit in the sunniest spot of a little meadow, since it was winter. As they were about to do so, Manius Manilius arrived, a wise man, delightful and dear to them all. Warmly greeted by Scipio and the others, he sat down next to Laelius.

SECTION 19

CHAPTER 13

Then Philus said, "I do not think their arrival requires us to find another subject. Instead, we should pursue this one more carefully and say something worthy of their hearing." Here Laelius said, "What were you doing, then? What conversation have we interrupted?" PH. "Scipio had asked me what I thought about the fact that two suns had certainly been seen." L. "Really, Philus? Have we already thoroughly explored what concerns our homes and our commonwealth, if we are now investigating what goes on in the sky?" Philus replied, "Do you not think it concerns our homes to know what is going on and what is happening at home? Our home is not what our walls enclose, but this whole universe, which the gods have given us as a dwelling and a country shared with themselves. Especially since, if we remain ignorant of these things, we must remain ignorant of many great matters. For my part—and, by Hercules, the same is true of you, Laelius, and of everyone eager for wisdom—it is the very knowledge and contemplation of things that delights me."

SECTION 20

Then Laelius said, "I raise no objection, especially since we are on holiday. But may we hear something, or have we come too late?" PH. "Nothing has yet been discussed, and since the ground is untouched, I shall gladly yield to you, Laelius, to discourse on it." L. "No, let us hear you—unless perhaps Manilius thinks some injunction should be drawn up between the two suns, allowing each to hold the sky as each has held it." Then Manilius said, "Will you go on

mocking that art, Laelius, in which, first, you yourself excel, and without which, second, no one can know what is his own and what belongs to another? But more of that later. Now let us hear Philus, whom I see being consulted on greater matters than either I or Publius Mucius."

SECTION 21

CHAPTER 14

Then Philus said, "I shall offer you nothing new, nor anything I have thought out or discovered myself. For I remember that Gaius Sulpicius Gallus —a very learned man, as you know—when this same sight was reported, happened to be visiting Marcus Marcellus, who had been his colleague as consul. He ordered a sphere to be brought out, which Marcus Marcellus' grandfather had carried away from Syracuse after its capture, though from that most wealthy and splendid city he had brought nothing else of all the spoils into his own house. I had very often heard this sphere mentioned because of Archimedes' fame, but its actual appearance did not strike me with much wonder. For the other sphere, also made by Archimedes, which the same Marcellus had placed in the temple of Virtue, was more graceful and better known to the public."

SECTION 22

"But when Gallus began to explain the workings of this device with the greatest knowledge, I judged that the Sicilian had possessed more genius than human nature seemed capable of bearing. Gallus said that the invention of that other sphere, solid throughout, was ancient: Thales of Miletus had first turned one on a lathe, and afterward Eudoxus of Cnidus, a pupil of Plato, as he was said to be, had marked on that same sphere the constellations and stars fixed in the sky. Many years later, Aratus had taken its whole arrangement and design from Eudoxus and set it out in verse, not through a knowledge of astronomy but through a certain poetic gift. This kind of sphere, however, containing the motions of the sun and moon and of the five stars called wandering, or roving, could not have been represented on that solid sphere. In this lay the marvel of

Archimedes' invention: he had devised a way for one rotation to preserve the unequal and varied courses of bodies whose motions were utterly unlike. When Gallus moved this sphere, the moon followed the sun in the bronze through as many rotations as it took days to do so in the sky itself. Thus the same eclipse of the sun occurred on the sphere, and the moon then fell into that cone which was the earth's shadow, when the sun, directly opposite [...]"

SECTION 23

CHAPTER 15

"[...] was, because I loved the man myself and knew that he had been especially esteemed and dear to my father Paulus. I remember, when I was very young, my father was consul in Macedonia and we were in camp, that our army was shaken by religious dread and fear because on a clear night the bright full moon had suddenly been eclipsed. Then Gallus, who was serving as our legate about a year before he was elected consul, did not hesitate the next day to explain openly in the camp that this was no portent; it had happened then and would always happen at fixed times, when the sun was so positioned that it could not touch the moon with its light." "Really?" said Tubero. "Could he teach this to men who were almost peasants, and did he dare say such things before the uneducated?" S. "He certainly did, and with great [...] [...]"

SECTION 24

"neither an arrogant display nor language unsuited to a man of the greatest dignity. For he accomplished something great in dispelling empty religious dread and fear from troubled men."

SECTION 25

CHAPTER 16

"Something of the same kind is said to have been done by the great Pericles in that tremendous war the Athenians and Spartans waged against one another with all their strength. The foremost man of his state in authority, eloquence,

and judgment, when the sun was obscured and darkness suddenly fell and the Athenians' minds were seized by the greatest fear, he explained to his fellow citizens what he himself had learned from Anaxagoras, whose pupil he had been: this happened at a fixed time and by necessity, when the whole moon passed beneath the sun's disk. Thus, though it did not happen at every new moon, it could happen only at the appointed time of a new moon. By explaining this through argument and reasoning, he freed the people from fear. For the explanation was then new and unknown: that the sun is eclipsed when the moon comes in front of it. They say Thales of Miletus was the first to see this. Later, it did not escape even our own Ennius, who writes that about the three hundred and fiftieth year after Rome's foundation,

On the Nones of June, the moon blocked the sun, and night fell.

And so much reasoning and ingenuity are involved in this matter that, from this day, which we find recorded in Ennius and in the Great Annals, earlier eclipses of the sun have been calculated backward as far as the one on the Nones of July in the reign of Romulus. Even if in that darkness nature carried Romulus away to a human death, his virtue is nevertheless said to have raised him to heaven."

SECTION 26

CHAPTER 17

Then Tubero said, "Do you see, Africanus, what a little while ago seemed otherwise to you, [...]" [...], which others see. Besides, what could a man think splendid in human affairs if he has looked into these kingdoms of the gods? Or lasting, if he has learned what eternity is? Or glorious, if he has seen how small the earth is—first the whole of it, then that portion inhabited by human beings—and how, fixed in a tiny part of it, utterly unknown to most nations, we nevertheless hope that our name will fly and range as widely as possible?

SECTION 27

"How fortunate we must consider the man who does not regard or describe as goods fields and buildings and herds and an immeasurable weight of silver and gold, because their yield seems to him slight, their use limited, their ownership uncertain, and their possession often immense even among the worst of men! He alone may truly claim everything as his own, not by the law of Roman citizens but by the law of the wise, not through a civil bond but through the common law of nature, which forbids anything to belong to anyone except the man who knows how to manage and use it. He counts our commands and consulships among the necessities, not the objects of desire: things to be undertaken to fulfill a duty, not sought for rewards or glory. Finally, as Cato writes that my grandfather Africanus used to say, he can declare of himself that he is never doing more than when he is doing nothing, never less alone than when he is alone."

SECTION 28

"For who can truly think that Dionysius achieved more when, by every contrivance, he robbed his fellow citizens of their freedom, than his fellow citizen Archimedes did when, seeming to do nothing, he made that very sphere? And who would not think those men more alone who, in the forum and the crowd, have no one with whom they care to speak, than those who, with no witness present, either speak with themselves or seem to be in a council of the most learned men as they delight in their discoveries and writings? Who would think anyone richer than a man who lacks nothing that nature actually desires, or more powerful than one who obtains everything he seeks, or happier than one freed from every disturbance of the mind, or more secure in fortune than one whose possessions he can, as they say, carry with him even out of a shipwreck? What command, what magistracy, what kingship can be more excellent than to look down on all human things, judging them inferior to wisdom, and never turn over in one's mind anything but the eternal and divine? Such a man is convinced that others are called human beings, but that only those really are so who have been refined by the arts proper to humanity;

SECTION 29

"so that I find that remark of Plato's—or whoever else said it—exceedingly apt. They say that when a storm had carried him from the open sea to an unknown land and a deserted shore, and the others were frightened because they did not know the place, he noticed some geometrical figures drawn in the sand. On seeing them he cried out that they should take heart, for he could see the traces of human beings. Evidently he interpreted those traces not from the cultivation of the land he saw but from signs of learning. For this reason, Tubero, learning and learned men and those pursuits of yours have always delighted me."

SECTION 30

CHAPTER 18

Then Laelius said, "I do not, indeed, venture to speak against that, Scipio, nor so much you or Philus or Manilius. [...]

"[...] in his own paternal family was that friend of ours, a worthy example for him to imitate,

Sextus Aelius, a man of rare good sense, shrewd,

who was of 'rare good sense' and 'shrewd,' and was so called by Ennius, not because he investigated things he would never discover, but because he gave answers that freed his questioners from anxiety and trouble. When arguing against Gallus' pursuits, he always had on his lips those words of Achilles in the Iphigenia:

What comes of watching astrologers' signs in the sky,

"When a Goat or Scorpion rises, or some beast's name?

"No one looks at what lies at his feet; they scan the tracts of sky.

The same man—I heard him often and gladly—used to say that Pacuvius' Zethus was too hostile to learning. He took greater pleasure in Ennius' Neoptolemus, who says that he 'wants to philosophize, but only a little; for giving himself to it entirely is not to his taste.' But if Greek studies delight you so much, there are others of freer scope and wider reach that we can bring to bear

on the conduct of life or indeed on the commonwealth itself. Those arts of yours, if they have any value at all, serve only to sharpen and, so to speak, stimulate the minds of boys a little, so that they can more easily learn greater things."

SECTION 31

CHAPTER 19

Then Tubero said, "I do not disagree with you, Laelius, but I ask what you understand those greater things to be." L. "I shall tell you, by Hercules, and perhaps earn your contempt, since you asked Scipio about those celestial matters, while I think we should rather investigate what seems to lie before our eyes. For why, I ask, does a grandson of Lucius Paulus, with such an uncle, born into a most noble family and into this glorious commonwealth, ask how two suns have been seen, and not ask why in one commonwealth there are two senates and already almost two peoples? For, as you see, the death of Tiberius Gracchus, and even earlier the whole course of his tribunate, divided one people into two factions. Scipio's detractors and enemies, following the lead first given by Publius Crassus and Appius Claudius, still hold one part of the Senate apart from you, even after those men's deaths, under the leadership of Metellus and Publius Mucius. Nor do they allow this man, who alone has the power, to remedy these grave dangers, while our allies and the Latin people are stirred up, treaties are violated, the three commissioners, bent on sedition, devise something new each day, and good men are thrown into confusion."

SECTION 32

"Therefore, young men, if you will listen to me, do not fear a second sun. Either there cannot be one, or let there be one, as it has been seen, provided it does no harm; or we can know nothing of such matters, or, even if we know them perfectly, we can be neither better nor happier for that knowledge. But that we should have one Senate and one people is possible, and it is most distressing if we do not. We know it is otherwise, and we see that if this unity is achieved we shall live both better and happier lives."

SECTION 33

CHAPTER 20

Then Mucius said, "What, then, Laelius, do you think we should learn to accomplish the very thing you demand?" L. "Those arts that will enable us to be of service to the state. For I consider this the noblest task of wisdom and the greatest proof or duty of virtue. Therefore, so that these holidays may be devoted above all to conversations most useful to the commonwealth, let us ask Scipio to explain what he considers the best constitution of a state. Then we shall inquire into other things. Once we understand them, I hope we shall arrive by a clear path at these very questions and work out the principles of the matters now pressing upon us."

SECTION 34

CHAPTER 21

When Philus, Manilius, and Mummius had warmly approved this [...]

SECTION 34(fr1)

(Diom. GL I, p. 365 Keil) "There is no example to which we would rather liken the commonwealth."

(Non. p. 85M, p. 289M) "Therefore, if you please, bring your discourse down from heaven to these nearer matters."

"[...] I wished this to be done not only because it was right that the foremost man of the commonwealth should be the one to speak about it, but also because I remembered that you very often used to argue with Panaetius in the presence of Polybius—two Greeks deeply versed in civic affairs—and bring together many arguments to show that by far the best constitution of a state was the one our ancestors had left us. Since you are better prepared for this discussion, you will do us all a favor—and let me speak for these men too—if you explain what you think about the commonwealth."

SECTION 35

CHAPTER 22

Then Scipio said, "I can indeed say that there is no subject on which I habitually reflect more keenly or carefully than the very one you set before me, Laelius. For I see that every craftsman who excels at his work thinks, considers, and cares about nothing except becoming better in his own field. Since my parents and ancestors have left me this one task, the care and administration of the commonwealth, should I not confess myself more idle than any craftsman if I devoted less effort to the greatest art than they devote to the smallest?"

SECTION 36

"But I am neither satisfied with what the greatest and wisest men of Greece have left us in writing on this question, nor do I dare prefer my own views to theirs. Therefore I ask you to listen to me neither as someone wholly unacquainted with Greek thought, nor as someone who ranks it above our own, especially in this field. Listen to me as one of the men of the toga, given a liberal education through his father's care and aflame since childhood with a passion for learning, but far more thoroughly schooled by experience and the teachings of his own country than by books."

SECTION 37

CHAPTER 23

Here Philus said, "By Hercules, Scipio, I do not doubt that no one has surpassed you in natural ability; and in experience of the greatest public affairs you easily surpass everyone. We know, too, what your studies have always been. Therefore, if, as you say, you have also turned your mind to this system, this art, as it were, I am deeply grateful to Laelius. For I hope that what you say will be far richer than all that the Greeks have written." Then Scipio said, "You lay a very great expectation on my discourse—the heaviest burden for anyone about to speak on great matters." Philus replied, "However great it is, you will exceed it, as you always do. There is no danger that words will fail you when you discuss the commonwealth."

SECTION 38

CHAPTER 24

Here Scipio said, "I shall do as you wish, as well as I can, and enter the discussion on the principle that I believe should be used in discussing any subject if we wish to avoid error: once we agree on the name of the thing we are investigating, we must explain what that name means. When we agree on that, and only then, will it be right to begin the conversation. For we can never understand the character of what we are discussing unless we first understand what it is. Therefore, since we are investigating the commonwealth, let us first consider what exactly it is that we are investigating." When Laelius had approved, Africanus said, "But in discussing so familiar and well-known a matter, I shall not go back to the elements that learned men commonly employ in these questions, beginning with the first union of male and female, then offspring and kinship, and repeatedly defining in words what each thing is and in how many senses it is spoken of. Since I am speaking among wise men who have served with the greatest distinction in war and peace in the greatest commonwealth, I shall ensure that the very subject I discuss outshines my discourse. I have not undertaken to pursue everything like a schoolmaster, nor do I promise to ensure that not the smallest point is passed over in this conversation." Then Laelius said, "It is precisely the kind of discourse you promise that I look forward to."

SECTION 39

CHAPTER 25

"The commonwealth, then," Africanus said, "is the people's affair. But a people is not every collection of human beings gathered in any fashion; it is a numerous gathering united in fellowship by agreement on right and a sharing of advantage. The first cause of their coming together is not so much weakness as a certain natural impulse in human beings to gather, as it were. For ours is not a solitary or a lonely wandering race, but one so formed that not even amid an abundance of everything [...]"

SECTION 40fr

(August. epist. 138.10) "In a short time a scattered and wandering multitude had, through concord, become a state."

SECTION 41

CHAPTER 26

"[...] certain seeds, as it were, nor can any foundation be found for the other virtues or for the commonwealth itself. These gatherings, then, formed for the reason I have explained, first established a settlement in a definite place to provide homes. When they had enclosed it with natural defenses and their own labor, they called such a grouping of dwellings a town or city, distinguished by shrines and common spaces. Every people, therefore, which is such a gathering of a multitude as I have described, every state, which is the organized body of a people, every commonwealth, which, as I said, is the people's affair, must be governed by some deliberative authority if it is to endure. That authority must first and always be referred to the cause that brought the state into being."

SECTION 42

"Next, it must either be entrusted to one man, or to certain chosen men, or undertaken by the multitude, by everyone. Thus, when supreme control of all affairs rests with one man, we call that one man a king, and the constitution of that commonwealth a kingship. But when it rests with chosen men, the state is said to be ruled at the discretion of its best men. A popular state—as they call it—is one in which all power lies with the people. Any of these three kinds, if it preserves the bond that first bound human beings to one another in the fellowship of a commonwealth, is, though not perfect or in my judgment the best, nevertheless tolerable; yet one may be better than another. For a just and wise king, or chosen and leading citizens, or the people itself—though that is the least commendable—can, it seems, maintain a certain stable order, provided no injustices or passions intrude."

SECTION 43

CHAPTER 27

"But under kings the rest have too little share in common rights and deliberation; under the rule of the best men the multitude can scarcely partake of freedom, since it is excluded from all common deliberation and power; and when everything is conducted by the people, however just and moderate, that very equality is unjust, since it recognizes no degrees of worth. Thus, even if the Persian Cyrus was a most just and wise king, the people's affair—for that, as I said before, is what a commonwealth is—does not seem to me to have been most desirable there, since it was governed by the will and measure of one man. If the people of Massilia, our clients, are governed with the greatest justice by chosen and leading citizens, there is nevertheless in that condition of the people a certain likeness to slavery. If the Athenians, at certain times, after setting aside the Areopagus, conducted everything solely by the people's resolutions and decrees, their state did not retain its proper dignity, since they recognized no distinct degrees of worth."

SECTION 44

CHAPTER 28

"And I am speaking of these three kinds of commonwealth not in disorder or confusion, but each maintaining its own form. First, each of these kinds has the defects I mentioned before; then they have other, deadly defects. For there is no kind of commonwealth that does not have a steep and slippery path to a neighboring evil. Beneath that tolerable or, if you wish, even lovable king Cyrus —to name him above all others—lies the utterly cruel Phalaris, if Cyrus is free to change his disposition. The rule of one man slides easily down a sloping course into his likeness. Close beside the government of the state by the few leading men of Massilia stands the concert and faction of the thirty men who once ruled at Athens. Now the power of the Athenian people over all affairs, having been turned to the frenzy and license of the multitude—the Athenians themselves, so that we need not seek other examples— [...]"

SECTION 45

CHAPTER 29

"[...] the worst, and from this either a government of the best men, or that factional tyranny, or a royal government, or even, very often, a popular one; and from that, in turn, some one of the forms I mentioned before commonly springs into bloom. Marvelous are the circles, the circuits, as it were, of changes and turns in commonwealths. To understand them is the work of a wise man; but to foresee them as they threaten, while governing the commonwealth, moderating its course and keeping it in one's power, belongs to a great citizen, an almost divine man. And so I judge most worthy of approval a certain fourth kind of commonwealth, balanced and blended from the three I first described."

SECTION 46

CHAPTER 30

Here Laelius said, "I know that is your view, Africanus; I have often heard you say so. Still, if it is no trouble, I should like to know which of those three forms of government you judge best. For it might contribute something toward [...]"

SECTION 47

CHAPTER 31

"[...] and every commonwealth takes its character from the nature or will of whoever governs it. And so freedom has no home in any state except one in which the people hold supreme power. Certainly nothing can be sweeter than freedom; and if it is not equal, it is not even freedom. Yet how can it be equal—I say nothing of a kingdom, where slavery is neither concealed nor doubtful—even in those states where everyone is free in name? They cast their votes, confer commands and magistracies, are courted and petitioned; but they give what they must give even against their will, and what they do not possess themselves, though others seek it from them. For they have no share in command, public

deliberation, or the judgment of selected jurors: these are weighed out according to ancient pedigrees or wealth. But among a free people, as at Rhodes or Athens, there is no citizen who [...]"

SECTION 48

CHAPTER 32

"[...] one or more men had emerged among the people, richer and more powerful than the rest; then, they say, these governments arose from those men's scorn and pride, while the spiritless and weak gave way and bowed beneath the arrogance of the rich. But if peoples hold fast to their rights, they declare that nothing is more excellent, freer, or happier: for they are masters of laws, trials, war, peace, treaties, each individual's life, and property. This alone, they think, is rightly called a commonwealth—that is, the people's concern. Thus the people's concern is commonly reclaimed for freedom from the domination of kings and senators; free peoples do not seek kings, or the power and wealth of an aristocracy."

SECTION 49

"Nor, they maintain, should this whole form of free popular government be rejected because of the failings of an unruly people. Nothing is more unchangeable, nothing firmer, than a people united and directing everything toward its own security and freedom. Concord comes most readily in a commonwealth where the same thing benefits everyone; differences of interest, when different things suit different people, give rise to dissension. Thus, when the senators held power, the state's condition was never stable; still less under kings, among whom, as Ennius says, 'No fellowship is sacred, nor is there faith.' Since law is the bond of civil society, and the right established by law is equal, by what right can a society of citizens be held together when the citizens' condition is unequal? If we do not choose to equalize wealth, if everyone's abilities cannot be equal, surely the rights of those who are citizens in the same commonwealth ought to be equal among them. For what is a state but a partnership under law? [...] [...]"

SECTION 50

CHAPTER 33

"[...] Indeed, they think the other commonwealths should not even be called by the names they wish to bear. Why should I call a man who hungers for domination or sole command, who rules over an oppressed people, a king—the title of Jupiter the Best—instead of a tyrant? A tyrant can be as merciful as he can be harsh; so the peoples' only concern is whether they serve a kindly master or a cruel one. That they should not serve at all is impossible. And how could Sparta, even when it was thought preeminent in constitutional discipline, contrive to have good and just kings, when whoever was born of the royal line had to be accepted as king? As for the aristocrats, who could endure men who have arrogated to themselves this title of 'the best,' not by the people's grant, but by votes among themselves? For how is this 'best' man judged? By learning, accomplishments, pursuits [...] [...]"

SECTION 51

CHAPTER 34

"[...] if it does this at random, it will be overturned as quickly as a ship whose helm is taken by a passenger chosen by lot. But if a free people chooses those to whom it will entrust itself—and, if it wishes to survive, it will choose the best—then surely the safety of states rests on the counsels of the best men. Especially so, since nature has ordained not only that those highest in virtue and spirit should lead the weaker, but that the weaker should willingly obey the highest. Yet this best of constitutions, they say, has been overturned by people's perverse opinions. Ignorant of virtue, which is possessed by few and discerned and judged by few, they think the rich and well supplied, and those of noble birth, are the best. When, through this popular error, the resources of a few, rather than their virtues, began to control the commonwealth, those leaders clung tooth and nail to the title of 'the best,' while lacking the reality. For rich-

es, a name, and power, without sound judgment or a proper way of living and governing others, are full of disgrace and insolent pride; nor is any form of state uglier than one in which the wealthiest are thought the best."

SECTION 52

"But what can be more splendid than a commonwealth steered by virtue? Its ruler is himself a slave to no desire; he has embraced all the principles to which he schools and summons his fellow citizens. He imposes no laws on the people that he does not obey himself, but holds his own life before his fellow citizens as their law. If one man could adequately accomplish everything, there would be no need for more; if everyone could see what was best and agree upon it, no one would seek chosen leaders. The difficulty of reaching a decision transferred government from a king to several men; the people's errors and rashness transferred it from the multitude to a few. Thus the best men have taken the middle ground between one man's weakness and the rashness of the many, and nothing could be more balanced. With them protecting the commonwealth, the people must be supremely happy, free from every care and thought, having entrusted their peace to others. Those others must safeguard it, and must never allow the people to suppose that their leaders neglect their interests."

SECTION 53

"For the equality of rights that free peoples embrace cannot be maintained: even peoples wholly unrestrained and unbridled grant many special privileges to many men, and among them there are great distinctions of persons and rank. And this so-called equality is profoundly unjust. For when equal honor is accorded to the highest and the lowest, who must exist in every people, that very equality is most unequal. This cannot happen in states governed by the best. Such, Laelius, in broad outline, are the arguments, along with others of the same kind, commonly advanced by those who most praise that form of commonwealth."

SECTION 54

CHAPTER 35

Then Laelius said, "And you, Scipio? Which of those three do you most approve?" S. "You are right to ask which I most approve of the three, since I do not approve of any of them separately, in itself, and prefer to each the form compounded of them all. But if a single and simple form had to be approved, I would approve the royal one [...] [...] [...] is called in this place, the name of king presents itself as, so to speak, a father's name: that of one who looks after his citizens as he would those born of him, and preserves them more zealously than [...] [...] [...] [...] [...] to be supported by the care of a single man, the best and highest."

SECTION 55

"The best men are at hand, professing that they do this same thing better: several, they say, will have more judgment than one, yet the same fairness and good faith. But look—the people shouts at the top of its voice that it will obey neither one man nor a few; that nothing is sweeter than freedom, even to wild beasts; that everyone lacks it who serves either a king or an aristocracy. Thus kings captivate us with affection, aristocrats with judgment, peoples with freedom, so that, when we compare them, it is hard to choose what we most desire." L. "I believe it," he said, "but we shall scarcely be able to disentangle what remains if you leave this beginning unfinished."

SECTION 56

CHAPTER 36

S. "Then let us imitate Aratus, who, as he begins to speak of great matters, thinks we must begin with Jupiter." L. "Which Jupiter? And what has this discussion in common with that poem?" S. "Only this much," he said: "that we may duly take the beginnings of our speaking from him whom all, learned and unlearned—†to be polished—agree to be the one king of all gods and men." "What do you mean?" said Laelius. And he replied, "What do you suppose, except what lies before our eyes? If these beliefs were established for the benefit of human life by the leaders of commonwealths—that there should be thought

to be one king in heaven, who with a nod, as Homer says, would shake all Olympus, and who was held to be both king and father of all—then it is a weighty authority, with many witnesses, if we may call everyone 'many,' that the nations, evidently at their leaders' direction, have agreed that nothing is better than a king, since they believe all gods are governed by the will of one. Or, if we have learned that these beliefs rest on the errors of the ignorant and resemble fables, let us hear those who are, as it were, the common teachers of educated men: men who have seen, as if with their own eyes, what we can scarcely learn by hearing." "Who are these men?" said Laelius. And he replied, "Those who, by searching deeply into the nature of all things, perceived that this whole universe by a mind [...] [...]"

SECTION 58

CHAPTER 37

"[...] But if you like, Laelius, I shall give you witnesses neither excessively ancient nor in any sense barbarous." L. "Those are the ones I want," he said. S. "Do you see, then, that this city has been without kings for less than four hundred years?" L. "Less, indeed." S. "Well then, is that span of four hundred years a very long life for a city and a state?" L. "It is scarcely adulthood," he said. S. "Then four hundred years ago there was a king at Rome?" L. "Yes, and a proud one." S. "And before him?" L. "A most just one, and so on backward to Romulus, who was king six hundred years before our time." S. "Then even he is not so very ancient?" L. "Not at all; Greece was already almost growing old." S. "Tell me, Scipio: was Romulus king of barbarians?" L. "If, as the Greeks say, everyone is either Greek or barbarian, I fear he was king of barbarians. But if that name is to be assigned by character rather than language, I think the Greeks no less barbarous than the Romans." And Scipio said, "Yet for our present inquiry we are asking about dispositions, not nationality. For if men both sensible and not ancient wished to have kings, the witnesses I employ are neither exceedingly old nor uncivilized and savage."

SECTION 59

CHAPTER 38

Then Laelius said, "I see you are well supplied with testimony, Scipio; but with me, as with a good judge, arguments carry more weight than witnesses." Then Scipio said, "Use an argument, then, Laelius, from your own experience." "What experience?" he asked. S. "If ever, by chance, you have found yourself angry with someone." L. "More often, indeed, than I would wish." S. "Well? When you are angry, do you permit that anger to rule your mind?" L. "Certainly not, by Hercules," he said. "I imitate the famous Archytas of Tarentum. When he came to his country estate and found everything otherwise than he had ordered, he said to his overseer, 'You wretch! I would have beaten you to death by now, if I were not angry.'" "Excellent," said Scipio.

SECTION 60

"So Archytas evidently, and rightly, regarded anger in rebellion against reason as a kind of insurrection in the mind, and wished to quell it by judgment. Add greed, add hunger for power and glory, add lusts: you see that if there is royal government in human minds, one thing will rule—judgment, of course, for that is the mind's best part. When judgment rules, there is no room for lust, none for anger, none for rashness." L. "That is so," he said. S. "Then you approve of a mind so disposed?" L. "Nothing more," he said. S. "Then you would not approve if judgment were driven out and lusts, which are innumerable, or fits of anger controlled everything?" L. "I should consider nothing more miserable than that mind, or a person with such a mind." S. "Then you wish all the parts of the mind to live under kingship, governed by judgment?" L. "That is certainly my wish." S. "Why, then, do you hesitate over your opinion of the commonwealth? For we can now understand that if its management is transferred to several men, there will be no sovereign command; and unless that command is one, there can be none."

SECTION 61

CHAPTER 39

Then Laelius said, "What difference, I ask you, is there between one and several, if the several possess justice?" And Scipio said, "Since I have seen, Laelius, that my witnesses do not greatly move you, I shall keep using you as a witness to prove my claim." "Me?" he said. "How?" S. "Because I noticed recently, when we were at your place at Formiae, that you strictly enjoined your household slaves to obey one man's orders." L. "The overseer's, of course." S. "Well? At home, do several men manage your affairs?" L. "On the contrary, one," he said. S. "Well? Does anyone other than you rule the whole household?" L. "Certainly not." S. "Why, then, do you not concede the same in the commonwealth: that the rule of single men, provided they are just, is best?" L. "I am being brought almost to agreement," he said.

SECTION 62

CHAPTER 40

And Scipio said, "You will agree all the more, Laelius, if I pass to greater matters, leaving aside the comparisons: that it is better to entrust a ship to one helmsman and a patient to one physician than to many, provided each is worthy of his craft." L. "What are those greater matters?" S. "Well? Do you not see that the violence and pride of Tarquin alone made the royal title hateful to this people?" L. "I certainly do," he said. S. "Then you also see something on which I expect to say more as our discussion proceeds: after Tarquin's expulsion the people exulted in a strange excess of unaccustomed freedom. Then innocent men were driven into exile, then the property of many was plundered, then came annual consuls, then the lowering of the fasces before the people, then appeals in all cases, then the secessions of the plebs; in short, most things were managed so that everything lay in the people's hands." L. "It is as you say," he said.

SECTION 63

"Yes," said Scipio, "in peace and leisure; for we may run wild while we have nothing to fear, as on a ship, or often even in a slight illness. But just as a voyager, when the sea suddenly begins to bristle, and a patient, when his illness grows worse, implore one man's aid, so our people in peace and at home gives orders and threatens its very magistrates, resists, appeals, seeks the people's judgment; in war it obeys as it would a king. Safety carries more weight than pleasure. In more serious wars, indeed, our ancestors wished all command to rest with single men, without even a colleague; their very title indicates the force of their authority. For a dictator takes his name from being 'named'; but in our books, Laelius, you see him called 'master of the people.'" L. "I do," he said. And Scipio said, "Wisely, then, those men of old [...]"

[...]

SECTION 64

CHAPTER 41

"[...] When a people has lost a just king, 'long does longing possess their hearts,'
as Ennius says, 'after the death of the best of kings';
at the same time among

"Themselves they speak thus: 'O Romulus, godlike Romulus,'

"'What a guardian of your country the gods begot in you!'

"'O father, O begetter, O blood sprung from the gods!'

They called those whom they had justly obeyed neither owners nor masters, nor, finally, even kings, but guardians of their country, fathers, gods—and not without reason. For what do they add?

You brought us forth within the bounds of light.

They thought their life, honor, and glory had been given them by the king's justice. The same feeling would have remained in their descendants if the kings had remained alike. But you see that one man's injustice brought down that entire form of commonwealth." L. "I do indeed," he said, "and I am eager to learn those cycles of change, no less in every commonwealth than in our own."

SECTION 65

CHAPTER 42

And Scipio said, "Certainly, when I have given my views on the form of commonwealth I most approve, I must discuss constitutional changes more closely, although I think they will by no means readily occur in that commonwealth. But the first and surest change in this royal form is this: when the king begins to be unjust, that form perishes at once, and that same man is a tyrant—the worst form of government, and the closest neighbor of the best. If the best men overthrow him, as commonly happens, the commonwealth has the second of the three constitutions: for there is a kind of royal, that is, paternal, council of leading men who care well for the people. But if the people itself kills or expels the tyrant, it is fairly restrained so long as it retains feeling and sense, rejoices in its achievement, and wishes to preserve the commonwealth it has established for itself. If ever, however, the people has assaulted a just king or stripped him of his kingdom, or, as happens more often, has tasted the blood of the best men and subjected the whole commonwealth to its pleasure—do not imagine that any sea or fire is so great that it is not easier to calm than a multitude unbridled by insolence—then comes about what Plato has so vividly described, if only I can express it in Latin. It is difficult, but I shall try."

SECTION 66

CHAPTER 43

"For he says, 'When the people's insatiable throat is parched with thirst for freedom, and, served by bad cupbearers, it thirstily drinks freedom not mixed in due measure but excessively undiluted, then, unless its magistrates and leaders are very mild and yielding, and serve it freedom lavishly, it pursues, accuses, and arraigns them, calling them overmighty men, kings, tyrants.' I think these words are familiar to you." L. "Very familiar indeed," he said.

SECTION 67

S. "Then these follow: 'Those who obey their leaders are harassed by that people and called willing slaves; but those who, while holding office, wish to be like private citizens, and private citizens who make sure that no distinction remains between citizen and magistrate, they exalt with praises and heap with honors. In a commonwealth of this sort everything must be full of freedom, every private household must be free of authority, and this evil must extend even to the beasts. Finally a father must fear his son, a son disregard his father, and all shame be absent, so that they may be entirely free; it must make no difference whether one is a citizen or a foreigner. The teacher must fear and flatter his pupils, and the pupils scorn their teachers; young men must assume the gravity of the old, and the old descend to the young men's games, so as not to be disagreeable or oppressive to them. As a result, even slaves behave with greater freedom, wives have the same rights as husbands, and amid such freedom even dogs and horses, and finally donkeys, run into people so freely that one must step out of their way. Thus,' he says, 'from this boundless license the result is that the citizens' minds grow so fastidious and delicate that they become angry and cannot bear the slightest exercise of authority. From this they begin to disregard even the laws, so that they may be entirely without a master.'"

SECTION 68

CHAPTER 44

Then Laelius said, "You have rendered precisely what he said." S. "And to return now to the author from whom my account comes: he says that out of this excessive license, which they think the only freedom, a tyrant springs and is, as it were, born from a root. For just as the excessive power of leaders brings about their destruction, so freedom itself brings slavery upon this excessively free people. Thus all excesses, whether they have flourished in the weather, in the fields, or in bodies, generally turn into their opposites. This happens especially in commonwealths, and that excessive freedom collapses into excessive slavery for peoples and individuals alike. And so out of this utmost freedom a

tyrant is born, and that most unjust and harshest slavery. For from this unruly, or rather savage, people there is usually chosen some bold, unprincipled leader against those leading men already crushed and driven from their places. He brazenly persecutes men who have often served the commonwealth well, showering the people with gifts from others' property and his own. Since threats confront him as a private citizen, he is given commands, and these are renewed; such men are even surrounded with bodyguards, like Pisistratus at Athens. At last they become tyrants over the very men who have raised them up. If good men overthrow them, as often happens, the state revives. But if reckless men do so, there arises that faction, a different breed of tyrants; and the same often springs from that splendid rule of the best, when some depravity has turned the leaders themselves from their course. Thus they snatch the government of the commonwealth from one another like a ball: tyrants from kings, leaders or peoples from tyrants, and factions or tyrants from these. The same form of commonwealth is never retained for long."

SECTION 69

CHAPTER 45

"Since this is so, of the three original forms the royal is far superior in my judgment; but superior even to the royal will be the form balanced and blended from the three best kinds of commonwealth. For I approve of having something preeminent and royal in the commonwealth, something else assigned and allotted to the authority of its leading men, and certain matters reserved for the multitude's judgment and will. This constitution has, first, a great measure of equality, which free men can scarcely do without for long; next, stability. For those original forms readily turn into their corresponding vices, so that a king becomes a master, the best men a faction, the people a mob and a chaos; and the forms themselves are often exchanged for new forms. But in this united and moderately blended constitution of the commonwealth, that scarcely happens

without great faults in the leading men. For there is no cause for revolution where each is firmly established in his own rank, and beneath him there is no place into which he may plunge and fall."

SECTION 70

CHAPTER 46

"But I fear, Laelius, and you, my dearest and wisest friends, that if I remain longer with this kind of discussion, my speech may seem that of someone instructing and teaching, rather than considering the matter together with you. I shall therefore enter upon things known to everyone, but long studied by us. For this is my judgment, my conviction, my assertion: no commonwealth of them all, in its constitution, distribution of powers, or discipline, can be compared with the one our fathers left us, having themselves received it from their ancestors. If you agree, then, since you wished to hear from me too what you already understood yourselves, I shall show both what it is like and that it is the best. Having set out our commonwealth as a model, I shall, if I can, fit to it the whole discussion I must undertake concerning the best condition of a state. If I can keep to this and accomplish it, I shall, in my opinion, have amply fulfilled the task Laelius has assigned me."

SECTION 71

CHAPTER 47

Then Laelius said, "It is truly your task, Scipio, and yours alone. For who could speak better than you about our ancestors' institutions, when your own ancestors are so distinguished? Or about the best condition of a state? If we possess it, who could then be more eminent than you—though no one is even now? Or about counsels that provide for the future, when, by driving off two terrors of this city, you have provided for all time?"

BOOK 1

Fragments of Uncertain Position

SECTION 1

(Plin. Nat. praef. 7)
nor for the most learned.

I do not want †Manius Persius to read this; I want Junius Congus.

SECTION 2

(Non. p. 426M) Thus, since our country embraces more benefits and is a parent older than the one who begot us, surely we owe it greater gratitude than we owe our parent.

SECTION 3

(Non. p. 526M) Nor would Carthage have possessed such great power for nearly six hundred years without wise counsels and discipline.

SECTION 4

(Non. p. 276M) "To recognize, by Hercules," he said, "that habit and devotion to conversation."

SECTION 5

(Lactant. Div. Inst. 3.16.5) Certainly all their discussion, although it contains the richest wellsprings of virtue and knowledge, yet, compared with their deeds and accomplishments, may seem, I fear, to have brought people less work than enjoyment.

SECTION 6

(Arusianus Messius GL 7.457K) From which those men were calling them away.

Book 2

SECTION 1

CHAPTER 1

When everyone burned with eagerness to listen, Scipio began to speak as follows: "This is a saying of old Cato, whom, as you know, I loved beyond all others and most deeply admired, and to whom from my youth I devoted myself entirely, both in deference to the judgment of my two fathers and from my own inclination. I could never have enough of his conversation. Such was his experience of public affairs, which he had managed both at home and in war with supreme distinction and for a very long time; such his restraint in speaking, his charm mingled with gravity, his utmost eagerness both to learn and to teach, and the perfect harmony of his life with his words."

SECTION 2

"He used to say that our state's constitution surpassed those of other states for this reason: in those states there had generally been single men who each established their commonwealth through laws and institutions of their own—Minos for the Cretans, Lycurgus for the Spartans; for the Athenians, whose constitution had changed so often, first Theseus, then Draco, then Solon, then Cleisthenes, then many others, and finally the learned Demetrius of Phalerum, who had sustained it when it was already bloodless and prostrate. Our com-

monwealth, by contrast, had been established not by one man's genius but by many, not in one human lifetime but through several centuries and generations. For, he said, no human mind had ever been so great that nothing escaped it; nor could all the geniuses assembled in one place foresee so much at a single moment that they could embrace everything without experience and the passage of time."

SECTION 3

"Therefore, as he used to do, my account will now retrace the 'origin' of the people; I am glad to use even Cato's word. I shall achieve our purpose more readily if I show you our commonwealth being born, growing, reaching maturity, and finally strong and vigorous, than if I invent one for myself, as Socrates does in Plato."

SECTION 4

CHAPTER 2

When everyone had approved this, he said, "What foundation of an established commonwealth do we possess as glorious and as universally known as the beginning of this city's founding, proceeding from Romulus? His father was Mars—for let us yield this much to human tradition, especially one not only long established but wisely handed down by our ancestors: that those who had served the common good well should be thought divine in descent as well as genius. He, then, as soon as he was born, is said to have been ordered, with his brother Remus, to be exposed beside the Tiber by Amulius, the Alban king, who feared the undermining of his throne. There, after he had been sustained at a wild beast's teats and shepherds had taken him up and nourished him amid rustic labor and living, he is reported, on growing to manhood, to have surpassed all others so greatly in bodily strength and fierceness of spirit that all who then inhabited the fields where this city stands today willingly and readily obeyed him. Taking command of their forces—to pass now from legends to deeds—he is said to have overcome Alba Longa, a strong and powerful city in those days, and killed King Amulius."

SECTION 5

CHAPTER 3

"Having won this glory, he is said first to have conceived the plan of founding a city under favorable auspices and establishing a commonwealth. For the city he chose a site of extraordinary advantage, something demanding the most careful foresight from anyone attempting to plant a lasting commonwealth. For he did not bring it down to the sea, although with that band and those forces it would have been very easy to advance into the territory of the Rutulians and Aborigines, or to found his city at the Tiber's mouth, where many years later King Ancus settled a colony. Rather, this man of outstanding foresight perceived and understood that coastal sites were not the most advantageous for cities founded in the hope of endurance and empire: first, because coastal cities were exposed to many dangers, and dangers unseen."

SECTION 6

"For the mainland gives advance warning of an enemy's approach, not only when expected but even when sudden, by many signs, by a kind of rumbling and by the very sound. No enemy can swoop upon us by land without our being able to know not only that he is there but who he is and where he comes from. But an enemy coming by sea in ships can be upon us before anyone can suspect that he will come. Nor, when he arrives, does he display who he is, where he comes from, or even what he wants; in short, there is not even any sign by which we can distinguish and judge whether he is peaceful or hostile."

SECTION 7

CHAPTER 4

"There is also a certain corruption and alteration of character in coastal cities. They mingle with new languages and teachings; not only foreign goods are imported, but foreign ways, so that nothing in their ancestral institutions can remain untainted. Moreover, those who inhabit these cities do not cling to

their own homes, but are always swept farther from home by winged hopes and thoughts. Even when they remain in body, in spirit they are exiles and wanderers. Indeed, nothing did more to overthrow Carthage and Corinth at last, after long undermining them, than this wandering and dispersal of their citizens: through their passion for trade and seafaring they had abandoned the cultivation of their fields and the practice of arms."

SECTION 8

"The sea also supplies many enticements to luxury, destructive to states, whether taken from it or imported; and its very beauty offers many alluring invitations to costly or idle pleasures. What I have said of Corinth might, I am inclined to think, be said with the greatest truth of all Greece. For the Peloponnese itself is almost entirely surrounded by sea, and no people there except the Phliasians has territory that does not touch the sea; outside the Peloponnese, only the Aenianes, Doris, and the Dolopes lie away from it. Why speak of the Greek islands? Girdled by waves, they almost seem themselves to float, together with the institutions and customs of their states."

SECTION 9

"These remarks, as I said above, concern old Greece. But of the colonies the Greeks settled in Asia, Thrace, Italy, Sicily, and Africa, which, except Magnesia alone, is not washed by the waves? Thus a kind of Greek fringe seems woven along the territories of the barbarians. For among the barbarians themselves none formerly were seafaring except the Etruscans and Carthaginians, the latter for trade, the former for piracy. Here is an evident cause of Greece's troubles and revolutions, arising from those faults of coastal cities I touched on very briefly a little earlier. Yet among these faults lies that great advantage: whatever is produced anywhere can float to the city you inhabit, and, in turn, whatever their own fields yield they can carry and send to any lands they wish."

SECTION 10

CHAPTER 5

"How, then, could Romulus have shown more divine insight in embracing the advantages of the sea and avoiding its faults than by placing his city on the bank of an ever-flowing, steady river, pouring into the sea through a broad mouth? Through it the city could receive from the sea what it needed and return what it had in excess; and by the same river it could †draw in the things most necessary for nourishment and civilized life, not only from the sea, but also receive them brought down from inland. Thus he seems to me to have divined even then that this city would one day furnish a seat and home for the greatest empire. For scarcely could a city situated in any other part of Italy have more readily maintained this immense dominion over affairs."

SECTION 11

CHAPTER 6

"As for the natural defenses of the city itself, who is so heedless as not to have marked them in his mind and thoroughly understood them? The course and line of its wall were determined by the wisdom both of Romulus and of the other kings, along steep and precipitous hills on every side, so that the single approach between the Esquiline and Quirinal hills was enclosed by an immense ditch, with a great rampart thrown across it. And the citadel was so fortified, resting on a steep circuit of rock almost sheerly cut away, that even in that terrible storm of the Gallic invasion it remained safe and untouched. He also chose a place abundant in springs and healthy in an unhealthy region: for its hills are themselves swept by breezes, and bring shade to the valleys."

SECTION 12

CHAPTER 7

"All this he accomplished very quickly. He established the city, which he ordered to be called Rome after his own name; and to strengthen the new state he followed a novel and somewhat rustic plan, yet one befitting a great man,

even then looking far ahead to secure the resources of his kingdom and people. For at the Consualia he ordered the abduction of Sabine maidens of honorable birth who had come to Rome for the games, which he had then first instituted as an annual celebration in the circus; and he gave them in marriage into the most eminent families."

SECTION 13

"When the Sabines consequently made war on the Romans, and the contest of battle had been shifting and uncertain, he made a treaty with Titus Tatius, king of the Sabines, at the entreaty of the very women who had been abducted. By this treaty he admitted the Sabines to citizenship, making their sacred rites common, and shared his kingdom with their king."

SECTION 14

CHAPTER 8

"After Tatius's death, all sovereignty returned to him. Together with Tatius he had already chosen leading men for the royal council, who were called 'fathers' from affection, and had divided the people into three tribes and thirty curiae, under his own name, Tatius's, and that of Lucumo, who had fallen as Romulus's ally in the Sabine battle. The curiae he named after those Sabine maidens who, after their abduction, had become petitioners for peace and a treaty. Yet although these divisions had been made while Tatius lived, after he was killed, Romulus governed still more through the fathers' authority and counsel."

SECTION 15

CHAPTER 9

"In doing so, he first perceived and judged the same thing that Lycurgus had perceived a little earlier at Sparta: states are better governed and ruled under a single command and royal power if the authority of all the best men is joined to that sovereign force. Accordingly, supported and fortified by this council, a

kind of senate, he fought many wars against his neighbors with the greatest success; and although he brought none of the spoils back to his own house, he never ceased enriching his fellow citizens."

SECTION 16

"Then Romulus paid the greatest heed to the auspices, a practice we preserve today to the great benefit of the commonwealth. For he himself founded the city under favorable auspices, and that was the beginning of the commonwealth; and for the inauguration of all public undertakings he co-opted one augur from each tribe to assist him with the auspices. He also divided the plebs into groups under the patronage of the leading men—how useful this was I shall consider later—and restrained them by imposing fines in sheep and cattle, not by violence and executions. For wealth then consisted in livestock and the possession of land, hence the names pecuniosi, 'wealthy,' and locupletes, 'land-rich.'"

SECTION 17

CHAPTER 10

"After Romulus had reigned thirty-seven years and created these two outstanding supports of the commonwealth, the auspices and the senate, he attained such distinction that, when he disappeared during a sudden darkening of the sun, he was believed to have been placed among the gods. No mortal has ever been able to win that belief without an extraordinary reputation for virtue."

SECTION 18

"This is all the more remarkable in Romulus because the others who are said to have become gods from men lived in less educated ages, so that invention had an easy path, since the ignorant could readily be induced to believe. But we see that Romulus's age was less than six hundred years ago, when letters and learning were already long established, and all that ancient error arising from humanity's uncultivated life had been dispelled. For if, as investigation of the Greek annals shows, Rome was founded in the second year of the seventh

Olympiad, Romulus's lifetime fell in an age when Greece was already full of poets and musicians, and less credence was given to fables unless they concerned ancient events. For the first Olympiad was established a hundred and eight years after Lycurgus began to frame his laws; some, through a mistake of names, think it was founded by that same Lycurgus. And those who place Homer latest put him about thirty years before the age of Lycurgus."

SECTION 19

"From this we can understand that Homer lived very many years before Romulus, so that, with people already learned and the times themselves educated, there was scarcely any room for invention. For antiquity accepted tales invented even, at times,

SECTION 19(fr)

(August. C.D. 22.6) "clumsily; but this already cultivated age, especially scoffing at everything impossible, rejected them."

SECTION 20

"[...]us, his grandson, as some have said, through a daughter. In the very year in which he died, Simonides was born, in the fifty-sixth Olympiad, so that it can be understood more readily that Romulus's immortality was believed in when human life was already long established, examined, and understood. But surely so great was the force of his genius and virtue that Julius Proculus, a countryman, was believed when he said of Romulus what for many centuries before people had believed of no other mortal. At the urging of the fathers, to divert from themselves the odium of Romulus's death, he is said to have declared in an assembly that Romulus had appeared to him on the hill now called the Quirinal; that Romulus had charged him to ask the people to build him a shrine on that hill; and that he was a god and was called Quirinus."

SECTION 21

CHAPTER 11

"Do you see, then, that through one man's judgment a new people was not merely born and left crying in its cradle, but was already grown and almost of age?" Then Laelius said, "We certainly do; and you have begun your discussion by a new method, found nowhere in the Greeks' books. For their foremost writer, whom no one has surpassed in writing, took a site for himself on which to build a state at his own discretion—splendid, perhaps, but alien to human life and customs,

SECTION 22

"while the rest discussed the types and principles of states without any definite model or form of commonwealth. You seem to me about to do both. For you have begun in such a way that you prefer to attribute your own discoveries to others rather than invent them yourself, as Socrates does in Plato; you refer to a rational plan those matters concerning the city's site that Romulus carried out by chance or necessity; and your discussion does not roam at large, but is fixed upon a single commonwealth. Go on, then, as you have begun; for, as you follow the remaining kings, I seem already to glimpse a commonwealth almost complete."

SECTION 23

CHAPTER 12

"Then," said Scipio, "when that senate of Romulus, consisting of the best men, to whom the king himself had accorded so much that he wished them to be named fathers and their children patricians, tried after Romulus's departure to govern the commonwealth itself without a king, the people would not endure it. Longing for Romulus, it thereafter never ceased demanding a king. Then those leading men wisely devised a new method of entering an interregnum, unheard of among other nations, so that until a definite king had been declared the state should neither be without a king nor have one king for long. They would not allow anyone, through long-established power, to become either slower to lay down his command or better fortified to retain it."

SECTION 24

"Even then, that new people saw what escaped the Spartan Lycurgus: he thought that a king should not be chosen—if indeed this could have been within Lycurgus's power—but that whoever was born of Hercules' stock must be accepted, whatever he might be like. Our people, still rustic even then, saw that royal virtue and wisdom, not ancestry, should be sought."

SECTION 25

CHAPTER 13

"Since report said that Numa Pompilius excelled in these qualities, the people itself, passing over its own citizens, chose a foreigner for its king on the fathers' recommendation, and summoned this Sabine from Cures to Rome to reign. When he arrived, although the people had ordered in the assembly of the curiae that he should be king, he nevertheless himself brought before the curiae a law concerning his own command. And when he saw the Romans inflamed with martial zeal by Romulus's training, he judged that they should be drawn back a little from that habit."

SECTION 26

CHAPTER 14

"First he divided among the citizens, man by man, the lands Romulus had captured in war, and taught them that by cultivating their fields they could abound in every comfort without devastation and plunder. He instilled in them a love of leisure and peace, through which justice and good faith most readily grow strong, and under whose protection the cultivation of the fields and the gathering of crops are most securely defended. This same Pompilius, after devising the greater auspices, added two augurs to the original number and set five pontiffs, drawn from the leading men, over the sacred rites. By proposing those laws that we have in our records, he softened through religious

ceremonies minds burning with the habit and desire of war. He added, besides, the flamens, the Salii, and the Vestal Virgins, and established every branch of religion with the utmost reverence."

SECTION 27

"He wished the observance of the rites themselves to be demanding, but their preparation very easy: he established many things to be thoroughly learned and carefully observed, but without expense. Thus he added labor to religious observance and removed its cost. He also instituted markets, games, and every occasion for gathering and celebration. Through these institutions he recalled to humanity and gentleness the minds of men already made savage and fierce by their passion for war. Thus, after reigning thirty-nine years in the deepest peace and concord—for let us follow above all our friend Polybius, whom no one surpassed in the careful investigation of dates—he departed this life, having strengthened two things of the greatest distinction for the commonwealth's endurance: religion and clemency."

SECTION 28

CHAPTER 15

When Scipio had said this, Manilius asked, "Is the tradition really true, Africanus, that this King Numa was a pupil of Pythagoras himself, or at least a Pythagorean? For we have often heard this from our elders, and understand that it is commonly believed; yet we do not see it sufficiently established by the authority of the public annals." Then Scipio said, "For that whole story is false, Manilius: not merely invented, but ignorantly and absurdly invented. What is truly intolerable in a falsehood is what we see not only to be invented but to have been impossible. For Pythagoras is found to have come to Sybaris, Croton, and those parts of Italy when Lucius Tarquinius Superbus was already in the fourth year of his reign. The sixty-second Olympiad marks both the beginning of Superbus's reign and the arrival of Pythagoras."

SECTION 29

"From this, by adding up the years of the kings' reigns, we can see that Pythagoras first reached Italy about a hundred and forty years after Numa's death. Among those who have followed the chronology of the annals most carefully, this has never been in doubt." "Immortal gods!" said Manilius. "How great a mistake people make, and how deeply rooted it is! Still, I am quite content that our education came not from arts brought in from overseas, but from virtues native to our own land."

SECTION 30

CHAPTER 16

"You will recognize that far more readily," said Africanus, "if you watch the commonwealth advancing along a kind of natural path and course toward its best condition. Indeed, you will judge our ancestors' wisdom worthy of praise on this very ground: you will understand that many things borrowed from elsewhere became far better among us than they had been where they were brought from and where they first arose. And you will understand that the Roman people were strengthened not by chance, but by judgment and discipline—though fortune did not oppose them."

SECTION 31

CHAPTER 17

"After King Pompilius died, the people, on the interrex's proposal, elected Tullus Hostilius king in the assembly of the curiae. Following Pompilius's example, he put the question of his own supreme command to the people, voting by curiae. His military glory was outstanding, his achievements in war great. He also built and enclosed the assembly ground and the senate house from the spoils of war, and established the law for declaring wars. This institution, inherently most just, he consecrated through the religious observances of the fetial priests, so that any war not formally announced and declared should be judged unjust and impious. And to show you how wisely our kings already under-

stood that some powers must be granted to the people—for we have much to say on that subject—Tullus did not dare even to use the royal insignia without the people's authorization. For, to obtain permission for twelve lictors carrying the fasces to walk before him [...]

[...]

SECTION 33

CHAPTER 18

"[...] for, in the account you have undertaken, the commonwealth is not crawling but flying toward its best condition." S. "After him, the people appointed Ancus Marcius, Numa Pompilius's grandson through his daughter, as king. He too carried a law through the curiae confirming his supreme command. After defeating the Latins in war, he admitted them to citizenship. He also added the Aventine and Caelian hills to the city, divided the lands he had captured, made all the coastal forests he had seized public property, and founded a city at the mouth of the Tiber, strengthening it with colonists. After reigning twenty-three years, he died." Then Laelius said, "That king too deserves praise. But Roman history is obscure indeed, if we know that king's mother but not his father." S. "So it is," he said. "But of those times, hardly any names except the kings' have been brought to light."

SECTION 34

CHAPTER 19

"But at this point the community seems first to have become more learned through a graft of foreign culture. For what flowed from Greece into this city was no slender stream, but a mighty river of those studies and arts. There was, they say, a certain Demaratus of Corinth, easily foremost in his city in distinction, influence, and wealth. Unable to endure Cypselus, the tyrant of Corinth, he is said to have fled with a large fortune and made his way to Tarquinii, a most flourishing city of Etruria. Hearing that Cypselus's domination was

becoming firmly established, this free and courageous man abandoned his homeland. The people of Tarquinii admitted him as a citizen, and he established his home and dwelling in their city. There he had two sons by a respectable woman of Tarquinii, and educated them in all the arts according to Greek learning [...]

[...]

SECTION 35

CHAPTER 20

"[...] had readily been admitted to citizenship, his culture and learning made him so intimate with King Ancus that he was thought to share all his counsels and almost to share his throne. Moreover, his affability was extraordinary, as was his generosity to every citizen in offering resources, help, protection, and even gifts. Accordingly, after Marcius's death, Lucius Tarquinius was elected king by the votes of the entire people. For he had adapted his Greek name to that form, so that in every respect he seemed to have adopted this people's customs. Once he had carried a law confirming his supreme command, his first act was to double the original number of senators. He called the old senators 'fathers of the greater houses' and asked their opinions first; those he himself had enrolled he called 'fathers of the lesser houses.'

SECTION 36

"He then organized the cavalry in the form that has survived to this day. Though he wished to, he could not change the names of the Titienses, Ramnenses, and Luceres, because Attus Navius, an augur of the highest renown, would not sanction it. I find that the Corinthians too were once careful to provide horses at public expense and maintain them through levies on orphans and widows. But by adding second divisions to the existing divisions of cavalry, he brought the cavalry to 1,800 and doubled its numbers. Later he subdued in war the great and fierce nation of the Aequi, which threatened the power of the Roman people. He also drove the Sabines back from the city walls, routed them with his cavalry, and defeated them in war. We are told that

he was the first to celebrate the Great Games, called the Roman Games, and that during the Sabine war, in the very thick of battle, he vowed to build a temple on the Capitol to Jupiter Best and Greatest. He died after a reign of thirty-eight years."

SECTION 37

CHAPTER 21

Then Laelius said, "Cato's observation grows clearer now: the constitution of a commonwealth is not the work of one time or one man. For it is plain how many good and useful things are added under each successive king. But next comes the man who, to my mind, saw furthest of all in matters of government." "That is so," said Scipio. "For after him Servius Tullius is said to have been the first to reign without the people's authorization. They say he was born to a slave woman of Tarquinii, who had conceived him by a certain client of the king. Brought up among the household slaves, he used to wait at the king's table, and the spark of talent already shining in the boy did not go unnoticed: so resourceful was he in every task and conversation. And so Tarquinius, whose children were then quite young, loved Servius so dearly that he was commonly taken for his son. He took the greatest pains to educate him in all the arts he himself had learned, according to the most refined practice of the Greeks.

SECTION 38

"But when Tarquinius had been killed by the treachery of Ancus's sons, and Servius, as I said before, had begun to reign without the citizens' authorization, but with their goodwill and consent—for while it was falsely reported that Tarquinius was still alive, ill from his wound, Servius had administered justice in royal robes, freed debtors with his own money, and by his great affability won acceptance for his claim that he was administering justice on Tarquinius's orders—he did not entrust himself to the senators. Instead, after Tarquinius's burial, he himself asked the people for their decision about him. Authorized to

reign, he carried a law through the curiae confirming his supreme command. First he avenged the wrongs committed by the Etruscans through war; from which, when he [...]

[...]

SECTION 39

CHAPTER 22

"[...] eighteen, with the highest property assessment. Then, after setting apart a large body of cavalry from the whole population, he divided the remaining people into five classes and separated the older from the younger men. He so apportioned them that the votes were in the power not of the multitude but of the wealthy. He took care to secure what must always be maintained in a commonwealth: that the greatest numbers should not have the greatest power. If this division were unfamiliar to you, I would explain it; as it is, you see that the arrangement is this: †the cavalry centuries, including the six voting units, and the first class, with the addition of the century assigned to the carpenters for the city's most essential service, comprise eighty-nine centuries. If just eight of the hundred and four centuries—for that is the number remaining—join them, the voting strength of the whole people is secured. The remaining and much greater multitude, in ninety-six centuries, would neither be excluded from voting, which would be arrogant, nor possess too much power, which would be dangerous.

SECTION 40

"In this he was careful even in his choice of words and names. He called the wealthy 'assidui,' from their giving money, an 'as'; those who reported for assessment either no more than fifteen hundred asses or nothing at all beyond their own persons he called 'proletarii,' so that they seemed to be expected to furnish 'proles,' that is, offspring for the community. But in just one of those ninety-six centuries, more people were enrolled at that time than in almost the entire first class. Thus no one was denied the right to vote, and the man whose

interest in the best condition of the community was greatest had the greatest weight in voting. Indeed, even the unarmed reserves, the trumpeters, the horn players, the proletarians [...] [...]

SECTION 41

CHAPTER 23

(Non. p. 342M) "That the commonwealth is established in the best condition when it is moderately blended from those three forms—kingship, aristocracy, and popular government—and does not by punishment provoke a savage and ferocious spirit."

SECTION 42

"[...] older by sixty-five years, since it had been founded thirty-nine years before the first Olympiad. And Lycurgus, ancient as he was, saw much the same things. Accordingly, that equitable balance and this threefold form of commonwealth seem to me to have been shared by us and those peoples. But what is peculiar to our own commonwealth, and unsurpassably admirable, I will pursue in greater detail if I can: it will prove to be something for which no parallel can be found in any other commonwealth. For the elements I have so far described were mixed, both in this state and in those of Sparta and Carthage, without being balanced in any way.

SECTION 43

"For in a commonwealth where one man holds permanent power, particularly the power of a king, even though there is a senate—as there was at Rome under the kings and at Sparta under Lycurgus's laws—and even though the people too possess certain rights, as they did under our kings, still the royal title stands above all. Such a commonwealth cannot fail to be, and to be called, a kingdom. This form of government is especially liable to change for this reason: through one man's fault, it can most easily be hurled headlong into the most destructive condition. For kingship itself, as a form of government, is not merely beyond reproach; I am inclined to think it far preferable to the other simple forms, if I were to approve any simple form of commonwealth—but

only so long as it preserves its proper character. That character is this: the safety, equitable treatment, and peace of the citizens are governed by one man's permanent power, justice, and consummate wisdom. A people under a king lack many things altogether, above all freedom, which consists not in having a just master but in having none [...]

[...]

SECTION 44

CHAPTER 24

"[...] endured. For a time, indeed, success attended that unjust and cruel master in his undertakings. He subdued all Latium in war and captured Suessa Pometia, a rich and well-stocked city. Enriched by an immense booty of gold and silver, he fulfilled his father's vow by building the Capitol; he planted colonies and, following the customs of those from whom he sprang, sent splendid gifts to Apollo at Delphi as a kind of first offering from the spoils.

SECTION 45

CHAPTER 25

"Here that wheel will now begin to turn: learn from the outset to recognize its natural movement and circuit. For the heart of political wisdom, the subject of our whole discussion, is to see the paths and turns of commonwealths, so that, knowing where each development tends, you may hold it back or forestall it. For that king of whom I speak, stained from the first by the murder of an excellent king, was not sound in mind. Fearing the ultimate punishment for his crime, he wanted to be feared himself. Then, propped up by victories and wealth, he ran riot in his arrogance, unable either to govern his own conduct or to curb the passions of his family.

SECTION 46

"And so, when his elder son raped Lucretia, the daughter of Tricipitinus and wife of Collatinus, and that modest and noble woman punished herself with death for the outrage, Lucius Brutus, a man of outstanding intelligence and courage, cast off that unjust yoke of harsh slavery from his fellow citizens. Although a private citizen, he upheld the entire commonwealth, and was the first in this state to teach that, when the citizens' freedom is to be preserved, no one is merely a private citizen. Stirred at his urging and under his leadership, both by the fresh lament of Lucretia's father and relatives and by the memory of Tarquinius's arrogance and the many wrongs done by him and his sons, the community ordered the king himself, his children, and the Tarquinian clan into exile.

SECTION 47

CHAPTER 26

"Do you see, then, how a king became a master, and through one man's fault the form of the commonwealth changed from good to the very worst? For this is the master of a people whom the Greeks call a tyrant. By a king they mean someone who cares for his people like a father and maintains those placed under him in the best possible conditions of life. It is, as I said, certainly a good form of commonwealth, but one that leans and, as it were, slopes toward the most destructive condition.

SECTION 48

"For the moment this king bends toward a more unjust domination, he becomes a tyrant at once. No creature can be imagined more loathsome, more foul, or more hateful to gods and men. Though human in shape, in the savagery of his nature he surpasses the most monstrous beasts. For who could rightly call someone a human being who wishes to share neither a bond of law nor a fellowship of humanity with his fellow citizens, or indeed with the whole human race? But there will be another, more fitting place to speak of this kind of man, when the subject itself calls upon us to denounce those who sought dominion even after the state had been set free.

SECTION 49

CHAPTER 27

"You have, then, the first origin of the tyrant. For the Greeks chose this name for an unjust king; our people, however, called everyone a king who alone held permanent power over a people. Thus Spurius Cassius, Marcus Manlius, and Spurius Maelius were said to have wanted to seize the kingship, and recently Tiberius Gracchus [...]

[...]

SECTION 50

CHAPTER 28

"[...] Lycurgus called 'elders' at Sparta—far too few of them, to be sure, twenty-eight. He wished them to hold the highest authority in counsel, while the king held the highest authority in command. Our people, following and translating that same practice, named the body he called 'elders' a 'senate,' as we have said Romulus had already done when he chose the fathers. Yet the king's force, power, and title still stand high and preeminent. Give the people too some share of power, as Lycurgus and Romulus did: you will not satisfy them with freedom, but kindle their hunger for it, once you have allowed them merely a taste. And always that fear will hang over them, that the king may turn unjust, as so often happens. Fragile indeed is the fortune of a people when it rests, as I said before, on one man's will or character.

SECTION 51

CHAPTER 29

"Let us, then, have discovered this first shape, appearance, and origin of the tyrant in the commonwealth Romulus founded under the auspices, not in the one Socrates painted for himself in that three-part conversation Plato recorded in full. Let us see how Tarquinius, without acquiring any new power, but by

using the power he had unjustly, overturned this whole form of royal government. Opposed to him let us place another man, good and wise, versed in the community's interests and dignity, a kind of guardian and steward of the commonwealth. For that is what we should call whoever directs and pilots the state. Make sure you recognize this man: he is the one who can protect the community by his judgment and action. Since this title is not yet common in our language, and we shall have to discuss this kind of man more often in the rest of our conversation [...]

[...]

SECTION 52

CHAPTER 30

"[...] investigated, and constructed a state to be wished for rather than hoped for, as small as he could make it—not one that could exist, but one in which the principles of political life could be clearly seen. I, however, if only I can achieve it, will strive, with the same principles he discerned, to put my finger, as though with a pointer, on the cause of each public good and evil, not in a shadowy image of a state but in a commonwealth of the greatest stature. For when those two hundred and forty years of kingship, or a little more including the interregnums, had passed and Tarquinius had been expelled, the Roman people were seized by as great a hatred of the royal title as the longing that had possessed them after Romulus's death—or rather, his departure. Just as then they could not bear to be without a king, so after Tarquinius's expulsion they could not bear to hear the name of king. Here, when the opportunity [...] [...]

SECTION 53fr

CHAPTER 31

(Non. 526M) "And so, when that splendid constitution of Romulus had stood firm for about two hundred and twenty years [...]

SECTION 53

"[...] that law was repealed in its entirety. In this spirit our ancestors then expelled the innocent Collatinus because his kinship aroused suspicion, and the remaining Tarquins because their name gave offense. In the same spirit Publius Valerius was the first to order the fasces lowered when he began to speak in a public meeting; and he moved his house down to the foot of the Velia after noticing that the people's suspicions were being aroused because he had begun to build higher up on the Velia, on the very spot where King Tullus had lived. And in the act that most entitled him to the name Publicola, he proposed to the people the first law carried in the assembly of the centuries: no magistrate should kill or flog a Roman citizen in defiance of an appeal.

SECTION 54

"The pontifical books show that there was a right of appeal even from the kings, and our augural books also indicate it. The Twelve Tables likewise declare in several laws that an appeal is permitted from every judgment and penalty. And the recorded tradition that the ten men who wrote the laws were appointed without appeal should sufficiently prove that the other magistrates were not exempt from appeal. The consular law of Lucius Valerius Potitus and Marcus Horatius Barbatus, men wisely devoted to the people's cause for the sake of harmony, laid down that no magistrate should be appointed without appeal. Nor, indeed, did the Porcian laws—three laws by three members of the Porcian family, as you know—introduce anything new except the penalty for violation.

SECTION 55

"Accordingly, once that law on appeal had passed, Publicola immediately ordered the axes removed from the fasces. The next day he secured the election of Spurius Lucretius as his colleague and ordered his own lictors to pass over to him because he was older. He was the first to establish that the lictors should precede each consul in alternate months, so that a free people should have no more insignia of supreme command than there had been under the kings. To my mind, this was no ordinary man: by giving the people a measured freedom, he more easily preserved the authority of the leading men. And I am not

rehearsing these things, so ancient and so forgotten, without a purpose. Rather, in distinguished persons and times I am defining examples of men and events to guide the rest of my discussion.

SECTION 56

CHAPTER 32

"In those days, then, the senate maintained the commonwealth in this condition: among a free people, few things were done through the people, most through the senate's authority and through established practice and custom. The consuls held power limited to a year in duration, but royal in its nature and legal scope. And what mattered most, perhaps, to preserving the nobles' power was firmly maintained: the decisions of the people's assemblies were not valid unless the authority of the fathers had approved them. In this very period a dictator was also appointed, Titus Larcius, about ten years after the first consuls. This seemed a new form of supreme command, closely resembling royal power. Nevertheless, the leading men kept control of everything with the highest authority, while the people yielded; and in those days great feats of war were accomplished by the bravest men invested with supreme command, dictators and consuls.

SECTION 57

CHAPTER 33

"But what the very nature of things demanded—that the people, once freed from the kings, should claim somewhat greater rights for themselves—they attained before long, about the sixteenth year, in the consulship of Postumus Cominius and Spurius Cassius. Perhaps reason was lacking in this, but the very nature of commonwealths often overcomes reason. Hold fast to what I said at the beginning: unless there is this equitable balance in the community of rights,

duties, and responsibilities, with sufficient power in the magistrates, authority in the council of leading men, and freedom in the people, this stable condition of the commonwealth cannot be preserved.

SECTION 58

"For when debt threw the community into turmoil, the plebeians occupied first the Sacred Mount and later the Aventine. Not even Lycurgus's system kept those restraints in place among a Greek people. For at Sparta too, in the reign of Theopompus, five officials whom they call ephors were appointed, and in Crete ten called cosmi, to counter the force of royal power, just as the tribunes of the plebs were appointed to counter the consuls' command.

SECTION 59

CHAPTER 34

"†Perhaps our ancestors had some means of remedying that burden of debt, a means that had escaped neither Solon of Athens not long before, nor, somewhat later, our own senate, when all the citizens' bonds of debt were dissolved because of one man's lust, and bondage for debt ceased thereafter. Whenever the plebeians, weakened by the expense of a public calamity, were failing, some relief and remedy for this distress was always sought for the safety of all. That policy was neglected then, and the people found cause to diminish the senate's power and authority by electing two tribunes of the plebs in a revolt. Yet its authority remained weighty and great, as men of the highest wisdom and courage protected the state by arms and counsel. Their influence flourished above all because, though they far surpassed the rest in honor, they fell below them in indulgence and were generally no richer. Each man's public virtue was all the more welcome because in private affairs they most diligently protected individual citizens with their services, advice, and resources.

SECTION 60

CHAPTER 35

"While the commonwealth was in this condition, a quaestor accused Spurius Cassius, who was plotting to seize the kingship and enjoyed immense popular favor. As you have heard, after his father declared that he had discovered him guilty of that offense, Cassius was put to death, with the people acquiescing. About the fifty-fourth year after the first consuls, the consuls Spurius Tarpeius and Aulus Aternius also carried that welcome law concerning fines and legal deposits in the assembly of the centuries. Twenty years later, because the censors Lucius Papirius and Publius Pinarius had transferred great numbers of cattle from private ownership to the state by imposing fines, a law of the consuls Gaius Julius and Publius Papirius set a low valuation on livestock used in payment of a fine.

SECTION 61

CHAPTER 36

"But some years earlier, when the senate held the highest authority and the people submitted and obeyed, a plan was adopted whereby both consuls and tribunes of the plebs should resign their offices, and ten men should be appointed with the fullest powers and without appeal, to hold supreme command and write the laws. After drafting ten tables of laws with the greatest fairness and wisdom, they had another ten men elected for the following year, whose good faith and justice did not receive the same praise. Yet one member of that board, Gaius Julius, won exceptional praise for this: although he himself held supreme power as one of the ten, with no appeal, he nevertheless demanded sureties from a nobleman, Lucius Sestius, in whose bedroom, he said, a corpse had been dug up in his presence. For he declared that he would not disregard that splendid law which forbade a decision on a Roman citizen's life except in the assembly of the centuries.

SECTION 62

CHAPTER 37

"A third year of the ten men's rule followed, since the same men remained and had refused to have others elected in their place. In this condition of the commonwealth, which I have often said could not last because it did not treat all ranks of the community equitably, the whole state was in the hands of its leading men. Ten men of the highest birth presided over it; no tribunes of the plebs opposed them, no other magistrates were associated with them, and no appeal to the people against execution or flogging remained.

SECTION 63

"From their injustice, then, there suddenly arose a most violent upheaval and a complete change in the commonwealth. They added two tables of unjust laws, and in these enacted a most inhuman provision forbidding intermarriage between plebeians and patricians—a right commonly granted even to separate peoples. This was later repealed by the Canuleian resolution of the plebs. In every exercise of their power they ruled the people willfully, cruelly, and greedily. The story is, of course, well known and celebrated in many written records: a certain Decimus Verginius killed his virgin daughter with his own hand in the forum because of the unbridled lust of one of those ten men, and fled in grief to the army, which was then on Mount Algidus; the soldiers abandoned the war they had in hand and occupied, under arms, first the Sacred Mount, as had been done before in a similar crisis, and then the Aventine [...] [...]

SECTION 63fr

(Philarg., Serv. G. 3.125) "when Lucius Quinctius had been appointed dictator.

[...] I judge that our ancestors both approved most heartily and retained most wisely."

SECTION 64

CHAPTER 38

When Scipio had said this, and everyone waited in silence for the rest of his discourse, Tubero said, "Since these older men ask nothing of you, Africanus, you shall hear from me what I find wanting in your discussion." "By all means," said Scipio, "and I shall gladly hear it." Then Tubero said, "You seem to me to have praised our commonwealth, although Laelius asked you not about ours, but about commonwealths in general. Nor have I learned from your discussion by what discipline, customs, or laws we can establish or preserve the very commonwealth you praise."

SECTION 65

CHAPTER 39

Here Africanus said, "I think, Tubero, that we shall soon have a better place to discuss the founding and preservation of states. As for their best condition, I thought I had answered Laelius's question sufficiently. First I had specified three acceptable forms of government and an equal number of destructive forms opposed to those three. No one of them, I said, was best; rather, a form moderately blended from the first three surpassed each of them.

SECTION 66

"My use of our own state as an example served not to define the best condition—for that could have been done without an example—but to show in actual practice, in a very great state, the nature of what reason and discourse described. But if you are seeking the essential character of the best constitution without the example of any people, we must use a model drawn from nature, since you this model of a city and people [...]

[...]

SECTION 67

CHAPTER 40

"[...] whom I have long been seeking and whom I wish to reach." L. "Perhaps you are looking for a man of practical wisdom?" Then he said, "Precisely that man." L. "You have a fine supply among the very people here, beginning with yourself." Then Scipio said, "If only the whole senate had a corresponding proportion! Still, there is practical wisdom in the man who, as we have often seen in Africa, sits on an immense and mighty beast, restrains and guides it wherever he wishes, and turns the wild creature with a slight signal, † not a blow." L. "I know him, and often saw him when I was your lieutenant." S. "That Indian or Carthaginian, then, restrains a single beast, and one that is teachable and accustomed to human ways. But what lies hidden within human souls, the part of the soul called the mind, reins in and tames more than one creature, and none easy to subdue—if it ever succeeds, as it very rarely can. For that fierce creature too must be held in check [...] [...]

SECTION 68

CHAPTER 41

(Non. 300M) "which feeds on blood, which revels so wildly in every cruelty that it can scarcely be sated by the bitter deaths of human beings.

(Non. 491M) but to one who desires and craves and lusts and wallows in pleasures.

(Non. 72M) and the fourth, anxiety, inclined to grief, sorrowing and constantly tormenting itself.

(Non. 228M) but to be crushed by anguish, by misery, or cast down by timidity and cowardice.

(Non. 292M) As an unskilled charioteer is dragged from his chariot, trampled, torn apart, and crushed."

SECTION 69

CHAPTER 42

"[...] could be called." Then Laelius said, "I see now what duty and task you assign to the man I have been waiting for." "Almost this alone," said Africanus, "for almost everything else is contained in this one thing: he must never cease to observe and examine himself, must call others to imitate him, and must offer himself to his fellow citizens like a mirror in the brilliance of his soul and life. For just as, in strings or pipes, and in singing itself and voices, a certain harmony must be maintained among distinct sounds, which trained ears cannot bear to hear altered or discordant, and that harmony is made concordant and fitting through the regulation of the most unlike voices, so a state, through the measured ordering of its highest, lowest, and intervening middle ranks as though they were sounds, sings in the accord

(August. C.D. 2.21) of its most unlike elements. And what musicians call harmony in song is concord in a state, the closest and best bond of security in every commonwealth; and without justice it cannot possibly exist."

SECTION 70

CHAPTER 44

"[...] to be full of justice." Then Scipio said, "I agree indeed, and I declare to you that we must think nothing has yet been said about the commonwealth, nor can we advance any further, unless it is established not only that the claim that government cannot be carried on without injustice is false, but that this is utterly true: a commonwealth cannot possibly be governed without the highest justice. But, if you please, let this be enough for today; let us put off the rest—for quite a lot remains—until tomorrow." When they had agreed to this, the discussion ended for that day.

Book 3

SECTION 1

[...]

SECTION 3

CHAPTER 2

[...] and vehicles for slowness; and when that same faculty found human beings uttering something rudimentary and confused in unformed sounds, it cut these sounds apart and divided them into sections, stamped words on things like signs, and bound people, formerly scattered, to one another with the most delightful bond of speech. By a similar intelligence, all the sounds of the voice, which had seemed infinite, were marked and represented through the invention of a few symbols. By these, conversations with the absent, expressions of intention, and records of past events could be preserved. To this was added number, something necessary to life and uniquely unchanging and eternal. This first impelled us also to look up into the heavens, to observe the movements of the stars to some purpose, and, by counting nights and days [...]

[...]

SECTION 4

[...] whose souls rose higher and could accomplish or conceive something worthy, as I said before, of the gods' gift. Let us therefore regard those who discuss the conduct of life as great men, as indeed they are; let them be learned, let them be teachers of truth and virtue. Only let this other subject—whether discovered by men engaged in the changing affairs of commonwealths or also treated in those thinkers' leisure and writings—be regarded, as it is, as by no means contemptible: the theory of government and the discipline of peoples, which brings about in gifted natures, as it has already done so very often, the emergence of a virtue almost beyond belief, a divine virtue.

SECTION 5

But if anyone has thought that to the equipment of mind he possessed by nature and through civic institutions he should also add learning and a fuller knowledge of things, as did the very men taking part in the discussion in these books, everyone must place such men above all others. For what can be more glorious than the union of the management and experience of great affairs with the study and knowledge of those arts? Or what can be imagined more accomplished than Publius Scipio, Gaius Laelius, or Lucius Philus? To omit nothing that belonged to the highest distinction of illustrious men, they added to the customs of their own land and ancestors this learning brought from abroad, from Socrates.

SECTION 6

Therefore, the man who both wished and was able to equip himself in both ways, with his ancestors' institutions and with learning, has, I think, attained everything that makes for glory. But if one of the two paths to wisdom must be chosen, then, even if someone thinks the quiet life devoted to the finest studies and arts happier, the life of public service is certainly more praiseworthy and illustrious. From this life the greatest men derive their distinction, as did Manius Curius,

"Whom no one could conquer with iron or gold,"

or [...]

SECTION 7

CHAPTER 4

[...] was wisdom; nevertheless, there was this difference in the methods of the two groups: the former fostered nature's first principles through words and arts, the latter through institutions and laws. This one state has produced more men who, if not wise—since those thinkers restrict that title so narrowly—are certainly worthy of the highest praise, since they honored the teachings and discoveries of the wise. And consider how many states now deserve praise or have deserved it. Since to establish a commonwealth capable of lasting is by far the greatest work of judgment in the world, if we count a single man for each state, what a multitude of outstanding men we shall find! And if we choose to survey in our minds Italy's Latins, or its Sabine or Volscian people, Samnium, Etruria, or that great Greece in Italy, and then the Assyrians, the Persians, the Carthaginians, if these [...]

[...]

SECTION 8

CHAPTER 5

[...] And Philus said, "A splendid case you are handing over to me, when you want me to undertake the defense of wickedness!" "And of course," said Laelius, "you must fear that, if you state the usual arguments against justice, people will think those are your own convictions—you, who are almost a unique example of old-fashioned integrity and good faith, and whose practice of arguing on opposite sides is well known, since you think truth is most easily discovered that way." And Philus said, "Well then, I shall oblige you and knowingly smear myself with dirt. Since those who search for gold do not think they should refuse such a thing, we, who are searching for justice, something far more precious than all gold, must certainly shrink from no discomfort. And if

only, just as I am to use another man's argument, I could also use another man's voice! As it is, Lucius Furius Philus must say what Carneades, a Greek accustomed to using words as suited his convenience [...] [...]

SECTION 9

(Non. 263M) "so that you may answer Carneades, who often makes a mockery of the best causes through the captious ingenuity of his arguments."

SECTION 11

CHAPTER 7

(Non. 373M) "Justice looks outward, reaching out in its entirety and standing forth.

(Non. 299M) A virtue which, beyond all others, extends and unfolds itself wholly for the benefit of others."

SECTION 12

CHAPTER 8

"[...] both discover and uphold, while the other filled four quite substantial books with justice itself. For I expected nothing grand or magnificent from Chrysippus, who speaks in his own peculiar fashion, weighing everything by the slight shifts of words, not by the substance of things. It was for those heroes to lift from the dust that virtue which, if it exists at all, is uniquely generous and liberal, which loves everyone more than itself and was born for others rather than itself, and to place it on that divine throne not far from wisdom.

SECTION 13

"Nor did they lack either the will—for what other reason had they for writing, or what purpose at all?—or the intellect in which they surpassed everyone. But their cause defeated both their will and their resources. For the law we are investigating is a matter of civic enactment, not of nature. If it were natural, justice and injustice would be the same for everyone, just as heat and cold, bitterness and sweetness are.

SECTION 14

CHAPTER 9

"As things are, if someone could, in Pacuvius's words, 'riding in the chariot of winged serpents,' look down upon and survey with his eyes many different nations and cities, he would see first that among the Egyptians, that exceptionally uncorrupted people who preserve in writing the memory of so many centuries and events, a certain ox is regarded as a god, whom the Egyptians call Apis; and that among them many other monsters and beasts of every kind are consecrated among the gods. Next he would see the magnificent shrines of Greece, as among us, dedicated to images in human form, which the Persians thought impious. Indeed, Xerxes is said to have ordered the Athenians' temples burned for this reason alone: he considered it sacrilege to keep the gods shut within walls, when their home was this entire universe.

SECTION 15

"Later, however, both Philip, who planned war against the Persians, and Alexander, who waged it, put forward this reason for the war: each wished to exact vengeance for the shrines of Greece. The Greeks had thought these should not even be rebuilt, so that future generations might have before their eyes an everlasting witness to the Persians' crime. How many peoples—the Tauri on the Black Sea, King Busiris of Egypt, the Gauls, the Carthaginians—have thought human sacrifice both pious and most pleasing to the immortal gods! Ways of life differ so widely that the Cretans and Aetolians consider robbery honorable, while the Spartans repeatedly declared that all the lands they could reach with a spear were theirs. The Athenians even used to swear publicly that all land bearing olives or crops belonged to them. The Gauls think it shameful to get grain by manual labor, and so, armed, they reap other people's fields;

SECTION 16

"we, however, are supremely just people, who do not allow the nations beyond the Alps to plant olive or vine, so that our own olive groves and vineyards may be worth more. When we do this, we are said to act prudently, not justly, so that you may understand how wisdom differs from fairness. And Lycurgus, that inventor of excellent laws and the fairest justice, gave the lands of the wealthy to the common people to cultivate as though they were slaves.

SECTION 17

CHAPTER 10

"But if I wished to describe the forms of law, institutions, manners, and customs, I could show not only their variety among so many nations, but their thousand changes in a single city, even this very one. Our interpreter of the law here, Manilius, now states one set of rules about women's legacies and inheritances, whereas in his youth, before the Voconian law was passed, he used to state another. That very law, proposed for men's advantage, is full of injustice to women. Why should a woman not possess money? Why may a woman be heir to a Vestal Virgin, but not to her own mother? And if a limit had to be set on women's wealth, why could Publius Crassus's daughter, if she were her father's only child, possess a hundred million asses without breaking the law, while mine could not possess three million asses [...]

[...]

SECTION 18

CHAPTER 11

"[...] had established laws for us, we should all observe the same ones, and the same people would not observe different laws at different times. But I ask: if it is the mark of a just man and a good man to obey the laws, which laws? Whatever laws there happen to be? Yet virtue admits no inconsistency, and nature allows no variation; our laws win acceptance through punishment, not through our justice. Law, then, has nothing natural about it; and from this it

follows that people are not just by nature either. Or do they say that laws vary, but naturally good men follow the justice that truly exists, not what is thought to be just? For, they say, it is the mark of a good and just man to give each person what each deserves.

SECTION 19

"First, then, shall we give anything to speechless beasts? For no ordinary men, but the greatest and most learned, Pythagoras and Empedocles, proclaim that all living creatures share one legal standing, and cry out that inexpiable punishments hang over those who have harmed an animal. It is therefore a crime to harm a beast; and that crime, whoever wishes [...] [...]

SECTION 23

CHAPTER 13

"[...] For all who hold the power of life and death over a people are tyrants, though they prefer, borrowing the title of Jupiter Best, to be called kings. When certain men control the commonwealth because of wealth, birth, or some other resources, it is a faction, though they are called the best men. If the people possess the greatest power and everything is governed at their discretion, that is called freedom, but is in truth license. But when each fears the other, man fears man and rank fears rank, then, because no one trusts in his own strength, a kind of bargain is made between the people and the powerful. From this arises the combined form of government Scipio was praising. For the mother of justice is neither nature nor inclination, but weakness. Since one of three things must be chosen—to do wrong without suffering it, to do it and suffer it, or to do neither—the best is to do wrong if you can do so with impunity; second best, neither to do it nor to suffer it; most wretched, to be forever fighting, now inflicting wrongs, now receiving them. Thus those who to attain that first [...]

[...]

SECTION 24fr

CHAPTER 14

(Non. 125M,318M,534M) "For when he was asked what criminal impulse had driven him to make the sea unsafe with a single pirate ship, he said, 'The same one that drives you to make the whole world unsafe.'"

SECTION 24

CHAPTER 15

"[...] all [...]. Wisdom bids us increase our resources, enlarge our wealth, extend our boundaries—for how could that praise engraved on the monuments of the greatest commanders, 'He extended the boundaries of the empire,' have arisen unless something had been added from others' property? —rule as many people as possible, enjoy pleasures, be powerful, reign, dominate. Justice, however, commands us to spare everyone, care for the human race, give each his due, and leave sacred, public, and other people's property untouched. What follows, then, if you obey wisdom? Wealth, power, resources, honors, commands, kingdoms, for individuals or for peoples. But since we are speaking of the commonwealth, public actions are more conspicuous; and since the principle of justice is the same in both cases, I think we should discuss a people's wisdom. To pass over others, did this people of ours, whose history Africanus traced yesterday from its roots, and whose empire now holds the whole world, become the greatest from being the smallest of all through justice or through wisdom? [...]

[...]

SECTION 25

"[...] except the Arcadians and Athenians, who, fearing, I suppose, that this prohibition of justice might one day arise, invented the story that they had sprung from the earth like those little mice in the fields.

SECTION 26

CHAPTER 16

"To this, the following reply is commonly made, first by men who are by no means poor disputants. They have the more authority in this case because, when the question concerns a good man, whom we wish to be open and straightforward, they are not sly, cunning, or malicious in debate. They deny that the wise man is good because goodness and justice delight him of themselves and for their own sake. Rather, it is because the lives of good men are free of fear, care, anxiety, and danger, whereas some thorn always lodges in the minds of the wicked, and trials and punishments always hover before their eyes. No advantage, no reward won by injustice is worth so much that you should always be afraid, always think some punishment present, always think it hanging over you, losses [...]

[...]

SECTION 27fr

CHAPTER 17

(Lactant. Div. Inst. 5.12.5) "I ask: suppose there are two men, one the best of men, supremely fair, of the highest justice and extraordinary good faith, the other conspicuous for crime and audacity. Suppose the community is so mistaken that it thinks that good man criminal, wicked, and impious, while it considers the utterly wicked man a model of integrity and good faith; and, in keeping with this opinion of all the citizens, the good man is harassed, dragged away, finally subjected to violence, his eyes gouged out, condemned, chained, burned, driven into exile, left destitute,

SECTION 27

"and finally appears, with every justification, to be the most wretched of all; while the wicked man, on the contrary, is praised, honored, and loved by everyone, all distinctions, all commands, all wealth, and resources of every kind are heaped upon him from every side, and in everyone's judgment he is considered the very best of men and most worthy of every blessing of fortune—who, then, will be so mad as to hesitate over which of the two he would rather be?

SECTION 28

CHAPTER 18

"What holds for individuals holds for peoples: no state is so foolish that it would not prefer to rule unjustly rather than serve justly. Nor need I go far for an example. As consul, with you as my advisers, I investigated the treaty with Numantia. Who did not know that Quintus Pompeius had made a treaty, and that Mancinus's case was the same? One, an excellent man, even supported the bill I proposed at the senate's direction; the other defended himself most fiercely. If we seek a sense of shame, integrity, or good faith, Mancinus displayed these; if calculation, judgment, and prudence, Pompeius stands ahead. Which [...] [...]

SECTION 32

CHAPTER 21

(Gel. N.A. 1.22.8) "I would not press you, Laelius, unless I thought these men wished it and I myself desired you too to take up some part of this conversation of ours, especially since you yourself said yesterday that you would be more than enough for us. But that, of course, is impossible; we all ask that you at least not fail us."

(Non. 323M, 324M) "but our young men must by no means listen to him. For if he thought as he speaks, he is a vile man; if he thought otherwise, as I prefer to believe, his speech is nevertheless monstrous."

SECTION 33

CHAPTER 22

(Lactant. Div. Inst. 6.8.6) "True law is indeed right reason in accord with nature, spread among all, constant, everlasting. By its commands it calls us to duty; by its prohibitions it deters us from wrongdoing. Yet it neither commands nor forbids the good in vain, nor moves the wicked by its commands or

prohibitions. It is sacrilege to enact a law against this law; no part of it may be taken away, nor can it be repealed altogether. Neither senate nor people can release us from this law, nor must we seek another to explain or interpret it. There will not be one law at Rome and another at Athens, one now and another hereafter, but one everlasting and unchanging law will bind all nations at all times. There will be one common master, as it were, and commander of all: God, the deviser, judge, and proposer of this law. Whoever disobeys him will flee from his own self and, having scorned his human nature, will by that very act pay the greatest penalties, even if he escapes the other things considered punishments.

SECTION 34fr

CHAPTER 23

(August. C.D. 22.6) "that no war is undertaken by the best state except to keep faith or defend its safety."

SECTION 34

"But private individuals often escape those penalties which even the most foolish feel—poverty, exile, imprisonment, flogging—when a swift death offers itself. For states, however, death itself is a punishment, though it seems to rescue individuals from punishment; for a state should be so established that it lasts forever. There is therefore no natural end to a commonwealth as there is to a human being, for whom death is not merely necessary but very often desirable. But when a state is removed, destroyed, extinguished, it is in a way—to compare small things with great—as though this entire universe were to perish and collapse.

SECTION 35afr

(Isid. Orig. 18.1.2sq.) "Those wars are unjust which are undertaken without cause. For no war can be justly waged except to exact redress or repel enemies.

(Isid. Orig. 18.1.2sq.) No war is considered just unless it has been announced, unless it has been declared, unless restitution has been demanded."

SECTION 35bfr

(Non. 498M) "Our people, however, by defending their allies have now gained possession of the whole world."

SECTION 36

CHAPTER 24

(August. C.D. 19.21) "Why, then, does God rule over man, the soul over the body, reason over passion and the other vicious parts of the soul?"

SECTION 37

CHAPTER 25

(August. c. Iul. 4.12.61) Do we not see that nature herself has given dominion to the best, to the great benefit of the weak? Why else does God rule man, the mind the body, reason desire and anger and the other vicious elements of that same mind?

(August. c. Iul. 4.12.61) But we must also recognize distinctions in ruling and in serving. For as the mind is said to rule the body, so it is said to rule desire; yet it rules the body as a king rules his citizens or a parent his children, but desire as a master rules slaves, since it restrains and breaks it. Thus the authority of kings, commanders, magistrates, fathers, and peoples governs citizens and allies as the mind governs the body; masters, however, keep their slaves under harsh discipline as the best part of the mind, that is, wisdom, does the vicious and feeble parts of the same mind—desires, fits of anger, and the other passions.

(August. C.D. 14.23) that the body's limbs are ruled like children because they obey so readily, but the vicious parts of the mind are curbed like slaves by a harsher authority?

(Non. 109M) For there is a kind of unjust slavery, when those who could belong to themselves belong to another; but when those serve [...]

SECTION 39

CHAPTER 27

(Prisc. GL 2.399K) in which cases I agree that an anxious and perilous justice does not befit a wise person.

SECTION 40

CHAPTER 28

(Lactant. Div. Inst. 5.18.4) Virtue certainly desires honor, and virtue has no other reward [...]. Yet she accepts it readily, without demanding it harshly [...]. What riches will you set before this man? What commands? What kingdoms? He regards those things as human, but judges his own goods divine [...]. But if universal ingratitude, widespread envy, or powerful enemies strip virtue of her rewards, she surely delights in many consolations, and above all sustains herself by her own beauty.

(August. C.D. 22.4) Their bodies were not carried up to heaven; for nature would not permit what was of earth to remain anywhere but on earth.

(Non. 125M) Never a very brave man's courage, tireless energy, endurance [...]

(Non. 132M) As though Pyrrhus lacked generosity to offer Fabricius, or the Samnites lacked resources to offer Curius!

(Non. 522M,68M) Our own Cato, when he came to his Sabine estate, used to visit this man's hearth, as we heard from his own lips. Seated beside it, Curius had rejected the gifts of the Samnites, once his enemies, by then his clients.

SECTION 41

CHAPTER 29

[...] Asia, Tiberius Gracchus persisted in the case of the citizens, but disregarded the rights and treaties of the allies and the Latin peoples. If this practice and license begin to spread further and turn our rule from justice to force, so that those who until now obey us willingly are held by terror, then, though for

us at our age the watch is nearly over, I am troubled for our descendants and for that immortality of the commonwealth, which could have lasted forever had we lived by our ancestral institutions and customs.

SECTION 42

CHAPTER 30

When Laelius had finished, everyone present showed how greatly he had delighted them; but Scipio, carried away beyond the others by a kind of joy, said, "You have often defended many cases, Laelius, in such a way that I, with you, neither our colleague Servius Galba, whom you placed above everyone while he lived, nor indeed any of the Attic orators, either for sweetness [...]."

[...]

(Non. 262M) that he had lacked two things, confidence and a voice, and their absence kept him from speaking before the people and in the Forum [...]

(Sch. Iuvenal. Sat. 6.480) the bull bellowed with the groaning of the men imprisoned inside it.

SECTION 43

CHAPTER 31

[...] bring back. "Then who would call that a people's affair—that is, a commonwealth—when everyone was crushed by one man's cruelty, and there was no single bond of law, no agreement and fellowship of an assembly, such as constitutes a people? The same applies to Syracuse. That splendid city, which Timaeus calls the greatest of Greek cities and the most beautiful of all; its citadel, a sight to behold; its harbors flowing deep into the town's recesses and up to the city's edges; its broad streets, colonnades, temples, walls—none of these made it a commonwealth while Dionysius held it. Nothing belonged to the people, and the people themselves belonged to one man. Where there is a

tyrant, therefore, we must say that there is not a defective commonwealth, as I said yesterday, but, as our reasoning now compels us to say, no commonwealth at all."

SECTION 44

CHAPTER 32

"An excellent point," said Laelius; "I now see where the argument is going." S. "Then you see that a state wholly in the power of a faction cannot truly be called a commonwealth either." L. "That is certainly my judgment." S. "And a perfectly sound judgment it is. For what belonged to the Athenians when, after that great Peloponnesian War, the Thirty ruled their city with such injustice? Did the city's ancient glory or the town's splendid appearance, its theater, gymnasiums, colonnades, famous gateways, citadel, the marvelous works of Phidias, or that magnificent Piraeus make it a commonwealth?" "Certainly not," said Laelius, "since it was not the people's affair." S. "What about Rome, when the decemvirs held power without appeal in that third year, when liberty herself had lost her claim to freedom?" L. "Nothing belonged to the people; indeed, what the people did was to recover what was theirs."

SECTION 45

CHAPTER 33

S. "I come now to the third kind, where we may perhaps seem to face difficulties. When everything is said to be done by the people and to lie in the people's power; when the multitude puts anyone it wishes to death; when they do, plunder, possess, and scatter whatever they please—can you then deny, Laelius, that this is a commonwealth? Everything belongs to the people, and we maintain that a commonwealth is the people's affair." Then Laelius said, "There is none I would more readily deny to be a commonwealth than this one, which is entirely [...]. It was not held that there was a commonwealth at Syracuse or Agrigentum or Athens when tyrants ruled there, or here when the decemvirs

ruled. Nor do I see how the name of commonwealth is any more in evidence under the multitude's domination. First, as you so well defined it, Scipio, I do not regard a group as a people unless it is held together by agreement in law. Rather, such an assembly is as much a tyrant as a single man would be, and more hideous still, since no beast is more savage than this one that assumes the people's appearance and name. Nor indeed is it consistent, when the property of the insane is legally in the power of their relatives in the male line, because now their [...]"

SECTION 46

CHAPTER 34

[...] "may be said, why that should be a commonwealth and a people's affair —the arguments made about monarchy." "And with far greater force," said Mummius; "for a king, being one man, more closely resembles a master. But where several good men hold power in a commonwealth, nothing can be more blessed than that state. Still, I prefer even monarchy to a free people; for that is the third kind of commonwealth you have left, the most defective of all."

SECTION 47

CHAPTER 35

Here Scipio said, "I recognize that habit of yours, Spurius, your aversion to popular government. Although one can take it more gently than you generally do, I agree that none of these three kinds deserves less approval. But I do not agree with you that aristocrats are better than a king. If it is wisdom that governs the commonwealth, what difference, after all, does it make whether it resides in one man or in several? Yet a certain misconception misleads us when we argue this way. When they are called 'the best men,' nothing can seem more excellent: what better thing can be imagined than the best? But when a king is mentioned, even an unjust king comes to mind. We are not now speaking of an

unjust king, however, when we inquire into the monarchical commonwealth itself. Think, then, of King Romulus or Pompilius or Tullius, and perhaps you will not be so dissatisfied with that commonwealth."

SECTION 48

M. "What praise, then, do you leave for a popular commonwealth?" S. Then he said, "What? Do you think, Spurius, that the Rhodians, whom we recently visited together, have no commonwealth?" M. "I certainly think they have, and one by no means deserving blame." S. "You are right. But, if you remember, the very same men were alternately commoners and senators, taking turns so that in some months they performed the people's duties, in others the senate's. In both capacities they received a fee for attendance; and the same men judged capital cases and all the others in the theater and in the senate house. The senate had only as much power and standing as the multitude [...] [...]"

BOOK 3

Fragments of Uncertain Position

SECTION 1

(Non. 301M) There is, then, something turbulent within each of us, which either leaps with pleasure or is broken by distress.

SECTION 2

(Non. 364M) But as they themselves †or if should put the mind to the test —I am—they see what they think they are going to do.

SECTION 3

(Non. 431M) The Carthaginians were the first, through their trade and their merchandise, to bring greed, extravagance, and insatiable desires for everything into Greece.

SECTION 4

(Sch. Iuvenal. Sat. 10.362) That Sardanapallus, far more disfigured by his vices than by his very name.

SECTION 5

(Prisc. GL 2.255K) unless someone wants to turn the whole of Athos into a monument. For what Athos or Olympus is so great?

BOOK 4

Surviving Fragments

SECTION 1

CHAPTER 1

(Non. 500M) And that very mind which foresees the future remembers the past.

(Lactant. Div. Inst. 5.11.2) For if there is no one who would not rather die than be changed into the shape of some beast, even though he would retain a human mind, how much more wretched it is to have a savage mind in a human shape! To me, certainly, the difference seems as great as the mind's superiority to the body.

(August. c. Iul. 5.12.59) that he did not think a ram's good and Publius Africanus's good were the same.

(Non. 234M) and by interposing itself produces shadow and night, suited both to the reckoning of days and to rest from labor.

(Non. 343M) And when in autumn the earth has opened herself to receive the crops, in winter has loosened herself to †receive them, and with summer's ripening has mellowed some things and parched others.

(Non. 159M) when shepherds apply it to their flocks.

SECTION 2

CHAPTER 2

[...] favor. How suitably the orders, ages, classes, and cavalry are arranged! Within the cavalry are also the senate's votes, though already far too many foolishly wish to remove this advantage, seeking a new bounty through some plebiscite requiring the return of the horses.

SECTION 3

CHAPTER 3

"Consider now how wisely the other provisions have been made for that fellowship of citizens in a happy and honorable life. That is the first reason for coming together, and the commonwealth must secure it for people partly through institutions, partly through laws. To begin with, they chose to have no fixed education for freeborn children, prescribed by law, publicly established, or uniform for all—a matter on which the Greeks have spent much fruitless labor, and the one point on which our guest Polybius accuses our institutions of neglect. For [...]"

SECTION 3(fr1)

(Serv. A. 5.546) that those entering military service were customarily given guardians to direct them in their first year.

SECTION 3(fr2)

(Non. 20M) not merely as at Sparta, where boys learn to seize and steal.

SECTION 3(fr3)

(Serv. A. 10.325) that it was considered a disgrace for young men to have no lovers.

SECTION 4

CHAPTER 4

[...] "a youth who has reached puberty to be stripped naked. Thus the foundations, so to speak, of modesty have been laid deep. But how absurd is the training of young men in the gymnasiums! How frivolous that military service

of the youths! How unrestrained and free their fondling and love affairs! I pass over the Eleans and Thebans, among whom lust in the love of freeborn youths is actually granted an unchecked license. The Spartans themselves, in allowing everything in the love of young men except illicit sexual relations, put a very thin wall around the thing they forbid: they permit embraces and sharing a bed, with cloaks laid between." Here Laelius said, "I understand perfectly, Scipio, that in criticizing these Greek practices you would rather wrestle with the most famous peoples than with your own Plato, whom you do not even touch, especially since [...]"

SECTION 5

CHAPTER 5

(Non. 362M) and our Plato even more than Lycurgus, since he commands that absolutely everything be held in common, so that no citizen can call anything his own property.

(Non. 308M) "I certainly—to the same place to which he sends Homer, crowned with garlands and steeped in perfumes, out of the city he imagines for himself."

SECTION 6

CHAPTER 6

(Non. 24M) The censor's judgment brings the condemned man almost nothing but a blush. And so, since this entire judgment concerns only nomen, one's good name, that censure was called ignominia, 'disgrace.'

(Non. 423M) It is said that the citizen body first shuddered † at their severity.

(Non. 499M) Nor should an overseer be appointed over women, as is commonly done among the Greeks; rather, let there be a censor to teach men to govern their wives.

(Non. 5M) So powerful is the discipline of modesty: all women abstain from wine.

(Non. 306M) And if any woman had a bad reputation, her relatives would not offer her a kiss.

(Non. 23M) Thus petulantia, 'petulance,' is named from petendo, 'seeking'; and procacitas, 'impudence,' from procando—that is, poscendo, 'demanding.'

SECTION 7

CHAPTER 7

(Non. 24M) "For I do not want the same people to be both the world's ruler and its customs collector. I consider thrift the best revenue, both in private households and in the commonwealth. Indeed, fides, 'good faith,' seems to me to take its very name from fit quod dicitur—from doing what is said."

(Non. 194M) "that, in a distinguished citizen and a man of noble birth, coaxing, flattery, canvassing—†my—to be signs of frivolity."

SECTION 8

CHAPTER 8

(Non. 430Msq.) "I admire the elegance not only of the provisions but also of the words. 'If they quarrel,' it says. A disagreement between well-disposed people, not a lawsuit between enemies, is called a quarrel [...]. Thus the law holds that neighbors quarrel with one another, not that they litigate."

(Non. 174M) that human cares have the same boundary as human life; thus, under pontifical law, the sanctity of burial.

(Non. 293M) that they killed innocent men for leaving unburied those whom the violence of the storm had prevented them from rescuing from the sea.

(Non. 519M) "Nor in this dispute did I take up the people's cause, but that of the good men."

(Prisc. GL 3.76K) For a strong people is not easily resisted if you grant it either no rights or too few.

(Non. 469M) "For whom indeed I wish I may have prophesied truly, faithfully, †abounding."

SECTION 9

CHAPTER 9

(August. C.D. 2.14ext.) When to these are added the people's shouts and approval, as though the people were some great and wise teacher, what darkness they spread, what terrors they bring, what desires they set ablaze!

SECTION 10

CHAPTER 10

(August. C.D. 2.13) Since they considered the actor's art and the entire stage disgraceful, they decreed that this class of men should not only lack the honors of other citizens, but should also be removed from their tribe by the censor's brand.

SECTION 11

(August. C.D. 2.9) Comedies could never have won approval in the theaters for their scandals unless the habits of daily life had permitted it. [...] Whom did comedy not touch—or rather, whom did it not torment? Whom did it spare? Granted, it wounded wicked popular leaders, seditious men in public affairs: Cleon, Cleophon, Hyperbolus. Let us bear that, although it is better for such citizens to be branded by a censor than by a poet. But that Pericles, after leading his state for many years with the greatest authority in peace and war, should be assailed in verses, and those verses performed on stage, was no more fitting than if our Plautus or Naevius had chosen to abuse Publius and Gnaeus Scipio, or Caecilius to abuse Marcus Cato [...]

SECTION 12

() Our Twelve Tables, by contrast, although they made very few things punishable by death, thought this too should be so punished: if anyone chanted abuse or composed a song that brought infamy or disgrace upon another. An excellent rule: our lives ought to be exposed to magistrates' judgments and lawful trials, not to poets' ingenuity; nor should we hear accusations of disgrace except on terms that allow us to answer and defend ourselves in court. [...] that the ancient Romans disapproved of either praising or blaming any living man on stage.

SECTION 13

CHAPTER 11

(August. C.D. 2.11)

Aeschines of Athens, a supremely eloquent man, entered public life after often acting in tragedies as a youth; and the Athenians frequently sent Aristodemus, likewise a tragic actor, as an envoy to Philip on the most important questions of peace and war.

BOOK 5

Surviving Fragments

SECTION 1

CHAPTER 1

(August. C.D. 2.21,Non. 417M)

(Ennius)
On ancient customs and on men the Roman state stands firm,

and in its brevity and truth that verse seems to me an utterance he delivered as though from an oracle. For neither the men, had the state not possessed such customs, nor the customs, had such men not presided over them, could have founded or so long maintained so great a commonwealth, with so broad and far-reaching a dominion. Thus, before our time, ancestral custom itself called forth outstanding men, and excellent men preserved the old custom and their ancestors' institutions.

SECTION 2(fr)

But our own age received the commonwealth like an exquisite painting already fading with time, and not only neglected to renew it with its original colors, but (August. C.D. 2.21, Non. 417M) did not even take care to preserve at least its shape and, so to speak, its outer outlines. For what remains of those

ancient customs on which he said the Roman state stood? We see them so worn away by oblivion that they are not merely neglected, but now unknown. And what am I to say of the men? The customs themselves have perished for lack of men; for so great an evil we must not merely render an account, but must in some sense plead our case as though on trial for our lives. For through our own vices, not through any accident, we retain the commonwealth in name, but in reality have long since lost it.

SECTION 3

CHAPTER 2

"that nothing is so kingly as the exposition of equity, which involved interpreting the law; private citizens used to seek that law from kings. For these reasons broad and fertile tracts of arable land, orchards, and pastures were marked out to be royal property and to be cultivated without the kings' own work or toil, so that no concern for private business might draw them away from the people's affairs. Nor was any private citizen the judge or arbitrator of a lawsuit: everything was settled by royal judgments. Our Numa, it seems to me, adhered most closely to this ancient custom of the Greek kings. For the others, although they too performed this duty, spent much of their time waging wars and observing the laws of war. But Numa's long peace became the mother of law and religion for this city. He even wrote laws which, as you know, still exist—a task indeed proper to the citizen we are discussing [...]"

SECTION 4

CHAPTER 3

(Non. 497M)

but still, as a good head of a household needs some practical experience in farming, building, and accounting.

SECTION 5

[...] "will it trouble you to learn about roots and seeds?" M. "Not at all, provided the work has something to show." S. "Do you consider that the bailiff's field of study?" M. "Certainly not, since farming so very often runs short of hands." S. "Then, just as the bailiff knows the nature of the soil and the steward knows his letters, but each turns from the pleasure of knowledge to its practical use, so this ruler of ours should indeed have studied law and statutes, and must certainly have examined their sources. But he must not entangle himself in endlessly answering legal questions, reading, and writing, so that he can, as it were, manage the commonwealth's accounts and in a sense act as its bailiff. He must be thoroughly versed in the highest law, without which no one can be just, and not ignorant of civil law, but in the way a pilot knows the stars or a doctor natural science. Each uses those things for his own art, but does not let them obstruct his own task. This man, however, will see to it [...]"

SECTION 6

CHAPTER 4

[...] states, in which the best men seek praise and honor and shun disgrace and dishonor. They are not so much deterred by fear and the punishment established by law as by modesty, which nature has given man as a kind of fear of deserved reproach. The ruler of commonwealths has strengthened this through accepted beliefs and perfected it through institutions and training, so that shame would keep citizens from wrongdoing no less than fear. These matters concern moral honor and could have been discussed at greater length and with greater fullness.

SECTION 7

CHAPTER 5

"For life and the practice of living, however, a plan has been laid out through lawful marriage, legitimate children, and the hallowed homes of the household gods and family Lares, so that everyone might enjoy both common

advantages and his own, and so that living well would be impossible without a good commonwealth, and nothing could be happier than a well-ordered state. For this reason I am often greatly astonished at what this great [...] might be"

SECTION 8

CHAPTER 6

(Cic. Att. 8.11.1) For just as a pilot's goal is a successful voyage, a doctor's health, and a general's victory, so this director of the commonwealth has as his goal the citizens' happy life, secure in resources, rich in wealth, splendid in glory, and honorable in virtue. I want him to bring to completion this work, the greatest and best among human endeavors.

(August. epist. 104.7) And what becomes of the fact that your own writings too praise the ruler of his country who considers the people's benefit more than their wishes?

SECTION 9

CHAPTER 7

(August. C.D. 5.13) that he must be nourished on glory [...] that their ancestors had done many marvelous and splendid deeds from a desire for glory.

(P.Pictav. Bibl. Lugd. 22.824) that the state's leading man must be nourished on glory, and that the commonwealth stands as long as everyone shows honor to its leader.

(Non. 233M) Then by virtue, labor, and diligence he would preserve the inborn promise of a great man, unless his all too spirited, fierce nature—him, to I know not where [...]

(Non. 201M) the virtue called courage, which contains greatness of spirit and a profound contempt for death and pain.

SECTION 10

CHAPTER 8

(Non. 337M) Marcellus as fierce and combative, Maximus as deliberate and slow.

(Char. GL 1.139K) encompassed within the world [...]

(Non. 37M) because he could give your households a share in the troubles of his old age.

SECTION 11

CHAPTER 9

(Gel. N.A. 12.2.6sq.) as Menelaus the Spartan possessed a certain sweet-spoken charm [...] let him cultivate brevity in speaking.

(Amm. Marc. 30.4.10) "Since nothing in the commonwealth ought to be so uncorrupted as a vote or a judgment, I do not understand why a man who corrupts them with money deserves punishment, while one who does so with eloquence even wins praise. It seems to me that the man who corrupts a judge by speech does more harm than one who does so by a bribe, because no one can corrupt an honorable man with money, but he can with words."

(Non. 521M) When Scipio had said these things, Mummius strongly approving; for he was imbued with hatred †of which rhetoricians [...]

(C. anon. Verg. G. I, 2.348 Bandin.) then fine seeds had been scattered in the best of fields.

BOOK 6

Surviving Fragments

SECTION 1

CHAPTER 1

(Non. 42M) "You expect, then, the full measure of this ruler's prudence, which takes its very name from foresight."

(Non. 256M) "For this reason this citizen must equip himself to be always armed against whatever shakes the state's settled order."

(Non. 25M, Serv. A. 1.149) "And this division among citizens is called 'sedition,' because some go apart to join others."

(Non. 519M) "Indeed, in civil discord, when the good have more weight than the many, I think citizens should be weighed, not counted."

(Non. 424M) "For desires, harsh mistresses of our thoughts, compel and command things without limit; and because they can never be filled or satisfied in any way, they drive those they have inflamed with their enticements into every crime."

(Non. 492M) who has crushed his violence and that unbridled ferocity.

SECTION 2

CHAPTER 2

(Gel. N.A. 7.16.11,Non. 290M) This was all the more remarkable because, though the colleagues stood in the same case, they were not merely unequal in unpopularity: the affection felt for Gracchus even pleaded against the hostility felt for Claudius.

(Non. 409M) Who † number of the aristocrats and of the leading men offered, he with words and of his own gravity left that tone, stern and full of dignity.

(Non. 501M) so that, as that writer says, a thousand men came down to the Forum every day in cloaks dyed with shellfish purple.

(Non. 517M) among these, as you remember, a funeral was suddenly furnished by a gathering of the most frivolous of the multitude and by a collection of money.

(Non. 512M,Prisc. GL 3.70K) For our ancestors wished marriages to be firmly established.

(Non. 398M) The speech of Laelius, which we all have in our hands: how pleasing to the immortal gods are the priests' ladles and, as he writes, their Samian earthenware cups.

SECTION 3

CHAPTER 3

(Eulog. somn. Scip. 401Or.) [...] who had come back to life after being laid on the funeral pyre, and had told many secrets of the underworld [...] that these statements about the immortality of the soul and about heaven were not inventions of dreaming philosophers or incredible tales ridiculed by the Epicureans, but the conjectures of thoughtful men.

SECTION 4

CHAPTER 4

(August. C.D. 22.28) that he had been jesting rather than having wished to say †that someone affirms this to be true.

SECTION 8

CHAPTER 8

(Macr. Sat. 1.4.2sq.) "But although for the wise the very consciousness of splendid deeds is virtue's richest reward, still that divine virtue longs not for statues fixed in lead or triumphs with withering laurels, but for kinds of reward more enduring and more fresh." "What, then, are they?" said Laelius. Then Scipio said, "Allow me, since this is now our third day of leisure [...]"

BOOK 6

Dream of Scipio

SECTION 9

Dream

CHAPTER 9

CHAPTER 1

When I came to Africa, as you know, as military tribune of the fourth legion under the consul Manius Manilius, nothing mattered more to me than to meet King Masinissa, for good reasons the closest friend of our family. When I reached him, the old man embraced me and wept. A considerable time later he looked up to heaven and said, "I thank you, supreme Sun, and you, the other gods of heaven, that before I depart this life I behold in my kingdom and under this roof Publius Cornelius Scipio, whose very name refreshes me. Thus the memory of that excellent and utterly unconquerable man never leaves my mind." Then I questioned him about his kingdom, and he questioned me about our commonwealth; and with much talk back and forth we spent that day.

SECTION 10

CHAPTER 10

Afterward, entertained with royal splendor, we prolonged our conversation far into the night. The old man spoke of nothing but Africanus, remembering not only all his deeds but also his sayings. Then, when we parted to go to bed, a sleep deeper than usual enfolded me, weary as I was from the journey and from staying awake so far into the night. Here Africanus appeared to me—I believe as a result of our conversation, for our thoughts and talk commonly bring forth something in sleep like what Ennius writes about Homer, of whom he evidently used very often to think and speak while awake. Africanus had the appearance I knew better from his portrait than from the man himself. When I recognized him, I shuddered; but he said, "Take heart, Scipio, put away your fear, and commit what I shall say to memory."

SECTION 11

CHAPTER 2

CHAPTER 11

"Do you see that city which, though compelled by me to obey the Roman people, renews its ancient wars and cannot rest?" He was pointing out Carthage from a lofty place, bright and radiant and full of stars. "You now come to besiege it, little more than a common soldier. Within these two years you will destroy it as consul, and earn for yourself the surname you have so far inherited from us. When you have destroyed Carthage, celebrated a triumph, served as censor, and traveled as envoy through Egypt, Syria, Asia, and Greece, you will be elected consul again in your absence and bring a very great war to an end: you will raze Numantia. But when you have ridden in your chariot to the Capitol, you will find the commonwealth thrown into turmoil by my grandson's schemes.

SECTION 12

CHAPTER 12

"Here, Africanus, you will have to reveal to your country the light of your spirit, talent, and judgment. But at that time I see, as it were, a branching road of fate. For when your age has completed eight times seven circuits and returns of the sun, and these two numbers, each held to be complete for a different reason, have by their natural revolution made up the sum fated for you, the whole state will turn to you alone and to your name. The senate, all good men, the allies, the Latins will look to you; you alone will be the support on which the state's safety rests. In short, you must set the commonwealth in order as dictator, if you escape the impious hands of your relatives." Here Laelius cried out and the others groaned deeply, but Scipio smiled gently and said, "Hush, please! Do not wake me from my dream; listen a little longer to the rest."

SECTION 13

CHAPTER 13

CHAPTER 3

"But to make you more eager, Africanus, to defend the commonwealth, know this: for all who have preserved, aided, or enlarged their country, a certain place is set apart in heaven, where in blessedness they may enjoy everlasting life. For nothing done on earth is more welcome to that supreme god who rules the whole universe than the assemblies and gatherings of men joined in a fellowship of law, which are called states. Their rulers and preservers set out from here, and here return."

SECTION 14

CHAPTER 14

Then, although I was terrified, not so much by fear of death as of treachery from my own people, I nevertheless asked whether he himself was alive, and my father Paulus, and the others we considered dead. "Indeed," he said, "those are

alive who have flown out of the bonds of the body as from a prison; but what you call your life is death. Look—do you not see your father Paulus coming toward you?" When I saw him, I poured out a flood of tears, but he embraced and kissed me and told me not to weep.

SECTION 15

CHAPTER 15

As soon as I had checked my tears and could begin to speak, I said, "Tell me, most revered and best of fathers, since this is life, as I hear Africanus say, why do I linger on earth? Why do I not hurry here to you?" "That is not permitted," he said. "Unless the god to whom this whole temple you behold belongs has freed you from the body's imprisonment, the way here cannot lie open to you. For human beings were born under this law: to guard that globe you see in the middle of this temple, which is called the earth. A soul has been given them from those everlasting fires which you call constellations and stars, which, spherical and round, animated by divine minds, complete their circles and orbits with marvelous speed. Therefore you, Publius, and all who are dutiful must keep your souls in the body's custody. You must not depart human life without the command of him who gave you your soul, lest you seem to have deserted the human duty assigned by God.

SECTION 16

CHAPTER 16

"But as your grandfather here did, Scipio, and as I who fathered you did, cultivate justice and devotion: great toward parents and relatives, greatest toward one's country. Such a life is the road to heaven and to this company of those who have finished living and, released from the body, inhabit the place you see"—it was a circle shining among the fires with the most dazzling whiteness—"which, following the Greeks, you call the Milky Way." From there, as I surveyed everything, all the other sights seemed splendid and marvelous. There

were stars we have never seen from here, and all of them were of sizes we had never suspected. The smallest was that one which, farthest from heaven and nearest the earth, shone with borrowed light. The globes of the stars easily surpassed the earth in size. Indeed, the earth itself seemed so small to me that I felt ashamed of our empire, with which we touch scarcely a point of it.

SECTION 17

CHAPTER 17

CHAPTER 4

As I gazed at it more intently, Africanus said, "Tell me, how long will your mind remain fixed on the ground? Do you not see what temples you have entered? Everything is joined together in nine circles, or rather spheres. One is the heavenly sphere, the outermost, which embraces all the others: it is itself the supreme god, enclosing and containing the rest. In it are fixed the eternal, revolving courses of the stars. Beneath it are seven spheres turning backward, in a motion opposite to the heavens. One of these belongs to the star which on earth they call Saturn. Next comes that radiance, favorable and beneficent to the human race, which is called Jupiter. Then comes the red star, terrible to the earth, which you call Mars. Below, the sun holds almost the middle region, leader, chief, and governor of the other lights, the mind and ordering principle of the universe, so vast that it illuminates and fills everything with its light. The courses of Venus and Mercury follow it like companions, and in the lowest sphere the moon revolves, lit by the sun's rays. Below it nothing remains that is not mortal and perishable, except the souls given to the human race by the gift of the gods. Above the moon everything is eternal. For the earth, the ninth sphere at the center, does not move and lies lowest, and all heavy bodies are borne toward it by their own inclination."

SECTION 18

CHAPTER 18

CHAPTER 5

I gazed at these things in wonder; then, coming to myself, I said, "What is this? What is this vast and lovely sound that fills my ears?" "This," he said, "is the sound produced by the impulse and movement of the spheres themselves, divided by intervals unequal yet distinguished in due proportion; by blending high with low, it creates varied harmonies in even measure. Such great motions cannot be driven on in silence, and nature requires that the extremes at one end sound low, and at the other high. For this reason the highest, star-bearing course of heaven, whose revolution is swifter, moves with a high and piercing sound, while this lowest course, the moon's, has the deepest sound. The earth, the ninth, remains motionless, always fixed in one place, occupying the center of the universe. Those eight courses, of which two have the same pitch, produce seven sounds separated by intervals; that number is the binding knot of almost everything. Learned men, by imitating this with strings and singing, have opened for themselves a return to this place, as have others who, with outstanding gifts, pursued divine studies in their human lives.

SECTION 19

"Filled with this sound, human ears have grown deaf; and no sense in you is duller. So too, where the Nile plunges from the highest mountains at the falls called Catadupa, the people living there have lost their hearing because of the tremendous sound. But this sound, arising from the immensely swift revolution of the entire universe, is so great that human ears cannot take it in, just as you cannot look straight at the sun: its rays overpower your sight and your perception." Yet while I marveled at these things, I kept turning my eyes back to the earth.

SECTION 20

CHAPTER 19

CHAPTER 6

Then Africanus said, "I see that even now you are gazing at the dwelling and home of humankind. If it seems small to you, as indeed it is, look always at these heavenly things and look down upon those human affairs. For what renown in the talk of men, what glory worth seeking, can you attain? You see that the earth is inhabited only in scattered, narrow places, and that even among these inhabited patches, as it were, vast wildernesses lie between. Those who inhabit the earth are not only cut off so that nothing can pass from one group to another: some stand at a slant to you, some at right angles, and some even opposite you. From these you can certainly expect no glory.

SECTION 21

CHAPTER 20

"You see, moreover, that this same earth is wreathed and encircled, as it were, by belts. Two of them, farthest apart and resting beneath the very poles of heaven on either side, you see stiffened with frost, while the middle and largest is scorched by the sun's heat. Two are habitable. The southern one, whose inhabitants press their footprints opposite yours, has no connection with your race. As for this other one, lying beneath the north wind, which you inhabit, see how slender a part of it belongs to you. For all the land you dwell in, narrowed at its ends and broader at its sides, is a small island surrounded by the sea which on earth you call the Atlantic, the great sea, the Ocean. Yet you see how small it is, for all its great name.

SECTION 22

"Even from these very lands, cultivated and known, has your name or that of any of us been able to cross this Caucasus you see, or swim across that Ganges? Who in the remaining farthest regions of the rising or setting sun, of

the north or south, will hear your name? With these cut off, you surely see within what narrow confines your glory seeks to spread. And those very people who speak of us—how long will they speak?

SECTION 23

CHAPTER 21

CHAPTER 7

"Indeed, even if that succession of future generations should wish to hand down to posterity the praises of each of us as received from their fathers, still, because of the floods and conflagrations across the lands that must occur at appointed times, we cannot attain eternal glory, nor even glory that lasts for long. What difference does it make that those born afterward will speak of you, when those born before you never did,

SECTION 24

CHAPTER 22

who were no fewer and certainly better men, especially when even among those who can hear our name, no one can attain remembrance lasting a single year? For people commonly measure a year merely by the return of the sun, that is, of one star. But when all the stars have returned to the same place from which they once set out, and after long intervals have restored the same arrangement of the entire sky, then that may truly be called a revolving year. I scarcely dare say how many generations of humankind it contains. For just as once the sun seemed to men to fail and be extinguished when the soul of Romulus entered these very temples, so whenever the sun is eclipsed again in the same quarter and at the same season, then, with all the constellations and stars brought back to their starting point, you may reckon the year complete. Know that not even a twentieth part of that year has yet revolved.

SECTION 25

CHAPTER 23

"Therefore, if you have despaired of returning to this place, where all things await great and outstanding men, what, after all, is that human glory worth, when it can scarcely extend through a tiny part of a single year? So if you wish to look on high and contemplate this dwelling, this eternal home, you must neither surrender yourself to the multitude's talk nor place the hopes of your achievements in human rewards. Virtue herself must draw you by her own allurements toward true honor. What others say of you is their concern; yet they will speak. But all such talk is bounded by the narrow limits of the regions you see. It has never been everlasting for anyone; it is buried by the death of men and extinguished by the forgetfulness of posterity."

SECTION 26

CHAPTER 24

CHAPTER 8

When he had said this, I said, "Indeed, Africanus, if a path to the entrance of heaven lies open to those who have served their country well, then, although from boyhood I have followed in my father's footsteps and yours and have not failed your honor, now, with so great a reward set before me, I shall strive far more watchfully." And he said, "Strive indeed, and know this: it is not you who are mortal, but this body. For you are not the being your outward form reveals; each person's mind is his true self, not that figure which can be pointed out with a finger. Know, then, that you are a god, if a god is that which lives, feels, remembers, foresees, and rules, governs, and moves the body over which it is set, just as that supreme god rules this universe. And as the eternal god himself moves the universe, which is mortal in some part, so an everlasting soul moves a frail body.

SECTION 27

CHAPTER 25

"For what is always in motion is eternal; but what imparts motion to something else and is itself moved from elsewhere must necessarily come to the end of life when its motion ends. Only what moves itself, therefore, since it never abandons itself, never ceases even to move; indeed, it is the source and first principle of motion for all other things that move. A first principle has no origin: everything arises from a first principle, but it cannot itself be born from anything else, for it would not be a first principle if it were generated from elsewhere. And if it never comes into being, neither does it ever perish. For a first principle once extinguished will neither itself be reborn from another nor create another thing from itself, since everything must arise from a first principle. Thus the first principle of motion lies in what moves itself; and this can neither be born nor die. Otherwise the whole heaven and all nature must collapse and stand still, with no power to set them in motion by a first impulse.

SECTION 28

CHAPTER 26

CHAPTER 9

"Since it is plain, then, that what moves itself is eternal, who can deny that this nature has been bestowed upon souls? Everything driven by an external impulse is without soul; but what is alive is stirred by an inward motion of its own, for this is the soul's distinctive nature and power. If it alone of all things moves itself, it certainly has not been born, and is eternal.

SECTION 29

"Exercise this power in the noblest pursuits! The noblest concerns are those for your country's safety. A soul stirred and exercised by these will fly more swiftly to this dwelling, its own home. It will do so sooner still if, even while enclosed in the body, it reaches outward and, contemplating what lies beyond, draws itself away from the body as much as possible. For the souls of those who have surrendered themselves to bodily pleasures, made themselves their ser-

vants, as it were, and, driven by desires obedient to pleasure, violated the laws of gods and men, wheel about the earth itself after slipping from their bodies; nor do they return to this place until they have been tossed about for many ages." He departed; I awoke from sleep.

Fragments of Uncertain Book

SECTION 1

(Non. 321M) and nature herself would not merely invite this, but even compel it.

SECTION 2

(Diom. GL 1.339K) strive

SECTION 3

(Diom. GL 1.374K) they excel

SECTION 5

(Serv. A. 6.877) “Fannius, it is a difficult task to praise a boy: what must be praised is not achievement, but promise.”

SECTION 6

(Lactant. Div. Inst. 1.18.11)
If anyone may rightly rise to the regions of the gods,

For me alone heaven’s greatest gate stands open,
[...] “It does indeed, Africanus; for that same gate stood open to Hercules too.”

SECTION 7

(Sen. Ep. 108.32sq.) in fact [...] himself [...] “Since his interruption has called us back from the very finish line [...].”
to whom no citizen or enemy

Could render a reward to match his deeds.

SECTION 8

(Anon. Parad. Koronne,Bielowsk) All who win people’s esteem through feasts, banquets, and lavish spending openly show that they lack the true honor born of virtue and worth.

SECTION 9

(Cod. ms. note 458 p. 82bib. Ossol.) that the strings should be struck gently and calmly, not with force and violence [...]