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CICERO

On the Commonwealth and On the Laws

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Book 3

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[the remainder is lost]
writing about the Commonwealth, how much more do I have a reason to defend myself from some judge? 6 [fr. 1c]. Lucanians. Fact. 3.16.5. They do not seek utility but pleasures from philosophy, as Cicero attests: In fact, although all the writings of these people contain the richest sources for virtue and knowledge, if they are compared to the actions and accomplishments of the others I am afraid that they seem to have brought less utility to men’s activities than enjoyment to their leisure. 7 [fr. 1d]. Nor would Carthage have had so much wealth for nearly six hundred years without judgment and education. (*Cic. De Orat. 361.8*)

1 [fr. 1e]. If they had not preferred virtue to pleasure... would <cut> have freed Rome from the attack <of Pyrrhus>... Gaius Duilius. Aulus Atilius, and Marcus Metellus would not have freed Rome from the terror of Carthage. The two Scipios would not have put out with their own blood the rising flames of the Second Punic War; when it flared up with greater force Quintus Fabius Maximus would not have weakened it or Marcus Marcellus crushed it or Scipio Africanus torn the war from the gates of Rome and forced it back within the enemy’s walls. 2 Marcus Catullus, an unknown man of no pedigree—a man who serves as a model of industry and virtue to all of us who share his goals—could have remained at Tuscumia, a healthy spot and not far off, enjoying peace and quiet, but that madman (as some people think), under no compulsion, chose to be tossed in the waves and storms of public life to an advanced old age rather than live a happy life in peace and calm. I leave out countless men who one and all contributed to the safety of this state; I will not mention those of recent times, so that no one will object that he or someone in his family was omitted. I make this one assertion: nature has given men such a need for virtue and such a desire to defend the common safety that this force has overcome all the enticements of pleasure and ease.

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1 Philosophers as a whole; "the other" see elsewhere. Lucanians does not refer to the people to a specific work, and it is sometimes mistaken for the Eum. 2 The manuscript begins in the middle of a sentence; for other possible supplements of J. Zetzel (S). Cicero: De re publica (Cambridge, 1971), 6. This long paragraph is part of a whole against the rejection of public life. 3 Cicero in conversation with these men (against Pythocles and the First and Second Pontic Wars) of the first and second centuries bc and their hearts. 4 Tuscumia (in the hills of Rome) was Catullus’ home. C. and other wealthy Romans had villas there. 5 Epicureans, the language of atoms and calls is typically Epicurean.

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[a] Furthermore, virtue is not some kind of knowledge to be possessed without using it: even if the intellectual possession of knowledge can be maintained without use, virtue comes entirely in its employment; moreover, its most important employment is the governance of states and the accomplishment in deeds rather than words of the things that philosophers talk about in their corners. 3 Philosophers, in fact, say nothing (at least nothing that may be said decently and honorably) 4 that does derive from the men who established laws for states. What is the source of piety and religion of international or civil law of justice, good faith, and equity? 5 of modesty and moderation, the avoidance of shame, and the desire for praise and honor? of courage to toil and danger? Surely they derive from the men who established such things through education and strengthened some by custom and ordained others by law. 6 They say that Xenocrates, a very distinguished philosopher, was once asked what his pupils achieved; he answered that they learned to do of their own free will what the laws would compel them to do. And therefore that citizen, who through his formal authority and the punishments established by law compels everyone to do what philosophers through their teaching can persuade only a few people to do, is to be preferred even to the teachers who make those arguments. What is so remarkable about their teaching that it should outrank a state that is well established through public law and custom? For my own part, just as I think “great and powerful cities” (as Ennius calls them) 2 better than villages and forts, so too I think that the men who lead these cities by their counsel and authority should be considered far wiser than philosophers who have no experience at all of public life. We are strongly drawn to try to increase the resources of the human race, and we are eager to make human life safer and better by our plans and efforts; it is the spur of nature herself that goods us on to this pleasure. 3 Therefore, let us keep to the course that has always been that of every responsible citizen; let us not listen to...
the trumpet that sounds the retreat, to summon back even those who have already gone forward.

[4] These arguments, certain and lucid though they are, are rejected by those who take the contrary position. They cite first the labors which must be undergone in defending the commonwealth—a major burden for an alert and vigorous man, and one to be feared not only in major matters but even in lesser desires or duties, or even in business. They add the dangers to one’s life, contrasting brave men with a disgraceful fear of nature and old age than to be given an occasion to lay down for their

this score, they think that they are particularly eloquent when they

ungrateful fellow citizens.** [5] They list the familiar examples of this

among the Greeks: Miltiades, the conqueror of the Persians, before the

honourable wounds that he received in his great victory had healed, gave

up in the chains placed on him by his fellow citizens the life that had

survived the enemy’s weapons; Themistocles was driven in fear from

the had saved but in the barbarian lands which he had defeated. There is no

shortage of examples of the fickleness of the Athenians and their cruelty

towards their greatest citizens. They say that this practice, which began

and became common among the Greeks, has spread from them even to

our more responsible state: [6] they mention the exile of Cimax and the

condemnation of Oenomaus; the exile of Methus or the most bitter

of Crini Marius ** [7] the slaughter of leading citizens, or

the deaths of many people which soon ensued. They even include my

a life of peace by my counsel and danger they make even stronger and

more affectionate complaints about what happened to me. But I would be

hard put to say why, when they themselves go overseas for study or

[tourism *

Note leaf missing]

[8] *I had taken an oath (and so did the Roman people) in a public

meeting on the day that I completed my term as consul that <the

commonwealth>: was safe, I would easily have been recompensed for the

worry and burden of all the injuries to me.** And yet my misfortunes had

more honor than hardship and incurred less difficulty than glory; and I

reaped greater joy from the sympathy of respectable citizens than pain

from the happiness of the wicked. But as I said, if things had worked out

differently, how could I complain? Nothing unforeseen happened to me,

nothing worse than I expected considering how much I had done. I had

always been the sort of person who could achieve greater rewards from

my leisure than other people because of the varied delights of the studies

in which I had immersed myself from childhood; and if something

painful happened to everyone, then my misfortune would be no greater

than that of others. Even so, I did not hesitate to subject myself to the

greatest tempests, even thunderbolts, of fate for the sake of saving my

fellow citizens and for creating through my own individual dangers a

peace shared by all. [8] Our country did not give us birth or rearing

without expecting some return from us** or thinking that while herself

serving our convenience she should provide a safe refuge for our relax-

ation and a quiet place for rest; but she did so with the understanding that

she has a claim on the largest and best part of our minds, talents, and

judgment for her own use, and leaves for our private use only so much as

is beyond her requirements.

[9] Furthermore, we should pay no attention at all to the excesses

people advance in order more easily to enjoy their ease. They say that for

the most part those who are active in public life are completely worthless

men: to be paired with them is low, and to fight against them, especially

when the mob is stirred up, is wretched and dangerous. Therefore, they

say, a wise man should not take the reins when he cannot curb the insane

and uncontrollable impulses of the crowd, nor should a free man endure

blows or suffer injuries unbearable to a wise man in struggling with foul

and disgusting opponents— as if for good and brave men of great spirit

there could be any more suitable reason for taking part in public life than

not to be subject to wicked men or allow them to ravage the common-

wealth while they themselves are incapable of bringing aid, even if they

should wish to.

* When prohibited from speaking to the assembly on the last day of his consulship by the

tribune Metellus Nepos, C. instead spoke an oath that he had saved the commonwealth

and the city. Cf. Cato the Younger. ** See above, Book 1, ch. 9.
On the Commonwealth

[10] Who, moreover, can be convinced by this proviso, that they say that the wise men will take no part in public affairs unless the necessity of a crisis compels them? As if there could be any greater necessity than happened to me; but how could I have done anything if I had not been consul at the time? And how could I have been consul if I had not from my childhood held to a course of life which took me from my origins in the equestrian order to the highest rank in the state? There is, then, no possibility of bringing aid to the state, however great the dangers that oppress it, at a moment's notice or when you want to, unless you are in a position that permits such action. [12] And I am particularly amazed by this feature of the philosophers' argument, that people who admit their incapacity for steering in calm weather—because they have never learned how or wanted to know—these same people offer to take the helm in the greatest storms. They make a habit of saying openly, and even boasting, that they have neither studied nor taught anything about the methods of organizing and preserving commonwealths, and they think that such knowledge belongs not to wise and learned men but to men of practical experience in these areas. But then what is the sense of promising their aid to the commonwealth under the pressure of necessity when they have no idea of how to guide a commonwealth when there is no such necessity, something that is much easier to do! For my own part, even if it were true that a philosopher should not willingly lower himself to take part in civic affairs, but should not refuse to do so under the compulsion of a crisis, still I would think that the knowledge of public administration is something that philosophers should by no means neglect, because they ought to prepare in advance whatever they might need, even if they do not know whether they actually will.

[14] I have said all this at length because my goal in this work is a discussion of public affairs; and in order to avoid its being polemical, I was obliged to eliminate doubts about taking part in public life. But anyone who is moved by the authority of philosophers should pay attention for a short time and listen to the ones who have the greatest authority and fame among learned men; I believe that even if they did not hold office, they performed a public function because they did much research and writing about government. Those seven men whom the Greeks named "wise," I believe that is "public affairs" and "public life" translate as \\
observe, were almost all deeply involved in public affairs. And there is nothing in which human virtue approaches the divine more closely than in the founding of new states or the preservation of existing ones.

[15] In such matters, since I have had the occasion both to achieve something memorable in my public career and to have a certain capacity for explaining the principles of civic life not only from my experience but from my desire to learn and to teach ..., I should be an authority, since some earlier figures were skilled in argument but performed no public actions, while others were admirable in their deeds but poor at exposition. In fact, the argument that I will expose is neither new nor discovered by me; instead, I will recall the memory of a discussion of the greatest and wisest men in our state of a single generation, which was described to you and me in our youth by Publius Ramillus Rufius when we were with him for several days at Tusculum; I think that nothing of any significance for these matters has been omitted.

[16] For when Publius Africanus the younger, the son of Paulian, had determined to spend the Latin holidays in the consulate of Tusculum and Aquillius on his estate, and his closest friends had said that they would visit him frequently during those days, on the first morning of the holiday the first to arrive was his master's son Quintus Tuberius. After Soipus had greeted him warmly and asked that he was glad to see him, he asked, "What are you up to so early, Tuberius? The holiday gave you a welcome opportunity for study."

TUBERIUS: I have all the time in the world free for my books—they are never busy. But to find you at leisure is truly remarkable, especially during the present public disturbances.

SCIPIO: Well, you have found me, but at leisure more in body than mind.

TUBERIUS: You should relax your mind as well, as agreed, there are many of us ready, if you find it convenient, to make full use of this leisure with you.

The importance of the Seven Sages as practical politicians was emphasized by the Periclesian Discourses, one of C's sources in the first two books; the only one not active in public life was Thades of Mantine. The list of the seven sages: Thades, Pythagoras, Charon, Ctesibius, Myron, and Chiron.
On the Commonwealth

SCIPIO: That's fine with me, so long as at some point we learn something of substance.

[15] TUBERO: Then since you seem to invite it and give me hope of your attention, shall we first consider (before the others arrive) what the meaning is of the second sun which has been reported in the senate?45 The witnesses are neither few nor frivolous, so that it isn't so much a question of believing them as of explaining it.

SCIPIO: How I wish our friend Panaitius were here! He conducts the most scholarly research into the heavens as well as everything else. But, Tubero, to give you my honest opinion, I don't completely agree with our friend in this sort of thing: he makes such definite statements about things the nature of which we can scarcely guess, that he seems to see them with his eyes or even touch them with his hands. I am inclined to think Socrates all the wiser for having given up all concerns of this sort and for saying that research into natural philosophy seeks either things greater than human understanding can follow or things that have nothing at all to do with human existence.

[16] TUBERO: I don't know, Africans, why people say that Socrates rejected all discussions of this kind and was concerned only with human life and morality. Plato is the fullest source we have about him, and in his books Socrates frequently speaks in such a manner that when he discusses morals, virtues, and even public life he seeks to link them in the manner of Pythagoreans with numbers and geometry and harmony.

SCIPIO: True enough, but I'm sure that you have heard, Tubero, that after Socrates' death Plato traveled first to Egypt for the sake of study, then to Italy and Sicily to learn the discoveries of Pythagoras; and that he spent a great deal of time with Archytas of Tarentum and Tanaeus of Locri, and purchased the papers of Philolaus, and that since at that time Pythagoras had a great reputation in that region, he devoted himself to the Pythagoreans and their studies. And so, since he loved Socrates above all others and wanted to attribute everything to him, he wove together the wit and sobriety of Socratic conversation with the obscurity of Pythagoras and the weight of his varied erudition.46

[17] When Scipio had said this, he saw Lucius Furius approaching

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45. The first reference to the phenomenon of the so-called falling stars in the night sky.
46. The description of Scipio's view of Plato's philosophical method, which is based on the teaching of Socrates and Pythagoras, is a reflection of the complex interplay between different philosophical traditions.
PHILO. Scipio had asked me what I thought about the two sums that have been seen.

LAELEUS. Is that so, Philus? Are we so well informed about the things that concern our homes and the commonwealth that we are asking questions about what is going on in the sky?

PHILO. Don't you think it is relevant to our homes to know what is going on at home? Our home is not the one bounded by our walls, but this whole universe, which the gods have given us as a home and a country to be shared with them. And if we are ignorant of this, then there are many important things of which we must also be ignorant. And indeed, Laelius, the investigation of such things itself brings pleasure to me, and as it does to you too and to all those eager for wisdom.

[58] LAELIUS. I make no objection, especially since it is a holiday; but is there something left to hear, or have we come too late?

PHILO. We have discussed nothing yet, and since it is not yet begun, I would happily yield so that you can speak about it.

LAELEUS. No, we would rather hear you, unless Manilius perhaps thinks that he should compose an intermedio between the two sums, that each should possess the sky as it did before.

MANILIUS. Must you continue, Laelius, to make fun of that branch of learning in which you are yourself an expert and without which no one can know what is his own and what is someone else's? But we can come back to that; now let us listen to Phlius, whose opinion, I see, is sought on greater topics than mine or that of Publius Mucius.

[59] PHILO. I have nothing new to offer you, and nothing that I have thought up or discovered myself. I remember that when this same sight was reported before, Gaius Sulpicius Galus (a great scholar, as you know) happened to be at the house of Marcus Marcellus, who had been his colleague as censor. He had the celestial globe brought out, the one that Marcellus' grandfather had taken home as his only booty from the capture of Syracuse, a very rich city filled with beautiful things. I had

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46 The basic idea of the universe as the shared home of gods and men is central to the earlier argument of On the Commonwealth; it also underlines the argument about the nature of life in On the Laws.

47 A joke based on Manilius' encomium as a legal scholar. The immediate question was whether Galus was the owner of the property pending adjudication, for the text of Galus, 1450a 4-5.

48 Ibid. 450a. Galus also wrote a book about solar eclipses.

49 Marcus Claudius Marcellus captured Syracuse in 212 BC, during the Second Punic War; Archimedes was killed in the siege.

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[59] SCIPION. * was . . . because I was fond of the man myself and knew that he was highly respected and loved by my father Paullus. I remember that when I was in my teens, when my father was consul in Macedonia and I was with him on campaign, the army was shaken by religious fear because on a clear night the bright full moon suddenly disappeared. Galus was there at a legate about a year before he was elected consul; the next day he had no qualms about explaining openly in the camp that it was no omen, but that it had happened then and would always happen in

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* The Temple of Venus was vowed by Marcellus (the companion of Scipio) after the birth of Calpurnia in 132 BC and held by his son (the Marcus Marcellus, consul in 156 and father of the consul of 155). The globe described in the temple was a solid celestial sphere, the one kept by Marcellus was clearly an orrery.

* C. Flaminus was a young man translated into poet's, the Phaenomena, a large portion of the transliterated services.

* So to distinguish him from his natural father, Laelius Flaminius Paullus, and his adoptive father, Publius Cornelius Scipio.

* 31 June 449 BC (5 September in the Roman calendar of that date, cf. Livy 44.7.3-5).
the future at fixed times when the sun was so placed that its light could not reach the moon.

[44] Tiberio: *Inscrito* was able to teach that to simple countryfolk, and did he dare to say such things before uneducated people?

[45] *Scipio*: He did indeed, and with great <success> *n* [probably one leaf missing]

[46] Tiberio: *neither inappropriate bravado nor a speech that was inconsistent with the character of a very authoritative man; he accomplished something great in dispelling the empty religious fear of men who were terrified.*

[47] During the great war which the Athenians and Spartans waged so bitterly against one another, Pericles, the leading man of his state in authority, eloquence, and judgment, is said to have taught his fellow-citizens something similar: when there was a sudden darkness and the sun disappeared, the Athenians were seized by intense fear, and he taught them what he had learned from his teacher Anaxagoras, that such things necessarily take place at specific times when the whole moon passes below the disk of the sun; and that while it does not happen at every new moon, it can only happen at the time of the new moon. In giving a scientific lecture, he freed the people from fear: at that time this was a new and unknown explanation, that the sun is eclipsed by the interposition of the moon. They say that Thales of Miletus was the first to recognize this, but later on it was known even by our own Ennius; as he writes, in roughly the three hundred and fifteenth year after the foundation of Rome, "on the fifth of June moon and night block the sun." *Astronomical knowledge is so precise that from the date which is indicated in Ennius and the Great Anthology, previous eclipses of the sun have been calculated back to the one which took place on the seventh of July in the reign of Romulus. During that darkness, even if nature matched Romulus to a human death, his virtue is still said to have carried him up to the heavens.*

[48] Tiberio: Do you see then, Africansus, what seemed otherwise to you a little while ago, that <learning> *n*
secure good fortune than the man who possesses, as they say, only what he can carry with him out of a shipwreck? What power, what office, what kingdom can be grander than to look down on all things human and to think of them as less important than wisdom, and to turn over in his mind nothing except what is eternal and divine? Such a man believes that others may be called human, but that the only true humans are those who have been educated in truly human arts. [30] I think that the saying of Plato (or whoever else said it) is elegant: 44 when a storm drove him from the sea to an unknown land on a deserted shore, when his companions were afraid because of their ignorance of the place, they say that he noticed that some geometrical shapes were drawn in the sand; when he saw them, he exclaimed that they should be of good spirits: he saw human traces. He clearly inferred that not from his observation of usual fields, but from the signs of learning. And therefore, Tiberius, learning and educated men and your own studies have always been a source of pleasure to me.

[30] LAElius: I don’t dare respond to that, Scipio, nor do I think that you or Publius or Manlius are so 

LAElius: * there was a model in his own father’s family for our friend Tiberius here to imitate, superfully stout-minded man, wise Sextus AElius 45 who was – and was called by Ennius – “superfully stout-minded” and “wise” not because he looked for things he could never find, but because he gave opinions which relieved his interlocutors of care and trouble. In his arguments against Galus’ studies he always used to quote Achilles’ famous lines from the Iliad: 46

What’s the point of looking at astronomers’ signs in the sky when goat or scorpion or some beast’s name arises – no one looks at what’s in front of his feet; they scan the tracts of the sky. He also used to say (I listened to him frequently and with great pleasure) that Paracuts’ Zethus was too hostile to learning; he preferred Ennius’ Neoptolemus, who said that “he wanted to be a philosopher, but only a little; it didn’t please him totally.” 47 But if Greek learning pleases you

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44 The anecdote is in fact normally connected to Aristippus, not Plato.

45 Ennius, N. 347 Varro.

46 Ennius, P. 349-40 Varro.

47 Ennius, P. 340 Varro.

48 See also the notes on the previous page.
conversations that will be most useful to the commonwealth, we should ask Scipio to explain to us what he thinks is the best organization of the state to be. After that, we will investigate other subjects, and when we have learned about them I hope that we will arrive directly at these present circumstances and will unravel the significance of the current situation.

[34] When Philus and Manlius and Mummianus had expressed their strong approval.

LAELIUS: This is what I wanted to happen, not only because a leader of the commonwealth should be the one to talk about the commonwealth, but also because I remembered that you frequently used to discuss this more excellent public affairs. Your argument was that by far the best condition of the state was the one which our ancestors had handed down to us. And since you are better prepared to speak about this subject, you will do us all a great favor (and I will speak for the others too) if you explain your ideas about the commonwealth.

[35] SCIPIO: In fact, I cannot say that I pay closer or more careful attention to any subject than the one which you, Laelius, are proposing to me. I observe that artisans who are outstanding in their own crafts think and plan and worry about nothing except the improvement of their own skill; and since this is the one craft handed down to me by my parents and my ancestors — the service and administration of the commonwealth — I would not be admitting that I am less attentive than some workman, if I were to let you know that I am not satisfied with what the greatest and wisest men of Greece have written about this subject, I am also not bold enough to say that I prefer my own opinions to theirs. Therefore, I ask you to listen to me as someone neither completely ignorant of Greek learning — Roman citizens, reasonably well educated by the care of his father and inflated from childhood with the desire for learning, but educated much more by experience and home learning than by books.

72] PHILUS: I have no doubt at all, Scipio, that no one surpasses you in talent, and in terms of experience in important public affairs you also surely excel everyone; but we also know the kind of intellectual activities in which you have always been engaged. Therefore if, as you say, you have addressed the study of public affairs (almost a science in itself), then I am very grateful to Laelius. I expect that what you will say will be richer than all the books of the Greeks.

SCIPIO: You aroused very great expectations of what I will say — a very heavy burden for someone about to speak on an important topic.

PHILUS: The expectation may be great, but you will surpass it, as you usually do: there’s no danger that your eloquence will fail you as you discuss the commonwealth.

[38] SCIPIO: I will do what you want to the best of my ability, and I will begin my discussion with this proviso — something that speakers on every subject need to use to avoid mistakes — namely that we agree on the name of the subject under discussion and then explain what is signified by that name; and when that is agreed on, only then is it right to begin to speak. We will never be able to understand what sort of thing we are talking about unless we understand first just what it is. And since we are looking into the commonwealth, let us first see what it is that we are looking into.

When Laelius agreed, SCIPIO said: In talking about such a well-known and important subject, I will not begin by going back to the origins which learned men generally cite in these matters, starting from the first intercourse of male and female and then from their offspring and family relationships; nor will I give frequent verbal definitions of what each thing is and how many ways it can be named. In speaking to knowledgeable men who have earned great glory through participation in the public life, both military and domestic, of a great commonwealth, I will not make the mistake of letting the subject of my speech be clearer than the speech itself. I have not undertaken this like some schoolteacher explaining everything, and I make no promises that no tiny details will be left out.

LAELIUS: The kind of speech you promise is just what I am waiting for.
On the Commonwealth

396] Cicero: Well then: the commonwealth is the concern of a people, but a people is not any group of men assembled in any way, but an assemblage of some size associated with one another through agreement on law and community of interest. The first cause of its assembly is not so much weakness as a kind of natural bonding together of men: this species is not isolated or prone to wandering alone, but it is so created that not even in an abundance of everything do men wish to live a solitary existence.

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40] Lactantius, Inst. 6.10.1: Others have thought these ideas as innate as they in fact are and have said that it was not being moved by wild animals that brought men together, but human nature itself, and that they held together because the nature of humans shuns solitude and seeks community and society.

396] And nature itself not only encourages this, but even compels it (Nicom. 321.16).

41] * what we can call seeds nor can we find any deliberate institution either of the other virtues or of the commonwealth itself. These assemblages, then, were instituted for the reason that I explained, and their first act was to establish a settlement in a fixed location for their homes. Once they had protected it by both natural and constructed fortifications, they called this combination of buildings a town or a city, marked out by shrines and common spaces. Now every people (which is the kind of large assemblage I have described), every state (which is the organization of the people), every commonwealth (which is, as I said, the concern of the people) needs to be ruled by some sort of deliberation in order to be long lived. That deliberative function, moreover, must always be connected to the original cause which engendered the state; and it must also either be assigned to one person or to selected individuals or be

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8 The definition (see . . . no politia en populo) is usually uncontested, playing on the meaning of no (lit. "hand") as in property. On the meanings of no politia, see "Text and Translation." Cicero returns to and modifies the meaning of this definition at 4.34. The account of the origins of society given here is basically Aristotelian.

9 Lactantius' narrative closely overlaps with the end of oct. 106, for that reason the quotation from Nemes is placed after it, rather than before as in Ziegler's text. "These ideas" are Epicurean, and Ziegler points to the first part of this fragment a long selection from Lactantius' summary of Lucan's Book 4. "Others" presumably refers to C. himself.

10 Presumably "seeds of justice"; the Stoic implication that virtues are naturally implanted in us is taken up more fully in Books 3 and 4.

11 Consilium; see "Text and Translation."

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399] taken up by the entire population. And so, when the control of everything is in the hands of one person, we call that one person a king and that type of commonwealth a monarchy. When it is in the control of chosen men, then a state is said to be ruled by the will of the aristocracy. And that in which everything is in the hands of the people is a "popular" state—what is that they call it. And of these three types any one, even though it may not be perfect or in my opinion the best possible, still is tolerable as long as it holds to the bond which first bound men together in the association of a commonwealth; and any one might be better than another. A fair and wise king, or selected leading citizens, or the people itself—although that is the least desirable—if iniquity and greed do not get in the way, may exist in a stable condition.

43] But in monarchies, no one else has sufficient access to shared justice or to deliberative responsibility, and in the rule of an aristocracy the people have hardly any share in liberty, since they lack any role in common deliberation and power; and when everything is done by the people itself, no matter how just and moderate it may be, that very equality is itself inequitable, in that it recognizes no degrees of status. And so, even if Cyrus the Great of Persia was the most just and most wise of kings, that still does not seem to be a very desirable "concern of the people" (for that is what I called the commonwealth earlier), since it was ruled by the decisions of a single man. Even though our clients the people of Marseille are ruled with the greatest justice by chosen leading citizens, that condition of the people still involves a form of slavery. And when the Athenians at certain times, after the Areopagus had been deprived of its authority, did nothing except by the decisions and decrees of the people, the state did not maintain its splendor, since there were no recognized degrees of status.

44] And I say this about these three types of commonwealth when they are not disturbed or mixed but maintain their proper condition. Each of these types is marked by the particular faults which I just mentioned, and they have other dangerous faults in addition: each of these types of commonwealth has a path—a sheer and slippery one—to a kindred evil. Beneath that tolerable and even lovable king Cyrus (to
pick the best example) there lacks, at the whim of a change of his mind, a Phalaris, the cruellest of all; and it is an easy downward path to that kind of domination. The governance of Marseilles by a few leading citizens is very close to the oligarchic conspiracy of the Thirty who once ruled in Athens. And the Athenian people’s control of all things, to look no further, when it turned into the madness and license of a mob was disastrous <to the people itself>.

[one leaf missing]

[45] * must foul, and from that arises a government either of an aristocracy or of a faction, or tyrannical or monarchic or, quite frequently, popular, and similarity from that usually arises another of those which I have previously mentioned. There are remarkable revolutions and almost cycles of changes and alterations in commonwealths to recognize to occur, holding a course and keeping it under his control while I have only been a wise man, and to anticipate them when they are governing, is the part of a truly great citizen and nearly divine man. My own opinion, therefore, is that there is a fourth type of commonwealth that is most to be desired, one that is blended and raised from these last three types that I have mentioned:

[46] L. Rutilius I know that is your view, Africanus, and I have heard it from you often; but still, if it isn’t too much trouble, I would like to know which of these three types of commonwealth you think best. It will be of some use to know *

[one leaf missing]

[47] Scipio: and the character of any commonwealth corresponds to the nature or the desire of its ruling power. And so in no other state than that in which the people has the highest power does liberty have any home—liberty, than which nothing can be sweeter, and which, if it is not equal, is not even liberty. And how can it be equal (I won’t speak about monarchies, in which slavery is not even hidden or ambiguous) in those states in which everyone is free in name only? They vote, they entrust commands and offices, they are canvassed and asked for their support,

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45 The so-called Thirty Tyrants were the oligarchs installed in Athens by Sparta at the end of the Peloponnesian War.
46 The form of government referred to is probably mass rule rather than tyranny. In what follows, “of a faction” is an exaggeration; for definitions of “faction” (Spinoza’s term) that “the people” does not include the aristocracy.
47 The “cycle of constitutions” is C. differs from that in Polyb. and elsewhere by having no final order.
48 As with, 47-50, Scipio represents the views of an advocate of democracy.
On the Commonwealth

cannot be equal, certainly the rights of all who are citizens of the same
commonwealth ought to be equal. What is a state if not the association of
citizens under law?*

(leaf missing)

[50] they believe that other commonwealths should not even be given
the name that they themselves prefer. Why should I call “king,” using
lauding over an oppressed populace, rather than “tyrant”? It is possible
to make a tyrant be as merciful as a king can be harsh, so that there is this
or a harsh one: it is in any case impossible for them not to be slaves. How
they could Sparta, at the time when it was thought to have the best-ordered
commonwealth, make sure that it had good and just kings, when they had
endure aristocracies, “the best people,” who have taken that name for
every election? How is it one of them judged “best?” by learning, skill, educa-
tion? So you again when < ever the criterion for being an
aristocrat>.

(leaf missing)

[52] if it chooses its leaders by chance, it will be overthrown as
quickly as a ship that has one of its passengers chosen by lot as helms-
man. But if a free people chooses the men to whom to entrust itself (and
it will choose the best people if it wants to be safe), then surely the safety of
particularly true because nature has made sure not only that men out-
weaker people willingly obey the best. But they say that this ideal
condition is overthrown by men’s bad dogmatism through their igno-
rance of virtue (which not only appears in few men but is judged and
recognized by few) they think that men of wealth and property, or men of
power, are “best.” By this common error, when the wealth of a few
replaces virtue in control of the commonwealth, those leaders cling

* Some scholars believe that this paragraph is the remnant of a speech on behalf of
monarchy, but that is very improbable.

** Optimist** (derived from Optimus, “best”) is one of the standard (self) descriptions of
the Roman aristocracy, see “Text and Translators.”

The republican is necessarily, and the rest of the last word is probably corrupt.

Sec. 51–53 are spoken by an advocate of aristocracy.

* Cicero’s* In Republica, the manuscript reads “reform.”

Book 1

disguised to the name of “best citizens,” but in fact they lack the
substance for that very reason. For wealth, or reputation, or resources, if
they are empty of prudence and of a method of living and of ruling over
others, are filled with disgrace and insolent pride; and there is no uglier
form of state than that in which the richest are thought to be the best. [53]
But when virtue rules over the commonwealth, what could be more
glorious? Then the man who commands others is himself enslaved to no
desire when he himself embraces all the things in which he educates and
exorts his citizens, and he imposes no laws on the populace which he
does not himself obey but offers his own life as a law to his citizens. If one
such person could adequately accomplish everything, then there would
be no need of more; if everyone could see what is best and could agree on
it, then no one would seek selected leaders. The difficulty of making
policy transferred control from a king to a group of people, and the rash
folly of popular governments has transferred it from the multitude to the
few. In this way, the aristocrats hold the middle ground between the
weakness of a single person and the rashness of many. Nothing can be
more moderate than this, and when the aristocrats look after the com-
monwealth then the populace is of necessity most blessed: they are free of
every care and thought, having handed over their tranquillity to others
who must guard it and must make sure that the people do not believe that
their interests are being neglected by their leaders. [54] For legal equality
– the object of free peoples – cannot be preserved: the people themselves,
no matter how uncontrolled they may be, give great rewards to many
individuals, and they pay great attention to the selection of men and
honors. And what people call equality is in fact very unfair. When
the same degree of honor is given to the best and the worst (and such must
exist in any population), then equality itself is highly inequitable. But that
is something that cannot happen in states that are ruled by the best
citizens. These, Laelius, and others like them, are the arguments ad-
duced by those who particularly favor this kind of commonwealth.

[54] LEABUS: What do you think, Scipio? Which of these three forms do you most approve?

SCIPIO: You are right to ask which one of the three I most approve,
since I approve of none of them by itself, separately. I prefer to the
individual forms the type that is an alloy of all three. But if I had to express approval of one of the simple forms, then I would choose a monarchy... is named at this point, the name of king appears above fatherly, someone looking after his citizens as if they were his children, and preserving them more eagerly than... to be supported by the diligence of one man, the best and greatest. (33) Here are the aristocrats, who claim that they can do this same job better and say that there is more judgment in the deliberations of several people than of one, but the same equity and honor. And here is the populace shouting loudly that they will not obey one person or a few; that even for wild animals there is something sweeter than liberty, and that everyone is deprived of it, whether it is a king or aristocrats to whom they are enslaved. And so kings captivate us by their affection, aristocrats by their judgment, and the people by its liberty, so that in comparing them it is hard to pick the most desirable.

Laelius: That makes sense; but the rest of the subject can hardly be explained if you leave this question unanswered.

Scipio: Then we should imitate Aratus: in undertaking to speak about great matters he believes that one must begin from Jupiter.

Laelius: Why Jupiter? How is this subject anything like that poem?

Scipio: Only that we should duly take our starting point from him, whom all men, learned and unlearned, agree is the one king of all gods and men.

Laelius: Why?

Scipio: Why do you think? The reason is in front of your eyes. The leaders of commonwealths may have thought that it would be useful for civic life that people should believe that there is one king in the sky who turns all Olympus with his nod, as Homer says, and that he is both king and father of all; there is much authority and many witnesses (everyone, in fact) to show that all nations have acquiesced in the decision of their leaders that nothing is better than a king, because they believe that all the gods are ruled by the will of one. On the other hand, it may be that, as we have been taught, this belief is one of the causes of the uneducated and a kind of myth. In any case, we should listen to the common instructions of educated men, who have seen as if with their eyes things that we scarcely knew from hearing about them.

8 The leaf containing the following sentence has lost one corner, and several lines have lost their opening or concluding letters.

9 Alluding to the opening words of Aratus' Phaenomena, which C. had translated into Latin: "Let us begin from Jupiter." — Sidis' 358-39.

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Laelius: And who are those instructors?

Scipio: Men who, through their investigation of the universe, have recognized that this entire world <is ruled> by <a single> mind <8 [two leaves missing]>

Gaius: And so please bring your speech down from there to things closer at hand (8 Nomius 85,18 = 289,8)

Scipio: But if you like, Laelius, I will give you witnesses who are neither very antiquated nor in any respect barbarians.

Laelius: That’s the kind I want.

Scipio: Do you know that this city has been without kings for fewer than four hundred years?

Laelius: Yes, it is less than that.

Scipio: Well then: in four hundred years particularly long for a city or a state?

Laelius: In fact it's scarcely grown up.

Scipio: So within the past four hundred years there has been a king at Rome?

Laelius: And a haughty one, too.

Scipio: And before that?

Laelius: A very just one, and going back all the way to Romulus, who was king six hundred years ago.

Scipio: So even he isn’t very ancient?

Laelius: Hardly, and at a time when Greece was already getting old.

Scipio: Tell me: did Romulus rule over barbarians?

Laelius: If what the Greeks say is true, that everyone is either a Greek or a barbarian, then I’m afraid that he must have ruled barbarians. But if we use that term of manners rather than languages, then I don’t think the Greeks were any less barbarian than the Romans.

Scipio: Yet for our present concern we are looking at brains, not nationality. If men who were both intelligent and fairly recent wanted to have kings, then my witnesses are neither very ancient nor inhuman savages.

Gaius: Laelius, I see, Scipio, that you are well equipped with testimony; but for me, as for any good judge, arguments matter more than witnesses.

2 Philosophers. A passage of Lactantius placed here by Ziegler does not belong. In the missing passage there was presumably some reference to Asiatic monarchies.

3 Taciturnus Taepeus ("Taepeus"), the last king of Rome. His predecessor was Servius Tullius. "Barbarian" in Greek refers primarily to non-Greek speakers.
On the Commonwealth

SCIPIO: Then, Laelius, you should use the argument of your own feelings.
LAELIUS: What feelings?
SCIPIO: If you ever by some chance felt that you were angry at someone.
LAELIUS: More often than I would like.
SCIPIO: Well then, at the moment that you are angry, do you let your anger rule your mind?
LAELIUS: No indeed, but I imitate the famous Archytas of Tarentum: when he came to his farm and found nothing done as he had instructed, he said to his overseer, "You wretched man: if I weren't so angry, I would have whipped you to death."
[66] SCIPIO: Excellent. So Archytas rightly believed that the rejection of reason by anger was a kind of revolt in the mind, and he wanted it to be settled by sound judgment. To anger add greed, add the desire for power and glory, add lust, and you will see this: if there is a kind of royal power in men's minds, there will be the role of one element, namely judgment (that is, of course, the best part of the mind); and when judgment rules, there is no place for lust, none for anger, none for restlessness.
LAELIUS: True enough.
SCIPIO: Then you approve of a mind so constituted?
LAELIUS: Absolutely.
SCIPIO: So you would not approve if judgment were expelled and desires (which are endless) or angry passions were in complete control?
LAELIUS: I could imagine nothing more wretched than such a mind, or than a man with such a mind.
SCIPIO: So you approve of having all the parts of the mind under the monarchy of judgment?
LAELIUS: I approve.
SCIPIO: Then why are you not sure what to think about a commonwealth? Is it, if authority is exercised by several people, then you can understand that there will be no controlling power; and unless power is undivided it is nothing at all.
[67] SCIPIO: I would like to know what the difference is between one and several, if the several are just.

* The struggle in the mind between passion and reason is ultimately Platonic, but C.'s separation of reason (justitia) from judgment (resolution) is not. The language here is political, and C. refers to justice as the necessary attribute of good government (cf. 1.44).

SCIPIO: Since I see that you are not greatly impressed by my observations, Laelius, I will continue to use you as my witness to prove what I say.
LAELIUS: Me? How?
SCIPIO: Because I noticed recently, when we were at your villa at Formiae, that you gave firm instructions to your slaves to obey one man.
LAELIUS: My overseer, you mean.
SCIPIO: And what about in Rome? Is there more than one person in charge of your affairs?
LAELIUS: No, only one.
SCIPIO: Well then: is there anyone besides you in charge of your whole household?
LAELIUS: Certainly not.
SCIPIO: Then why don't you admit that the situation in commonwealth is similar, that the rule of a single person, so long as he is just, is best?
LAELIUS: You persuade me, and I am almost willing to agree.
[68] SCIPIO: You will agree even more, Laelius, if I leave out the familiar comparisons, that it is better to entrust a ship to one helmsman and a sick man to one doctor (assuming that they are competent in their professions) than to many people, and instead use more important examples.
LAELIUS: What are your examples?
SCIPIO: Well, don't you see that because of the relentless aggravation of a single man, Tarquinius, the name of king became hated by our people?
LAELIUS: I see it.
SCIPIO: So you see this too (something I expect to say more about as our discussion goes on), that when Tarquinius was expelled, the novelty of freedom made the people amazingly unrestrained in their pleasure: that was when innocent people were driven into exile and many people's property was plundered; annual consulships were established, the fasces were lowered before the people, there was a right of appeal for every kind of crime, there were accessions of the plebeian in short, that was when most things were arranged so that the people had total control.
LAELIUS: All that is true.
[69] SCIPIO: Peace and tranquillity are like a ship or a minor illness: you can be undisciplined when there is no danger. But when the sea gets
On the Commonwealth

rough or the disease gets worse, the sailor or the sick man calls for one person's help. So too, at home and in peace, our people give orders to the magistrates themselves — they threaten, refuse to obey, ask for one magistrate's help against another, and appeal to the people, but in war they obey their leaders or as they would a king: safety matters more than one's own desires. And in major wars, our people wanted all the power to be in the hands of one individual without a colleague, whose very title indicates the extent of his power: he is called a dictator because he is "master of the people." 80

LAElius: Yes, I do see that.

Scipio: Wisely therefore did the people of old 81

[one leaf missing]

[4a] 82 but when the people is deprived of a just king, for a long time
"desire holds their hearts," as Euenius said after the death of a great
king. 83

and at the same time
they spoke this way to one another: "Romulus, divine Romulus,
what a guardian of the country the gods brought forth in you!
Oh father, oh life giver, oh blood spring from the gods." 84

They did not call those whom they justly obeyed "lords" or "masters,
and not even "kings," but "guardians of the country," "fathers," "gods" —
and not without reason. What do they add?

"you brought us into the shores of light."

They thought that life, honor, and glory were given to them by the
justice of the king. The same goodwill would have lasted among their
descendants, if the kings had retained the same character; but you see
that because of the injustice of one of them that entire form of the
commonwealth was destroyed.

LAElius: I see it and want to learn the patterns of changes not just in our
own commonwealth but in all commonwealths.

80 Both Scipio and Laelius were members of the college of augurs, to which C. Marcellus had
recently been elected, a distinction of which he was very proud; see also On the Laws
of Tullius 3:3.
81 Euenius, Abbr. 117–118 Waddington.
82 What follows is a translation of this sentence of Plato, Republic 3:561a–561c. At the end of
not 60 translation is replaced by lines parenthesis.
83 All this refers both to Plato's description and to the situation described.
son neglect their fathers, all sense of shame is lost, and they are utterly
tire. There is no difference between citizen and foreigner, the teacher
teach his pupils and fawns on them, pupils scorn their teachers, the young
take on the gravity of old men, while old men are reduced to children's
games, so as not to be hateful or tiresome. Slaves behave with too much
freedom, women have the same rights as their husbands, and even dogs
and horses and asses go about so freely in this atmosphere of liberty that
people have to get out of their way in the streets. The final outcome of
this extreme license," he says, "is that the minds of citizens become so
delicate and sensitive that if the least authority is brought to bear on them
they are angered and unable to endure it; the result is that they begin to
ignore the laws as well, so that they are utterly without any master."

[68] LAELIUS: Your translation of what Plato said is completely
accurate.

SCIPIO: To return to my source: he says that this excessive license,
which they think the only true liberty, is the stock from which tyrants
grow, so to speak. For just as the excessive power of the aristocracy
causes their fall, so too liberty itself makes slaves out of this excessively
free populace. Anything that is too successful - in weather, or harvests,
or human bodies - generally turns into its opposite, and that is particu-
larly true of commonwealth; extreme liberty, both of the people at large
and of particular individuals, results in extreme slavery. From this pure
liberty arises a tyrant, the most unjust and harshest form of slavery. For
from this truly, or rather monstrous, populace some leader is usually
chosen against those aristocrats who have already been beaten down and
exiled from their place: someone bold, corrupt, vigorous in attacking
people who have often served the commonwealth well, someone who
buys the people's good will using others' property as well as his own. As a
private citizen, he fears for his safety, and so he is given power which is
renewed; he is protected by bodyguards, like Pleistarchus in Athens; and
finally he emerges as tyrant over those very people who promoted him. If,
as often happens, a tyrant is overthrown by respectable people, the state
is restored, if by men of daring, it becomes an oligarchy, which is just
another form of tyranny. The same type of regime can often emerge from
a good aristocratic government, when corruption turns the leaders them-
selves from the right path. In this way, they snatch the government from
one another as if it were a ball: tyrants from kings, aristocrats or the
people from them, and from them oligarchs or tyrants. No form of
commonwealth is ever maintained for very long.

[69] Since that is the case, of the three primary forms my own
preference is for monarchy; but monarchy itself is surmounted by a govern-
ment which is balanced and compounded from the three primary forms
of commonwealth. I approve of having something outstanding and
monarchic in a commonwealth; of there being something else assigned to
the authority of aristocrats; of some things being set aside for the
judgment and wishes of the people. This structure has, in the first place,
a certain degree of equality, which free people cannot do without for very
long; it also has solidarity, in that those primary forms are easily turned into
the opposite vices, so that a master arises in place of a king, a faction in
place of aristocracy, a confused mob in place of the people; and these
types themselves are often replaced by new ones. That does not occur in
this combined and moderately blended form of commonwealth unless
there are great flaws in its leaders. There is no reason for revolution when
each person is firmly set in his own rank, without the possibility of
sudden collapse.

[70] But I am afraid, Laelius and all you other good and wise friends,
that if I continue too long in this vein, I will seem to speak like some
instructor or lecturer instead of a fellow inquirer into this subject. So I
will turn to something everyone knows, and which we started looking for
sometime ago. I will state my own opinion and belief and judgment that
no commonwealth, in either its organization or its structure or its
conduct and training, can be compared to the one our fathers received
from their ancestors and have passed on to us. And if you agree, since you
want to hear from me what you know yourselves, I will explain both the
character and the superiority of our commonwealth. My description of
our commonwealth will serve as the pattern to which I will tailor what I
have to say concerning the best form of state. If I can carry this out
completely, then I will, in my opinion, have thoroughly fulfilled the task
which Laelius gave me.

[71] LAELIUS: The task is yours, Scipio, and yours alone. Who could
speak about the institutions of our ancestors better than you, who are
descended from the most distinguished ancestors? Who could speak
better about the best form of the state? And if we ever get such a state,
who could be more distinguished in it than you? Who could speak better

[See above, t.16, 38.

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31
On the Commonwealth

about planning for the future, since you, by defeating two terrors that threatened this city, have provided for its future?

Unplaced fragments from Book 1

together with me, you should certainly recognize this custom, the enthusiasm and manner of speech (+ Nonius 276.6)

* Scipio had destroyed it was both Carthage in 149 and Numantia in 133.

Book 2

[1] <When he saw that everyone was eager to hear him, he began to speak as follows: I will tell you something that Cato said in his old age. As you know, I was deeply attached to him and admired him very greatly, following the judgment of both my fathers and my own desire, I devoted myself to him completely from an early age, and I could never get enough of what he said: he had so much experience of public affairs, in which he had taken part with great distinction for a very long time, both in civil and military matters; he was so measured in speaking, mixing wit with seriousness; and he was passionately fond of both learning and teaching. His life was in complete harmony with his speaking style. (2) Cato used to say that the organization of our state surpassed all others for this reason: in others there were generally single individuals who had set up the laws and institutions of their commonwealths—Moses in Crete, Lycurgus in Sparta, and in Athens, which frequently changed its government, first Theseus, then Draco, then Sokos, then Clisthenes, then many others; finally, when Athens was drained of blood and prostrate, it was revived by the philosopher Demetrius of Phalerum. Our commonwealth, in contrast, was not shaped by one man's talent but by that of many; and not in one person's lifetime, but over many generations. He said that there never was a genius so great that he could miss nothing, nor could all the geniuses in the world brought together in one place at one time foresee all contingencies without the practical experience afforded by the passage of time. (3)> I will therefore follow his model and take my start from the

The opening words (written in red ink) are illegible.

Natural end and adiaphora.
origin of the Roman people; I am happy to make use of Cato’s own words: I will have an easier time in completing my task if I show you our commonwealth as it is born, grows up, and comes of age, and as a strong and well-established state, than if I make up some state as Socrates does in Plato.

[4] When every one had agreed, SCIPIO said: What beginning of any established commonwealth is so famous and universally known as the foundation of this city by Romulus? His father was Mars (we should allow this much to tradition, because it is not only ancient but wisely passed down by our ancestors that men who have deserved well of the community should be thought to be divine by birth as well as by talent); when he was born, they say that Amulius, the king of Alba, was afraid of the threat to his kingdom and ordered him to be exposed on the bank of the Tiber along with his brother Romulus. There, after he was nursed by a woodland beast, shepherds brought him up in the life of a country laborer. When he grew up, they say that his physical strength and fierce spirit were so outstanding that everyone living in the territory where Rome now is readily and freely obeyed him. He became the leader of their forces and (turning from fable to fact) is said to have defeated Alba Longa, a strong city and powerful for those times, and killed King Amulius.[5] On the basis of the glory he achieved, they say, he first thought of founding a city (after taking the auspices) and of establishing a commonwealth.

The location of a city is something that requires the greatest foresight in the establishment of a long-lasting commonwealth, and Romulus picked an amazingly advantageous site. He did not move to the coast, which would have been easy for him with the forces at hand, to invade the territory of the Rutulians or Aborigines or to found a city at the Tiber mouth, where many years later king Ancus founded a colony with exceptional foresight he realized that coastal positions are not the most advantageous for cities founded in the expectation of long

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1 The title of Cato’s historical work (which Cicero knew and presumably used, as in Book 4) was De Rebus. Cato and Plato here represent contrasting explanatory models; a similar contrast (between Plato and the Peripatetic) is made by 2.14–15.

2 The biographical model of Aristides and the city of Athens is also used by Polybius.

3 The Tiber, as Cicero says, was certainly called in C. a novum.

4 The reference to Romulus’ ancestry alludes to the primitive kinship system described by Polybius. 6.1.2.

5 Ancient legends mention that the foundation of the city, Alba Longa was said to be founded by Amulius from Ascalon.

6 Cato; see below, 3.16.

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6 The excursions on the dangers of maritime locations was drawn, according to a letter of Cicero, from the writings of Lucan. See also Polyb., Liv. 4.104–105; 4.106–107 for a similar discussion of the moral implications of coastal cities.

7 Phyle is between Argos and Smyrna in the northeastern Peloponnesus; the other states are all in northern Greece.

8 Usually identified as Magnesia on the Maeander or Cius in Asia Minor, but it is not impossible that Cius (or Didyma) was alluding to the name of the imaginary city of Plato’s Laws see above, 8.110.
of patches of Greece sewn onto the land of the barbarians; while of the barbarians themselves, none were previously nautical except the Etruscan and Phoenician, the latter for trade, the former for piracy. The decisive reason for the troubles and revolutions of Greece lies in the vice of maritime cities which I just touched on. But among these vices there is one great advantage, that whatever grows anywhere can be shipped to the city where you live, and conversely whatever your own territory produces you can carry or send to any country.

[16] Could anything display divine ability more than Romulus’ embrace of the benefits of the coast while avoiding its vicissitudes by placing his city on the bank of a large river that flows strongly into the sea through the year? In that way, the city could import essentials by sea and export its surplus produce; it could also use the river to receive the necessities of civilized life not only from the sea but carried downstream from inland. Thus Romulus therefore seems to me to have divined that this city, located in any other part of Italy would not so easily have exercised so much power.

[17] As for the natural defenses of the city, who is so innately as not to recognize them distinctly? The course and direction of the wall was marked out by the wisdom of Romulus and the other kings, following high and steep hills in every section; the one approach, between the Esquiline and Quirinal hills, was protected by building a huge mound and a deep ditch; the citadel was well fortified with a steep circuit and rested on an almost sheer rock, so that even on the treacherous occasion of the Gallic attack it remained safe and unharmed. The site that Romulus chose also abounded in springs and was a healthful spot in a plague-ridden region: the hills not only receive a breeze, but they bring shade to the valleys.

[18] All this he accomplished with great speed: he established a city, which he ordered to be named Rome after his own name; and in order to strengthen his new capital he adopted a new and somewhat crude plan, but one that, in terms of bolstering the resources of his kingdom and people, shows the mark of a great man who looked far into the future: he ordered Sabine girls of good family, who had come to Rome for the first annual celebration of the Comitia in the circus, to be seized, and he placed them in marriages with the most important families. This led the Sabines to wage war against the Romans; and when the battle was indecisive, he made a treaty with Titus Tatius the Sabine king of the urging of the women who had been seized. By that treaty he admitted the Sabines to citizenship and joint religious rituals, and he shared his rule with their king.

[19] After Tatius died, the entire power returned to Romulus. Together with Tatius, he had chosen leading citizens for a royal council— they were called "Fathers" because of affection— and had distributed the populace into three tribes under his own name and Titius’ and that of Lucus, an ally of his who had died in the Sabine war, and into thirty curiae, which he named after those of the seized Sabine girls who had subsequently been advanced to a prince tribute. Although all this was organized in Tatius’ lifetime, after he was killed Romulus ruled with even more reliance on the authority and the judgment of the Fathers.

[20] In doing this he first recognized and approved the same policy that Lycurgus at Sparta had recognized slightly earlier; that states are guided and ruled better under the tole power of a king if the authority of the most responsible citizens is added to the monarch’s absolute rule; and so, relying on the support of this quasi-senatorial council, he waged many wars against his neighbors with great success and continually enriched his citizens while taking for himself nothing of the plunder. What is more— a custom that we still maintain to the great advantage of the public safety— he relied extensively on the auspices. He took the auspices himself before founding the city and creating the commonwealth; and for all public undertakings he selected one augur from each tribe to assist him in taking the auspices. He also had the people...
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immortality was believed at a time when civilized life was well established. But in fact Romulus' intelligence and virtue were so great that people believed the story about him told byProcullus full, a farmer, something that for many generations men had believed about no other mortal. Procullus is said to have addressed a public assembly at the urging of the Fathers, who wanted to dispel the suspicion that they had caused the death of Romulus; he said that he had seen Romulus on the hill which is now called the Quirinal; Romulus had told him to ask the people to have a shrine made to him on that hill, and that he was a god and was called Quirinus. [11]

Do you see that the judgment of one man not only created a new people but brought it to full bloom, almost to maturity, not leaving it like some infant hawling in a cradle?

LAElius We do see that, and we see that you have introduced a new kind of analysis, something to be found nowhere in the writings of the Greeks. That great man, the greatest of all writers, chose his own territory on which to build a state to suit his own ideas. It may be a noble state, but it is totally alien to human life and customs. [21] All the others wrote about the types and principles of states without any specific model or form of commonwealth. You seem to me to be doing both: from the outset, you have preferred to attribute your own discoveries to others rather than inventing it all yourself in the manner of Plato's Socrates; and you ascribe to Romulus' deliberate planning all the features of the city which were actually the result of chance or necessity. Moreover, your discussion does not wander but is fixed on one commonwealth. So go on as you have begun; I think I can foresee a commonwealth being brought to perfection as you go through the remaining kings.

(a) SCIPION And so when Romulus' senate, which consisted of aristocrats whom the king himself had honored by wanting them to be called "Fathers" and their children called "patricians" - when that senate tried after the death of Romulus to rule the commonwealth itself without a king, the people did not accept that; because of their affection for...
Romulus they kept up their demand for a king. At that point the aristocrats proudly came up with a new plan, the institution of an interdict, something unknown to other nations until a king had been declared, no one should be allowed to grow used to power and be [44] At that time, the new nation of Rome saw something that had not been seen before. Lycurgus, who thought that the king should not be selected (if in fact this was a matter in Lycurgus' control) but accepted Hercules; our people even then, rustic though they were, saw that virtue, not a royal pedigree.

[45] Since Numa Pompilius had an outstanding reputation in this respect, the people themselves passed over their own citizens and summoned him with the approval of the Fathers, calling him from Cæsars Sabine to rule over Rome. When he came here, even though the people were of a curiate assembly had made him king, he himself still adhered to his own laws concerned with his power; and so he saw that the Roman people, under Romulus' instruction, were inflated with eager-ness for war, he thought that that habit should be somewhat curtailed. Romulus had captured in war; he also taught them that without plundering, he needed. He implanted in them the value of tranquility and peace, through which justice and trust are most easily strengthened, and under the influence of which agriculture and harvests are best defended. Pompilius also created the greater autocratic and added two augurs to the original number; he placed five priests chosen from the aristocracy in charge of religious rituals, and by the promulgation of laws (of which we have documentary evidence) he softened through religious ceremonies minds that were inflamed with the habit and the desire for making war. He also added the Flamines, the Salii, and the Vestal Virgins, who were the most significant priestesses in the living Republic; the Flamines (priests of Jupiter, Mars, and Quirinus) had archaic ritual functions, and the Salii, priests of Mars whose primary obligation involved rites connected with military activity. The Vestal Virgins were the only women of the second order mentioned who retained any importance in C. or Scipio's time.

[46] In other accounts (e.g. Livy 2.28.6 Numa ruled for 43 years.

[47] The story of Numa's Pythagoreanism is old; C. also repeats the chronology of the Quirinal Inscriptions and the Tiber inscription, which do not establish the list of kings before the second century BCE.

[48] A collection of Numa's laws is also referred to in 3.7. The augurs and pontiffs were the

and be organized all aspects of religion with great sanctity. He decreed the performance of religious rituals to be difficult but the equipment for them to be very simple: he required many things to be learned and performed, but he made them inexpensive; he thus added effort to religious observances but removed the cost. He also began markets and games and all sorts of ceremonies for gatherings and festivals. By these ini-tiatives he restored to human and gentle behavior the minds of men who had become savage and inhuman through their love of war. So, after ruling for thirty-nine years in great peace and harmony (I am fol-low ing my friend Polybius, whose chronology is more careful than any other's), he died, having strengthened two things that are most important for the long life of a commonwealth, religion and mildness of character.

[49] When Scipio had said this, Manlius said: Is the story true, Africanus, that King Numa was a pupil of Pythagoras himself, or at least a Pythagorean? We have often heard this from our elders, and it is commonly believed; but the public records are not sufficiently explicit. Scipio: The whole story is false, Manlius, and not only a fiction but a clumsy and ridiculous one. Lies are particularly intolerable when we can see that they are not only inventions but completely impossible. For Pythagoras is known to have come to Sylvanus and Croesus and that region of Italy in the fourth year of the reign of Lucius Tarquinius Superbus: the sixty-second Olympiad marks both the beginning of Superb's reign and the arrival of Pythagoras. [50] From that, it is clear by the computation of regnal years that Pythagoras first reached Italy about 140 years after the death of Numa, and no one who has paid close atten-tion to chronology has ever had any doubt about that.

Manlius: Good lord! What huge mistake, and how long it has been believed! But in fact I can happily accept that we were not educated by foreign and imported learning, but by home-grown domestic virtues.

[51] The most significant priestesses in the living Republic; the Flamines (priests of Jupiter, Mars, and Quirinus) had archaic ritual functions, and the Salii, priests of Mars whose primary obligation involved rites connected with military activity. The Vestal Virgins were the only women of the second order mentioned who retained any importance in C. or Scipio's time.

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[30] SCIPIO. In fact you will recognize that even more clearly if you watch the commonwealth improving and approaching the ideal condition reason to praise our ancestral wisdom, because you will recognize how much better they made the institutions borrowed from other places than they had been in the place of origin from which we adopted them; you will see that the Roman people grew strong not by chance but by planning and discipline, if not without some help from fortune.

[31] After King Pompilius died, the people made Tullus Hostilius king in the curiæ assembly presided over by his ancestors; he followed the example of Pompilius and asked the assembly to approve his power. He achieved great glory as a soldier, and his military exploits were great. From the spoils of war he made the enclosure for the Comitii, and built the Senate House, and he established the law governing the declaration of war; he sanctified this just procedure through the ritual of the Petales, so that any war that was not previously announced and declared was to be judged unjust and improper. You should observe how wisely our kings saw that the people should be given some responsibilities (I will have a great deal to say on that score): Tullus did not dare to use the royal insignia without the permission of the people. In order to have the right to have twelveucharis with the fasces precede him.

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[32] Augustus, City of God, 3.15: Concerning Tullus Hostilius, indeed, the third king—who was also killed by a thunderbolt— Cicero says in the same book that he was not believed to have become a god after dying in this way, perhaps because the Romans did not wish to cheapen what had been accepted in the case of Romulus by easily awarding it to someone else.

[33] LAKLIO: Lucius Quinctius Cincinnatus, the first consul elected by the Roman people, was the one who founded the city of Rome. He was elected consul in 499 BC and served until 497 BC. He then resigned his consulate to restore order in the city. This is known as the Roman Republic's first consular government.

[34] At this point, the state first seems to have become more cultivated by a sort of grafted education. It was no mere trickle from Greece that flowed into the city, but a full river of education and learning. They say that there was a Corinthian named Democritus, easily the first citizen of his city in distinction and authority and wealth; but that, as he could not endure the Corinthian tyrant Cypselus, he fled with a great fortune and went to Tarquinii, a very prosperous Etruscan city. When he heard that the rule of Cypselus was firmly established, this fine and brave man became an exile; he was accepted as a citizen by the people of Tarquinii and set up his home in that state. There he and his Tarquinian wife had two sons, and he educated them in all the arts in accordance with Greek methods. *

[35] * he was readily accepted into the state, and because of his amiability and learning he became so close a friend of King Ancus that he was thought to participate in all his plans and to be almost a co-ruler. He was, moreover, extremely affable and extremely generous towards all citizens in giving support, aid, defense, and money. And so at the death of Ancus the people unanimously elected him king under the name of Lucius Tarquinius: that was how he had changed his name from what it had been in Greek, * so as to be seen to follow the customs of this people in all respects. After burying the law concerning his power, he first doubled the earlier number of Fathers, and he called the original ones "from the greater families," whose opinions he asked first, and those he had selected "from the lesser families." * He then organized the cavalry in the manner that has been kept until now, although he was unable to change the names "Titii," "Rhamnenses," and "Luceres," despite his desire to do so, because the distinguished augur Atius Varin did not authorize it. * I notice that the Corinhiatiou список close

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* The original name of Lucius Tarquinius was Lucius, an Etruscan name; it is striking that C. omits all mention of Etruscan influence on Rome.
* The name of the three tribes is added to at 2.3.4 above. C. omits the false story of Atius cutting a whiskette with a razor as proof of his agrarian ability.
attention to the assignment of public horses and to supporting them by a tax on orphans and widows. In any case, by adding second divisions to the earlier sections of the cavalry he created 7,500 knights and doubled the number. Afterward, he conquered the Aequi, a large and fierce tribe that threatened the Roman people; he also drove the Sabines back from the walls of the city and then counted them with the cavalry and conquered them in war. He is said to have been the first to perform the great games that are called the Ludi Romani; he also vowed during the war with the Sabines to build a temple to Jupiter Optimus Maximus on the Capitol. He died after ruling for thirty-eight years.

[37] LULLIUS: Now the truth of Cato's saying becomes more evident, that the establishment of our commonwealth was not the work of one time or one man: it is very clear how much the stock of good and useful things increased with each king. But the king who follows is the one who seems to me to have had the greatest vision of all in the commonwealth.

TULLIUS: True enough. The next king was Servius Tullius, who is said to have been the first to rule without the vote of the people. They say that he was the son of a slave woman from Tarquinii and that his father was a client of the king; he was brought up among the slaves and served at the king's table, but the spark of talent that was already evident in his childhood did not pass unnoticed: his cleverness appeared in all his duties and in what he said. And Tarquinii, whose children were still very small, was so fond of Servius that Servius was commonly held to be his son; he enthusiastically inducted him in all the subjects which he himself had learned in accordance with the best Greek methods. But when Tarquinii was killed by the treachery of the sons of Ancus, Servius (as I said before) began to rule without the formal approval of the citizens, but with their support and acclamation. When Tarquinii was falsely said to be alive but ill from his wound, Servius administered justice wearing the royal costume; he freed debtors with his own money; and with great ability he declared that he was administering justice by

Not otherwise assisted. C. is attending to lest Tarquinii's actions with his origin. Captivitates neque, nihil formavit in 3. Suppliciis. For the completion of the temple cf. 5.4.4 before. 5. Servus, A. 6. C. strengthens the "spur," traditionally a halo of fire that appeared around his head as a child.

C.'s account of Servius excludes without comment the elements of his accession that in other traditions must him in an ascendant career. His disappearance from Servius' popular tradition is balanced by his approval of the democratic constitution generally attributed to him.

[38] TULLIUS: Then after separating this large number of the knights from the people at large, he divided the rest into five classes, separating the older from the younger, and he organized them that the votes were in the control of the wealthy rather than the majority; he made certain (something that must always be secure in a commonwealth) that the greatest number did not have the greatest power. If his division were unknown to you, I would explain it; but as it is, you see the logic of the system: the centuries of the knights, together with the "six voting groups" and the first class — plus 1 century given to the carpenters because of their great utility to the city — make up 89 centuries; if only 8 of the remaining 89 centuries join them, then a voting majority of the people is achieved, and the much greater multitude in the other 96 centuries is neither excluded from voting, which would be arrogant, nor excessively powerful, which would be dangerous. In all this he was extremely careful in the choice of words and names: he called the wealthy ansibei from contributing money, and those who brought to the census either no more than 1,500 asses or in fact nothing but their own persons, he called proletarii, thus showing that he expected from them only children, that is, the unfortunates of the state. In any one of those 96 centuries at that time there were almost more people than in the entire first class. And so no one was kept from the right to vote, but the people who had the most power in the voting were those who had the greatest interest in maintaining the state in the best possible condition. In fact, to the auxiliaries, the trumpeters and the horn players, the proletarii

* The account of the Servian constitution is not only fragmentary but concentrates on its democratic elements and its place in the mixed constitution to such an extent that C. omits the reorganization of the tribes generally connected with it and the military purpose of the samnite structure. C.'s numbers diverge somewhat from the other accounts, and all versions clearly reflect later recombinations of the system.

* The "six voting groups" (see supra) are a vexed problem; they are probably the 6 centuries of the knights as organized by Tarquinian power, so which Servius added to the

* Ansibae ab ore levavant (from giving money) is the ancient etymology. The brevis of (weighting 1 pound) was the basic unit of (early) Roman currency. Proles = "Children."
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[two leaves missing]

[42] sixty <five> seven or eight years older, because it was founded thirty-nine years before the first Olympiciad, and Lycurgus in the eleventh age recognized much the same thing. And so the balance and fairness of this simple form of commonwealth seem to me to be shared by us with those peoples.

But what is specific to our commonwealth, and is a very grand thing, I will try to explain somewhat more carefully, as it is of such a character that nothing similar is to be found in my other commonwealth. The elements that I have explained so far were combined in this state and in those of the Spartans and the Carthaginians in such a way that they were not at all blended. In any commonwealth in which there is one person with permanent power, especially royal power, even if there is also a senate, as there was at Rome, or in real times and as in Sparta under the laws of Lycurgus, and even if the people have some rights, as was the case under our kings—even so, the name of king stands out, and such a commonwealth cannot be called, or be, anything but a monarchy. And that type of state is the most unstable because through a single person's fault it can be sent headlong in the most destructive direction. The monarchical form of state itself is not only not to be criticized, but probably should be ranked far ahead of the other simple forms (if I approved of any of the simple forms of commonwealth)—but only so long as it maintains its condition; and its proper conditions are that the safety and equality and peace of the citizens be governed by one person's permanent power and justice and one person's wisdom. The people that is ruled by a king lacks a great deal, and above all it lacks liberty, which does not consist in having a just master, but in having none.

[43]... and so, after Romulus' superstitious constitution had remained firm for some 202 years (= Nśnius 536.10)+

[44] they endured. Even that unjust and cruel master was for a certain amount of time attended by good fortune in his actions. He

The reference is to Carthage, traditionally founded in 814/3. Polybius too upsurges Rome with Carthage and Sparta in examples of the triplet constitution.

While Polybius emphasizes the mixed constitution as a defensive system of checks and balances, C. prefers to see the ideal form positively as one that incorporates elements of all three simple forms.

The two even set those of "good" monarchy, before the tyranny of Tarquin Superbus. Others including Siger have abused the number to 240 and seen it as the total length of the monarchy.

[45] At this point you will see the political circle turning: you should learn to recognize its natural motion and circuit from the very beginning. This is the essential element of civic prudence (the topic of our entire discussion) to see the paths and turns of commonwealths, so that when you know in what direction any action tends, you can hold it back or anticipate it. The king of whom I am speaking was, in the first place, of unsound mind because he had been hatred by the slaughter of the best of kings, and since he was afraid of being severely punished for his crimes, he wanted to be feared. I am speaking of those in violence, relying on his victories and his wealth. And so, when his elder son assassinated Lucretia, the daughter of Tricipitius and wife of Collatinus, and that modest and noble woman sentenced herself to death because of his attack, Lucius Brutus, a man of outstanding talent and virtue, threw off from his fellow citizens the unjust yoke of harsh slavery. Although he was a private citizen, he upheld the whole commonwealth; he was the first in this state to show that in preserving the liberty of citizens no one is a private person. Under his leadership and initiative, the state wasassoasthe the fresh complaint of Lucretia's father and relatives and by the memory of Tarquin's pride and of the many injuries inflicted by him and his sons, they ordered the king himself, his sons, and the family of the Tarquins to go into exile.

[46] Do you see, then, how a master emerged from a king, and how by one person's fault the form of the commonwealth was altered from a good one to the worst? This kind of the people is the man the Greeks call a tyrant; they want "king" to be the title of the man who looks after his people like a parent and keeps those of whom he is in charge in the best possible condition of life. It is, as I said, a genuinely good form of commonwealth, but it verges on the most terrible type. [48] As soon as

[47] An adding without details to the story of Brutus' participation in the embassy to Delphi and his correct interpretation of a prophecy.

[48] Superbus and his wife Tarquilla had admired her father, Servius Tullius. He,

[49] As C. repeats at 2.49. Cato distinguishes between a good "king" and a bad "tyrant," while in Latin the word "king" itself implies tyrannical behavior.
This king turned to a more unjust form of monarchy, he immediately became a tyrant; no animal can be imagined that is more awful or fearful to gods and men alike. Although he has the appearance of a human, through the wickedness of his character he outdoes the most hideous of beasts. Who could rightly call “human” someone who desires no good of shared law, no link of human nature with his fellow citizens, but only the whole human race? But there will be a more suitable moment for us to speak about this type of government when the occasion leads us to condemn those men who have sought dominion even in a freed state.

There you have the first origin of a tyrant. That is the name that the Greeks wanted to give an unjust king, our own people have used the term. And in Sparta, Caneus and Marcus Manlius and Spurius recently.

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[Page 49]

[Page 50] he called <elders> at Sparta; they were few, only twenty-eight, whom he wanted to serve as the highest council, while the king dispensed with them. Following his example, our people had the same habit of calling “elders,” that is, selecting the “Patrons.” Romulus had already set and dominated. The purpose of some power, as did Lycurgus and fire with the desire for liberty, while only giving them the opportunity for frequently happen, may become unjust. The fortune of a people is not in the hands of a single person’s wishes or character. Socrates designed in that elegant conversation: how Tarquinius, not by the acquisition of new power but by the unjust use of power that not only a change of ruler, a king can become a tyrant, and tyrants can become kings. A senator who was concurred with the tyrant, in the case of the Senate, who was accused of monstrous perfidies at the time, the Senate is designed drug over, “old men.”

Cicero, Letters to Atticus 6.1.8: You ask a historical question concerning Greece, the son of Annia. He certainly was not earlier than the decree, since he was capable, an office that was not instigated.

Cicero, De Re Publica 3.15–18. When you asked about the terms “patria” and “polis,” C. began the first extensive discussion of his ideal citizen, who is given a number of different labels, the “true” or “political” man in Plato, Socrateum study. C.’s ideal leader has often been misunderstood as a monarch; in fact, the rule described in the Republic (Lucius Brutus is the first great example) and can be filled by any one of the many qualified statesmen available. The passage should be read in connection with C.’s description of his own public service and New States. When the murderer returns, C. is describing Plato’s Republic:

Lucius Quinctius Cincinnatus was named dictator for the second time in 439 in connec- tion with the attempted coup of Spurius Marcellus. The location of the fragment is uncertain, but it has plausibly been connected to the discussion of the ideal citizen.

From 5:13 to 5:26 on C.’s chronology.
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until many years after the deceivers. What was the effect of his publication of the official calendar? They think that that document was concealed at one time, so that the days for public actions would have to be sought from a few people. And quite a few sources say that Censorius Plocius made the calendar public and composed the forms of action; so don't think that I or rather Afercius (he is the speaker) made it up. 8

[536] 9 that whole law was repealed. 10 In this state of mind, our ancestors at that time threw out Collatinus, although he was innocent, through suspicion arising from his relationship to Tarquiniius; they expelled the rest of the family of the Tarquinius through hatred of the name. In the same state of mind Publius Valerius was the first to order the famae to be lowered when he began to speak in an assembly; he also moved his house to the foot of the Vela after he recognized that the people were becoming suspicious when he began to build higher on the Vela on the same spot where King Tarquinius had lived. 11 He too—an action in which he most embodied his cognomen “Publicola”—proposed a law to the people, the first which was passed by the centuriate assembly, that no magistrate should execute or whip a Roman citizen without his having the right of appeal to the people. 12 The pontifical state books, and our augural books indicate, that the right of appeal also existed under the kings. 13 Similarly, many laws in the Twelve Tables show that there was the possibility of appeal from every judgment and penalty: the fact that the deceivers who wrote the laws were said to have been elected without the right of appeal is a sufficient proof that there was a right of appeal from other magistrates; and the consulship of Lucius Valerius Porcius and Marcus Horatius Burbonus, 14 men who were wisely democratic for the sake of harmony, ordained that no magistracy should be created without the right of appeal. And in fact the Pisanian laws, three laws as Censorius Plocius wrote in 343 B.C. C'est comme si deux hommes ont été faits pour former un seul être. Les lois sont le fruit des lois antérieures. Les lois sont le fruit de la raison. Les lois sont le fruit de la vertu. 15

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[55] This was the condition in which the senator maintained the commonwealth at that time, 16 considering that the people were free, a few things were to be done through the people, but more by the authority of the Senate and by custom and precedent; the consuls were to have power that lasted only for one year but was in form and law like royal power. They held very firmly to what may have been the most important element in maintaining the power of the nobles, that votes of the people should not be held valid unless the senator voted to approve them 17. This period also saw the appointment of the first dictator, Titus Lartius, some ten years after the first consuls: 18 this new form of power seemed very close to that of a king. But in any case everything was in the hands of the aristocracy: they had the greatest authority, and the people gave way to them. Great actions were performed in war in those days by brave men holding supreme power as dictator or consul.

[57] Nature, 19 however, required that, as a result of their having been freed from monarchy, the people should claim rather more rights for themselves; that took place not much later (about sixteen years) in the consular of Postumus Cumius and Spurius Cassius. 20 This development was perhaps not completely rational, but the nature of commonwealths often overcomes reason. You must bear in mind what I said at the

[58] The only reference to these being three Pisanian laws, C. Elagius was known only once.

[59] After the overthrow of tyranny came the arbitrary stage of the constitution, which lasted until the decrees became oligarchic (below, 5.24.1-7).

[60] Not until after 539 B.C.

[61] In 481 according to Dionysius of Halicarnassus, and probably C. 491 according to Livy.

[62] "Nature" and "the nature of commonwealths" below must be the same thing.

[63] 475 B.C.; the occasion traditionally began in the preceding year.
outset: if there is not an equitable balance in the state of rights and duties and responsibilities, so that there is enough power in the hands of the magistrates and enough authority in the judgment of the aristocrats and enough freedom in the people, then the condition of the commonwealth cannot be preserved unchanged. [58] Now when the state was disturbed as a result of the problem of debt, the plebs revolted first the Sacred Mount and then the Aventine. [59] Not even the discipline of Lycurgus was able to keep firm hold of the reins in dealing with Greeks even at Sparta, in the reign of Theopompos, the five ephebes (as they are called at Sparta; in Crete they are the ten centuri) were established as a check on the king’s strength, just as the tribunes of the plebs were established against consular power. [60]

[59] Our ancestors could perhaps have had some method for healing the problem of debt; Siscon the Athenian had found one not long before, and somewhat later our senate did too, when because of the passion of one individual all citizens then in debt bondage were freed and the use of debt bondage was disallowed. [61] At all times when the plebs was being crushed by the burden of debt because of a public calamity, some relief and care has been sought for the sake of the common safety. At that time, however, no such plan was employed, and that gave the people a reason to revolt and create two tribunes of the plebs, in order to diminish the power and authority of the senate. This remained, however, very great: the wisest and bravest men, both in warfare and in directing the government, were protecting the state; their influence remained very strong, because they greatly surpassed their fellow citizens in distinction but were less influenced by their pleasures and were not much wealthier. The virtue of each of them in public affairs was all the more appreciated because in private they took great pains to protect individual citizens by their efforts, advice, and wealth.

[60] While this system of government prevailed, a quaestor accused

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10 The Sacred Mount is near (2 mi.) from Rome, across the river Anio. Which of the two places was occupied in the various qometes of the plebs was disputed in antiquity. C. considers the Spartan ephebous to be a popular element in the constitution, although others thought it treasonable. Thespis was king in the eighth century.
11 Siscon’s recognition of debts (the assumptores, “shaking off of burdens”) is mistakenly dated to 534 b.c., although C. and some other Roman sources seem to make it a generation later. The Pontifical law of 361-362 B.C. (in some sources) ended debt bondage (mutuo) at Rome; for the weakness of the seven Papirsus that envisioned the law of 319 B.C. C. points here (and elsewhere) in that intelligent individual action by the slavesmen should modify such legisla.
entire commonwealth was in the control of the aristocrats, led by the ten
noble decemvirs; there were no tribunes of the plebs to oppose them, and
no other magistrates at all; there was no right of appeal to the people left
against execution or whipping. [63] And so from the injustice of those
men suddenly arose a great disturbance and an alteration of the entire
commonwealth. They added two tables of unjust laws to the previous
tables; they ordained by a most inhuman law that there should be no
right of marriage between plebeians and patricians, something that is
often enough granted to unrelated peoples; that law was later reversed by
the Caesarean plebeians. In all their public actions they ruled the
people greedily and violently and with an eye to their own passions. The
story is well known and famous through many works of literature; how
a certain Decimus Verginius, because of the treachery of one of
those decemvirs, killed his own daughter in the forum by his own hand;
how in grief he fled to the army that was then on Mount Algidus; how
the soldiers abandoned the war in which they were engaged and first occu-
pied the Sacred Mount (as they had done before in similar circumstanc-
eds and then the Aventine. [84]

I judge that our ancestors both approved of most highly and
preserved most wisely.

[64] After Scipio had said this, and the others were waiting in silence
for the rest of his speech, Tiberius said: Since my elders here are not
asking anything of you, Africanus, I will tell you what I find lacking in
your speech.

SCIPIO: Please do.

TIBERIUS: You seem to me to have praised our commonwealth, al-
though Laelius had asked you not about our commonwealth but about
commonwealths in general. Now did I learn from your speech by what
training or customs or laws we can establish or preserve that very
commonwealth which you praise.

[65] SCIPIO: I think that we will shortly have a more suitable occasion;
Tiberius, for discussing the establishment and preservation of states; but
I believe that I answered Laelius' question about the best condition of
the state adequately. First, I defined the three admirable types of states
and the equal number of corresponding vicious ones; I showed that no
one of those is best, but that a state that is properly blended from the first
three types is better than any of them. [66] As to my use of our state, that
was not in order to define the best condition — I could do that without any
illustration — but so that we might see concretely in the greatest state just
what sort of thing I was describing in my argument. But if you are
looking for the type of the ideal state without the example of any specific
people, then we must make use of an image given by nature, since you
[think] this image of the city and people is too [probably two leaves
missing]

[1.346] ... there is no example to which we should prefer to compare
the commonwealth (Diodorus 1.3.6-20).

SCIPIO: Who is to have long been looking for and whom I am
eager to reach.

LAElius: Are you by any chance seeking the man of foresight? [86]

SCIPIO: The very one.

LAElius: There is a fine supply of them among these present; you
might even begin from yourself.

SCIPIO: If only the proportion in the whole senate were the same[86]
But in fact the man of foresight is one who, as we often saw in Africa,
seeks on a huge and destructive creature, keeps it in order, directs it wherever
he wants, and by a gentle instruction or touch turns the animal in any
direction.

LAElius: I understand, when you were your legate I often saw it.

[87] SCIPIO: So that Indian or Carthaginian keeps this one creature in
order, one that is docile and used to human customs; but what hides in
human spirits, the part of the spirit that is called the mind, has to rein in

* The manuscript notes the subject of Book 4 in particular.
* The manuscript notes the fragmentary nature of the text to follow the argument with any
* certainty. The "image given by nature" is almost certainly the common self.
* Augustus, a term almost impossible to translate, as it incorporates both Asterian
* "practical wisdom," and its Latin etymological sense of instruction, from praeceps.
* See also 1.51 and "First and Translation" above.
* For the remaining of this actual section see also On the Laws 7.37-39.
* In Africa during the Third Punic War (147-146 BCE).
and control not just one creature or one easy to control, and it is not often that it accomplishes that task. For he must control that fierce

[68a] ... which is fed on blood, and which rejoices so greatly in savage cruelty that it can scarcely be satisfied by men's merciless deaths (+ Nomius 302.29)

[68b] ... for a greedy and grasping man, who is filled with lusts and wilfulness in pleasures (+ Nomius 349.16)

[68c] ... and the fourth is worry, which is inclined to grief; it is mournful and always troubling itself (+ Nomius 72.34)

[68d] ... are pains, if afflicted with misery or cast down by fear or cowardice (+ Nomius 228.18)"

[3.8.17-18] ... there is something truly in every individual which either rejoices in pleasure or is broken by difficulties (Nomius 301.3)"

[68e] ... just as an untrained charioteer is dragged from the chariot, flattened, mangled, and crushed (+ Nomius 292.38)

[3-41] ... the best-organized commonwealth, moderately blended from the three primary types (monarchical, aristocratic, and democratic), which does not provoke by punishment the wild and savage mind ... (+ Nomius 349.37)"

[69a] SCIPIO: * can be said.

LAELIUS: Now I see what kind of responsibilities you are placing in the charge of that man I have been waiting for.

SCIPIO: There is really only one, because practically all the rest are contained in this one alone: that he never cease educating and observing himself, that he summon others to imitate him, that through the brilliance of his mind and life he be a mirror to his fellow citizens. In playing the lyre or the flute, and of course in choral singing, a degree of harmony must be maintained among the different sounds, and if it is altered or discordant a trained ear cannot endure it; and this harmony, through the regulation of very different voices, is made pleas-

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[60b] Augustine, City of God 3.21: And when Scipio had spoken more broadly and fully on this topic, the value of justice for the state and the damage caused by its absence, Philus (one of the participants in the discussion) took up the subject and demanded that it be treated more thoroughly and that more should be said about justice because of the common belief that a republic cannot be ruled without injustice."

[3.8.18] ... justice looks outward; it is entirely directed abroad and stands out (+ Nomius 373.30)"

[3.11e] ... the virtue which beyond all others is completely devoted to and concerned with the interests of others (+ Nomius 390.30)"

[3.9b] ... so to give an answer to Carneades, who often mocks the noblest causes through his vicious cleverness (+ Nomius 265.8)"

[70] PHILUS * filled with justice.

SCIPIO: I agree completely, and I state to you that we should consider all that has been said so far about the commonwealth to be as nothing, and that we can go no further without establishing not only the falseness of the statement that the commonwealth cannot function without injustice but also the profound truth of the idea that the commonwealth cannot possibly function without justice. But if you agree, we have said enough for one day, and we should postpone what is left (and there is quite a lot) until tomorrow.

When everyone agreed, they brought the day's discussion to a close.

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[60b] The last part of this paragraph is preserved only by Augustine, City of God 3.21. The fragment placed here by Ziegler is of doubtful authenticity and will be found at the end of Book 4.

[60b] The remainder of Augustine's summary of the end of Book 3 corresponds to a 70f below.

[60b] The Ziegler's summary of the end of Book 3 contains a number of errors and inaccuracies, and it is not clear what is meant by the phrase "the errors and mistakes in the book that he has made" in the context of Book 3.

[60b] Carneades' speeches in 855.97 indicate that he was not present for the debates on justice that took place in Book 3. However, he is mentioned in Book 3.5.6 for a description on 3.9f below.
On the Commonwealth

Doubtful fragment

(69b) ... the lyre should be struck gently and calmly, not with violence and force. (Ossoliński 453f)

* This fragment and another (found in this translation at the end of Book 4) are attested only in sixteenth-century quotations by A. Bobrowski from the manuscripts in Poland; they are of very dubious authenticity.

Book 3

Augustine, City of God 2.24. The discussion of this topic was put off to the next day, when it was the subject of a heated debate in Book 3. Peter himself undertook to give the argument of those who believe that the conduct of public affairs is impossible without injustice, while making a strong plea not to be taken to believe this himself. He gave a careful presentation of the case of injustice against justice; he tried to show by plausible arguments and examples that the former is useful to the state, while the latter is useless. Then Laetitia at the request of everyone took up the defense of justice and asserted as strongly as possible that there is nothing so dangerous to a state as injustice, and that in fact a state cannot exist or be maintained without a high degree of justice.

When this subject had been discussed to everyone’s satisfaction, Scipio returned to the previous topic; he recalled and commented his brief definition of the commonwealth, in which he had said that it was the concern of the people and that the people was not any large assembly, but an assembly associated with one another by agreement on law and community of interest. He then showed how useful definitions are in argument, and from these definitions of his he drew the conclusion that a commonwealth (that is the concern of the people) truly exists when its affairs are conducted well and justly, whether by a single king, or by a few aristocrats, or by the people as a whole. But when there is an unjust king (whether in the manner of the Croats he called a tyrant) or unjust aristocrats (whose conspiracy he called a faction), or when the people itself is unjust — and here he was not able to find

* This summary of Book 3 (remembered in Zinger) does not include the preface and is sometimes placed after 3.7. * Cf. 2.36.
On the Commonwealth

any familiar name other than to call the people itself a tyrant — thus there is not a flawed commonwealth, as had been argued on the previous day, but (the logical conclusion from his definition) no commonwealth at all; there is no "concern of the people" when a tyrant or a faction has seized hold of it, nor is the people itself a people if it is unjust, because it is no longer a multitude associated with one another by agreement on law and community of interest, at the people had been defined.

[Four leaves missing]

[6a] Augustine. Against Julianus 4.16.50: In the third book of his Commonwealth Cicero libidinos says that man is sent out into life by nature nor as if by a mother but as if by a stepmother: his body is naked, frail, and weak; his spirit is troubled by distress, groveling in times of fear, weak in the face of trial, prone to host; but there is still within him a sort of smothered divine spark of genius and of mortal capacity.

[4] * Human reason overcome > slowness through the use of vehicles, and after encountering the crude and confused sounds with disorganized noises made by humans, it divided and organized them; and by attaching words, like some kind of signs, to things, it bound together through the pleasing mutual bond of language men who had previously been isolated. A similar act of reason invented a few marks by which the apparently infinite sounds of the voice were expressed by signs through which conversations could be held with absent people and indications of desires and memorials of past events be preserved. To this was added number, something not only necessary for life but also the one unchanging and eternal thing; number was first to direct our gaze up to the sky, to make us observe the motions of the stars, and through the calculation of nights and days.

[Four leaves missing]

[6b] Seneca, Moral Letters 108.53: Then he [the grammarian] gathers verses by Emus, and particularly these written about Africannus: "To whom no one, neither citizen nor enemy, will be able to render full reward for his actions." From this he said that he understood that the word ops in early times meant not only "aid" but "action."

[7] * great wisdom existed, but there was this difference between the two approaches, that one group cultivated the principles of nature through words and through learning, the other through institutions and laws. This single city has brought forth many, if not philosophers (since

1 Another passage of the same passage appears in Aristotle. On the death of Socrates 3.20 argued that, not only in men but in the countryside, there is a fruitful place of spirit. Aristotle believes here also a passage from Lucretius which is less likely to come from this passage; here it is printed at the end of Book 2.

2 There are similar arguments repeatedly in Plato's exposition of Soul beliefs in On the Nature of the Soul Book 3, c.g., at 117.

considered learned men, masters of truth and virtue. But this too should be something deserving of considerable respect (as in fact it is): the study of civil society and the organization of peoples — whether it was discovered by men who had experience in the range of forms of commonwealth, or was the object of study in the leisure time of philosophers — a study which brings about in good minds now, as often in the past, the development of an incredible, divine virtue." [4] If anyone has thought to add learning and a fuller knowledge of affairs to the mental apparatus which he acquired through nature or civil institutions, such as the men who took part in the conversation recorded in this work, then everyone ought to consider them the best of all. What, after all, can be more glorious than the conjunction of practical experience in great affairs of state with the knowledge of these arts acquired through study and learning? What can be imagined more perfect than Publius Scipio or Gnaeus Laelius or Lucius Philus? In order to achieve the highest glory of great men, they added to the traditional knowledge of their own ancestors the imported philosophical knowledge of the Socratic school. [6a] The person who has had the will and capacity to acquire both — that is, ancestral institutions and philosophical learning — is the one who I think has done everything deserving of praise. But if it should be necessary to choose one path of learning or the other, even if the tranquil pattern of life devoted to study and learning may seem more blessed, nevertheless civic life is both more praiseworthy and more glorious: this life endows the greatest men with honor, such as Manius Curinus, "whom no one could overcome with either steel or gold."

[6b] Seneca, Moral Letters 108.53: Then he [the grammarian] gathers verses by Emus, and particularly these written about Africannus: "To whom no one, neither citizen nor enemy, will be able to render full reward for his actions." From this he said that he understood that the word ops in early times meant not only "aid" but "action."

[7] * great wisdom existed, but there was this difference between the two approaches, that one group cultivated the principles of nature through words and through learning, the other through institutions and laws. This single city has brought forth many, if not philosophers (since
On the Commonwealth

this term is used so narrowly by them, then at least men worthy of the greatest praise, because they cultivated the precepts and discoveries of the philosophers. And if we take the praiseworthy states which exist and have existed (since the foundation of a state capable of having for a long time takes greater judgment than anything in the world), and if we count one person to each state, then how great a multitude we will find of excellent men! If in Italy we consider Latins, or the Sabine and Volscian nations, or Samnium, Etruria, and Magna Graecia, and add to them the Assyrians, Persians, Carthaginians, if these *

* [see leaves missing]

[8] * PHILUS: What a marvelous case you give me, asking me to undertake the defense of wickedness.

LACTANCIUS: As if you need to worry about seeming to believe the usual arguments against justice that you speak! You are yourself almost the only true example of ancient honesty and faith; and we know your custom of speaking on both sides of the question in order to arrive at the truth most easily. *

PHILUS: Oh well, I will go along with you and cover myself with whole heartedly. If people who look for gold don't object to it, then we who are searching for justice, something far more valuable than all the gold in the world, should not shrink any difficulty: * But I wish that, just as I will use someone else's arguments, I could use someone else's mouth too! As it is, Lucius Furius Philus is compelled to say things that Carneades, a Greek and one acquainted with speaking — whatever seemed useful *

[see leaves missing]

[9b] LACTANCIUS, Inut. s. 14, 3–5: Anyone who does not know about Carneades, the Academic Philosopher — his power in speaking, his eloquence, his sharpness — can learn about him from the praise of Cicero or of Lucullus, in whose writings Nupius in discovering on a very difficult subject shows that he could not be explained "not even if Hell should send back Carneades himself". * When Carneades was sent as an ambassador of the Athenians to Rome, he gave a speech about justice in the hearing of Galba and Caesar the

* C. sumo cepis: to translate the Greek philosopher: the model for such wise men is the Seven Sages, see above, 1-12.
* Speaking on both sides of a question with equal conviction was the basic method used by academic skeptics (including Carneades) in order to prove that all people and themselves the impossibility of knowing anything.
* C. Philo, Republic 6. 356a
* Lucullus, fr. 32 Wernstein. It is quite possible that C. was Lactantium sources for the quotation.

Ceasar, the greatest statesmen of his time. But on the next day Carneades overtook his own speech with one arguing the opposite, and destroyed the justice which he had posited on the day before. He did not employ the seriousness of a philosopher (whose opinion ought to be fixed and stable) but rather the style of the rhetorical exercise of arguing on both sides of a question; he did this regularly in order to be able to refute his opponents, whatever position they took. In Ciceron Lucius Furilus renews the argument to which Carneades overturned justice; I think that he did it so because he [Cicero] was discussing the commonwealth in order to introduce the defense and praise of justice, without which he thought that a commonwealth could not be admin-istered. Carneades on the other hand, in order to refute Aristotle and Plato the defenders of justice, in his first speech gathered all the arguments used on behalf of justice so that he could overthrow them, as he did.

[10a] LACTANCIUS, Inut. s. 16:2–3: Therefore Carneades, because the assertions of the philosophers were weak, had the daring to refute them, because he understood that they could be refuted. The gist of his argument was as follows: that men ordains laws for themselves in accordance with utility, that is to say they vary in accordance with customs and have frequently been altered by the same people in accordance with the times; there is no such thing as natural law. All men and all other animate creatures are drawn to their own utility under the guidance of nature; and furthermore, either there is no justice at all, or if there is any, it is the highest stupidity, since it would harm itself by looking after the interest of others.

[12] PHILUS: In order to find and defend <justice>, the other filled four quite large books about justice itself. * I looked for nothing grand or magnificent from Chrysippus, who speaks in his own fashion, looking at everything in terms of the significance of words, not the substance of things. It was the task of those heroes to take that virtue, which is the one that is most generous and liberal (if it exists at all), which loves all people more than itself, which is born for others rather than for itself, * and to raise it up from where it was lying and to place it on the divine throne not far from wisdom. [12] They lacked neither the will — what other plan or reason for writing did they have? — nor the genius, in which they stood above everyone, but the case itself overcame their will and their capacities. The justice we are considering is something civil and not natural at all. If it were natural, then — like hot and cold and bitter and sweet — just and unjust things would be the same for everyone.

* The damaged first clause describes Plato’s Republic; the second, Aristotle’s last dialogue On Justice. * C. Aristute, Nicomachean Ethics 5. 7 1130b0–12.
On the Commonwealth

But now, if someone "riding on a chariot of winged horses" (to use Pacuvius' phrase) were able to look down on and inspect the many varied races and cities, he would see first among the Egyptians, the most uncorrupted of races, which has consigned to writing the memory of many generations and events, that a bull is considered a god, which the Egyptians name Apis, and that many other monstrous and creatures of every sort have been consecrated as gods by this same people. Then in Greece (as here), that magnificent temples have been consecrated with human statues, which the Persians thought sacrilegious: for that one reason, Xenex is said to have ordered the temple of the Athenians to be burned, because he thought that it was sinful for the gods, whose home is this whole world, to be shut in by walls. Later on, Philip (who planned it) and Alexander (who wagged it) used this excuse for making war on the Persians, namely to avenge the shrines of Greece - shrines which the Greeks did not think should even be rebuilt, so that their descendants would have before their eyes eternal evidence of the crime of the Persians. How many people, like the Taurians in the Black Sea, like Bactria the king of Egypt, like the Gauls and the Carthaginians, have thought it both pious and highly pleasing to the immortal gods to sacrifice human beings? Human customs are so far apart that the Cretans and the Aetolians think it honorable to be a hunter, and that the Lacedaemonians asserted that all territory belonged to them which they could touch with a spear. The Athenians used to swear a public oath that all land was theirs that bore either olives or grain; the Gauls think it disgraceful to raise crops with their own hands, and so they harvest others' fields under arms. We ourselves, the most just of peoples, do not permit the tribes on the other side of the Alps to grow olives and vines, so that our olive groves and vineyards may be more valuable. In so doing, we are said to believe with prudence but not with justice: this will show you the difference between fairness and wisdom. Even Lycurgus, the discoverer of the best laws and the most equitable justice, entrusted the lands of the rich to be cultivated by the common people as if they were slaves.

If I wished to list the types of law, institutions, customs, and behaviors not only in their varieties among the races of the world but in one city, even in this one, I would show that they were changed a thousand times, so that our friend Manlius here, the interpreter of the

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Book 3

laws, would recognize one set of laws now concerning legacies and inheritances of women, but when he was a young man used to recognize something quite different before the passage of the Voconian Law. And that law itself, which was passed in the interest of men's utility, is highly injurious to women. Why should a woman not have money? Why should she be heir to a Vestal Virgin but not to her own mother? Why, if the point was to set a limit to women's wealth, could the daughter of Publius Crassus, if she were an only child, receive a million sesterces without breaking the law, while my daughter could not have three hundred thousand? A

[Page 65]

* would have established laws for us, and we would all use the same, and the same people would not use now one set, now another.

But I ask you, if it is the part of a just and good man to obey the laws, which ones should he obey? Whatever there are at a given moment? But virtue does not allow inconsistency, nor does nature permit variation; our laws are observed because of punishments, not because of our justice. Justice, therefore, is not natural at all; and that leads to the conclusion that no people is naturally just. Or do they say that there is variation in laws, but that good men naturally follow true justice, not that which is thought to be justice? It is the part of a good and just man to give to each person what is worthy of him. A Well then, what shall we first give to the dumb beasts? It was no average men, but the greatest and most learned, Pythagoras and Empedocles, who claimed that one justice applied to all animate beings, and they assert that inexcusable penalties await those who harm an animal. Therefore it is a crime to harm a beast, and the person who wants < to avoid > this crime *

* all those who have the power of life and death over a people are tyrants, but they prefer themselves to be called kings, using

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* The Voconian Law of 169 B.C. prohibited wealthy sons from naming women as heirs but allowed them to leave legacies to women up to a certain percentage of the estate. The difference between what Consini's daughter and Philip's can receive is a function of the value of their estates. Votul Virgin (considered to be men for legal purposes) had the right both to make wills and to inherit.


* There is clearly a gap in the argument here: the argument against commonwealth will have ended by showing that it is not in any way that gives human behavior; in what follows, Philip is showing that the rule applies to states as much as to individuals and that governments are based on the self-interest of the ruling class.
the title of highest Jupiter. Furthermore, when certain individuals because of their wealth or family or other resources control the commonwealth, it is a fiction, but they call themselves "the best people." And if the people has the greatest power and everything is done by its decision, that is called liberty but in fact license. But when each fears another, both individuals and classes, then because no one is sure of himself, there is a kind of bargain made between the people and the magistrates, and out of this arises that combined form of state which Scipio praised; and indeed neither nature nor our wishes is the mother of justice: weakness is. When it is necessary to make a choice among three possibilities, to do injury and not receive it, to do it and to receive it, or neither, the best is to act without penalty if you can, the second best is neither to do nor to receive injury, and for the worst is always to be fighting in the arena both giving and receiving injuries. Therefore those who can achieve the first

[Four leaves missing]

[229] Lactantius, *Hist. 6.9.2–6* If someone ignorant of divine law wishes to follow justice, he will embrace the law of his own people as if they were true justice, but in fact it was utility rather than justice that discovered them. Why have diverse and various laws been established throughout the world, if not because each people ordains for itself what it thought useful for its own affairs? The Roman people teaches in the distance between utility and justice: by declaring war through the fleet and by causing injury under the guise of laws, by constantly dividing and seizing others' property, they obtained possession of the entire world.

[24b] PHILUS * remember. Wisdom orders us to increase our resources, to enlarge our wealth, to extend our boundaries - what else is the reason for the pride carved on the tombs of the greatest generals that "he extended the boundaries of the empire"? if something had not been added from others' territory? to rule over as many people as possible, to enjoy pleasures, to be powerful, to rule, to be a lord; but justice instructs us to spare everyone, to look after the interests of the human race, to render to each his own, to keep hands off things that are sacred or public or belong to someone else. What will be the result if you obey wisdom? Wealth, power, resources, offenses, commands, rule, whether by individuals or

[nations. But since we are talking about the commonwealth, and since things that are done in public are more perspicuous, and since the remaining underlying law is the same for both, I think that I should speak about the wisdom of nations. And to set other peoples aside: our own people, whose history from the beginning Africans discussed in yesterday's conversation, whose rule now controls the whole world - do you think that it was through justice or wisdom that it grew from a tiny nation to the <greatest> of all?*

[24a] For when he was asked what crime drove him to ravage the seas with one galley, he replied, "the same one that drove you to ravage the whole world." [*De nominibus 3.21, 31.18, 53.4–15.]*

[24b] Lactantius, *Hist. 5.16.4* He made use of the following arguments: All successful imperial powers, including the Roman themselves who have gained possession of the entire world, if they wished to be just - that is to say to return property that belongs to others - would have come to living in huts and languishing in want and wretchedness. But whenever the Roman people teaches in the distance between utility and justice: by declaring war through the fleet and by causing injury under the guise of laws, by constantly dividing and seizing others' property, they obtained possession of the entire world.

[24c] PHILUS * except the Carthaginians and the Athenians; and in my opinion, because they were afraid that at some time this injustice would be served on them, they pretended that they arose from the earth like those mice from the field."

[24d] The reply to these arguments comes first from those who give the least-dishonorable response; they have all the more weight in this case because in the search for a good man, whom we want to be both open and straightforward, they are not tricky or artificial or deceitful in their arguments. They deny that the wise man is good because goodness and justice are automatically or in themselves pleasing to him, but because the life of good men is one free from fear, care, worry and danger, while

[* The same anecdote about Alexander the Great and the prize is also taken from C. by Augustinus, *City n. God* 4.4.

[* Similarly in Lactantius, *De nominibus 3.16.3* (text is 31.18). "If all the people who held empire, including the Roman themselves who control the whole world, should wish to follow justice and return to everyone the possessions which they have taken through force of arms, they would return to huts and poverty. If they did that, on the contrary it would be necessary to judge that they were just and stupid in their effort to help others by harming themselves." A brief summary in Augustine, *City of God* 19.15 (before 5.20).

[* Both the Carthaginians and the Athenians claimed to be the source of the war and are heroes (in this argument) the only people who can claim original possession of their land. The argument here probably alludes to Roman property law, ownership (as opposed to possession) can only be proven by tracing title back to an original mode of acquisition - laws as pester dates (the Devil's post) in the Middle Ages because of its verbal impossibility.

[* The Epicureans.

* Compare *1.10 above.

* Compare *1.11–12 above.


* This passage presumably summarizes part of Philus' argument, although the reference to "divine law" shows Lactantius' different perspective."

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there is always some uneasiness clinging to the minds of the wicked, and they always have before their eyes the prospect of trials and torture: there is no advantage or reward derived from injustice that is so great that you should always be afraid, that you should always think that some penalty or loss is in the offing or hanging over you."

[Four leaves missing]

[30] Lactancius, lib. 5.16, 5--13: Then he moved from generalities to particulars: "If a good man," he said, "has a fugitive slave or an unhealthy and contaminated house, and he alone knows of these defects, and advertises them for sale, will be admitted that he is selling a fugitive slave or a contaminated house, or will he conceal it from the buyer? If he admits it, he will be judged to be good because he is not deceptive, but he will still be judged stupid, because he will sell it at a low price or not at all. If he conceals it, he will be intelligent in looking after his property, but he will also be wicked, because he is deceptive. Again: if he finds someone who thinks that he is selling brass when it is in fact gold, or lead, when it is really silver, will he keep quiet to buy it at a low price, or will he reveal it and pay a high price? It seems obvious enough to prefer to pay the high price." He wanted it to be understood from this that the just and good man is stupid, and the just one is wicked. And yet it is possible for men to be content with poverty without any danger.

[36] Therefore, he turned to larger issues, in which no one could be just without risk to his life. He said: "It is just not to kill a man, and not to lay hold of someone else's property. So what will the just man do if he happens to be shipwrecked, and a weaker man has got hold of a plain? Won't he push him off and get on himself and use it to escape—especially since there are no witnesses in the middle of the ocean? If he is smart, he will do it; he will have to die if he doesn't, and if he prefers to die rather than lift a hand against someone else, then he will be just but stupid in losing his own life while sparing another's. Likewise, if in battle his own side is routed and the enemy is pursuing, and the just man gets hold of a wounded man on a horse, will he spare him at the cost of his own death, or will he knock him off the horse so that he can escape the enemy himself? If he does so he is smart but wicked, and if he doesn't he is just but stupid." [31] And so, after deciding justice into two parts, one civil and the other natural, he overstepped both by showing that what is called civil justice is wisdom but not justice, while natural justice is indeed justice but it

"Cicero. The quotation from Lactancius extends through 32.

"Cicero, On the Supreme Good and Evil 3.96."

If you knew, said Carneades, that a poisonous snake was hiding somewhere and that an incautious person from whose death you would profit was about to sit on top of it, you would behave wickedly if you did not warn him not to sit down, but you would not be punished for it: who could prove that you knew?

[60] "Tell me: if you should be two people, of whom one is the best of men, the fairest, the most just, the most honorable, and the other of outstanding criminality and boldness; and if the state should be so wrong as to think the good man to be wicked, criminal, and evil, and to consider the wicked man to be utterly honorable and honest; and that as a result of this opinion of all the citizens the good man should be harassed and attacked, his hands cut off and his eyes put out— that he should be condemned, put in chains, tortured, and sent into exile in poverty, so that in strict law he should appear to all to be the most wretched of men, while on the other hand the wicked man should be praised, cultivated, and cherished by all, that all offices and powers and wealth should be conferred on him, and that he be considered by universal belief to be the best of men and worthy of every good thing—what person ever will be so crazy as to have any doubts as to which he would prefer to be?

[86] What applies to individuals also applies to nations: there is no state so stupid that it would not prefer to rule unjustly than to be enslaved justly. I will not go far for proof: when I was consul, I was in charge of the investigation of the Numantine treaty, and you were in my council. Who did not know that Quintus Pompeius had made a treaty

Lactancius' reference about Lactancius' speech is — in his own quotations from it there — wrong he is unwilling to acknowledge a near Christian defense of natural justice.

The second half of this quotation concerns Lactancius' speech and appears on p. 79.

Sec. 36 is quoted by Lactancius, lib. 5.16, 5; the second half of the question is preserved in the palimpsest as well. The argument is drawn from Plato, Republic 2.469--48.

After a particularly disastrous battle in the war against Numantia in 237, the consul Hostilius Mancinus made a disparaging speech to save his army. The Senate, at Sulpicius' suggestion, repudiated the treaty. Mancinus was, with his own approval, turned over to the Numantines as compensation. Quintus Pompeius had made a similar treaty after being defeated in 149 but repudiated it himself with the Senate's approval. Many
and that Mancinus was in the same situation. One of them, an extraordinarily good man, spoke in favor of the bill that I proposed on the advice of the senate, and the other defended himself as strongly as possible. If you are looking for decency, honor, and trustworthiness, Mancinus had them; but if you want calculation, planning, and prudence, Pompeius stands out. Which

[35b] He is certainly not to be listened to by our young people: if his beliefs match what he says, he is a terrible man; if not (as I prefer to believe), his speech is still appalling. [*Nominis 334.15 335.18]

[35a] It would not disturb me, Lælius, if I did not think that these people desired it, and if I did not myself want you to take some part in our conversation, especially as you said yourself yesterday that we would have too much of your speaking. That is impossible, and we all ask that you not give us too little. [*Aulus Gellius, Attic Nights 1.34.89]

[35a] Cicero, Letters to Atticus 7.2.4: I am happy that you are enjoying your little daughter and that you approve of the idea that love of one's children is something natural. In fact, if that is not true, then there can be no natural link between one man and another, and if that is removed all social bonds are destroyed. "Just finish!" says Carneades in a disgusting fashion; but he is smarter than our friend Lælius and Patro. [*They make self-interest the only standard and think that nothing is done for someone else's sake; and in saying that a man ought to be good in order to avoid trouble, not because it is naturally right, they don't recognize that they are speaking of a clever person, not about a good man. But all this, I think, is to be found in the book which you give us heart by praising.]

[35b] Cicero, On the Supreme Good and Evil 1.59: It is clear that if equity, faith, and justice do not derive from nature, and if all these things are measured by utility, then it is impossible to find any good man. Lælius said quite enough on this issue in On the Commonwealth.

[35a] Cicero, Letters to Atticus 10.4.4: And if, as you remind me, I stated incorrectly in that book that there is nothing good except what is honorable, and nothing bad except what is disgraceful...

[35b] In this respect I agree that justice is that troubled and in danger is not appropriate to a philosopher. [*Priscian 2.399.138]
people. He is the author, exponent, and mover of this law; and the person who does not obey it will be in exile from himself. Insofar as he scores his nature as a human being, by this very fact he will pay the greatest penalty, even if he escapes all the other things that are generally recognized as punishments. [- Lactantius, Inst. 6.8.6-9]

[4.46] There is no one who would not rather die than be transformed into the shape of an animal while still having a human mind; all the more miserable is it to have a beast's mind in a human body. That seems to me as much worse as the mind is more noble than the body. [- Lactantius, Inst. 5.11.2]

[3 temp. 4] The notorious Sardanapalus, much uglier in his vices than in his name. [- Scholastus on Jerem. 20.32]

He [Sardanapalus] ordered this to be carved on his tomb. [Arrianus Mennius 7.487.16] Cicero, Tusculan Disputations 5.105: ... from this we can recognize the misrule of Sardanapalus, the wealthy king of Syria. He ordered this to be carved on his tomb: "I possess all the things I have eaten and all that my sated lust has enjoyed; the many other wonderful things he abandoned." What is to say Aristotle, would you carve on the tomb of a cow rather than a man?

[4.12] Augustine, Against Julianus 4.12.90: He did not think that what is "good" for a man is good for Publius Africanus.

[38] Augustine, City of God 19.21: There is a very strong and vigorous argument in On the Commonwealth against injustice on behalf of justice. In the earlier argument, for injustice against justice, it was said that a commonwealth could not survive and grow without injustice; and the strongest statement was that it is unjust for men to be enslaved to masters. But if an imperial state, a great commonwealth, does not subscribe to that injustice, then it cannot rule over provincials. The answer made by justice is that empire is just because slavery is useful for such men and that when it is rightly done, it is done on their behalf, that is, when the right to do injury is taken away from wicked people: the conquered will be better off, because they would be worse off if they had not been conquered. In order to bolster this reasoning, Cicero supplies a

This and the following argument are quoted by Zinger but clearly belong here. The epigraph is to be seen as in the later Tusculan Disputations, and it is likely that the context is the two works are very similar. The example of Sardanapalus was taken from

- A summary of part of Plato's argument above, 3.102 and 3.126.

* Part of the quotation is preserved only by Augustinian's citation of Cicero in 4.12.6. * Compare the discussion of reasons and the passions above at 6.67-68. * Compare the argument on natural slavery in Aristotle, Politics 5.1.4 (1254a1-1254b10). * A restatement of the argument in favor of monarchy above at 5.9-46. * Also in below 5.4.7-8; not included by Zinger.

* More than cited in an allusion to the opening words of Lucretius's first-century BC epic on the Roman Civil War: he refers to war between relatives.
On the Commonwealth

[368] But our nation has gained control of the entire world through defending its allies (v. Numan 486.16).
[368] Augustine, City of God 22.22: What he means by “safety,” v. what safety he wants to be understood, he shows elsewhere: “But many individuals escape by a speedy death from these punishments which are felt by even the most stupid of people—wars, exile, chains, and whips. For states, however, death itself is the punishment, death, which frees individuals from punishment. For the state ought so to be established as to be eternal, and therefore there is no natural death of a commonwealth as there is for a man, for whom death is not only necessary but at times desirable. When a state is removed, destroyed, extinguished, it is somehow similar (comparing small to great) to the death and collapse of the entire cosmos.”

[41] Lælius: . . . Atius . . . Tiberius Gracchus, who was persistent in support of the citizens but neglected the rights and treaties of the allies and the Latinus. If that license should become customary and spread more widely, and should transform our power from right to might, so that those who are now our willing subjects should be held by terror, even if those of us who are getting in years have already finished our watch, I am still concerned about our descendants and about the immortality of the commonwealth, which could be eternal if our life were conducted in accordance with ancestral laws and customs.

[44a] When Lælius had finished speaking, all those present indicated their great delight with what he had said, but Scipio above all seemed positively ecstatic. You have defended many cases, Lælius, so well that I would not <hesitate to compare> you to our colleague Servius Galba, whom during his lifetime you declared the best orator of all; and I would not even compare any of the Attic orators to you in sweetness or . . .

[x six leaves missing]

<34 above.>

The reference to Atius must allude to Tiberius’ attempt to use the money derived from the defeat of Rome to his kingdom and fortune by Attalos III, the last king of Pergamon, in 133, to pay for the settlement of poor citizens in public land. As sometime (Atius and Latinus) were often eligible for these land distributions and were being expelled from public land which they had long used, Lælius’ description is commendably accurate. So tepid as usual, Lælius himself had proposed an agrarian law but had withdrawn the proposal because of senatorial opposition; he had not suggested the displacement of cities and Latinus. = The two Latin words, in end.es, are visually almost identical.

This fragment is preserved in the manuscript and was the very end of Lælius’ speech. The next paragraph follows immediately.

Galba was also a member of the college of augurs.

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368.16 > He said > that he lacked two things, confidence and a good voice, which kept him from speaking to a crowd or in the forum. 

366.44 > The bull followed with the gross of the men shut inside it. 

406.48 > So who would call that state a "concern of the people," that is a commonwealth, at the time when everyone was crushed by the cruelty of one man and there was no single bond of law or agreement or association of the group, which is what is meant by "people"? The same applies to Synnese. That great city, which Timaeus says is the greatest of the Greek cities and the most beautiful of all cities—its glorious citadel, its harbor that flows into the center of the town to the foundations of the city itself, its broad streets and porticos and temples and walls—all of these made it any more of a commonwealth at the time when Dionysius controlled it: nothing belonged to the people, and the people itself belonged to a single man. And so where there is a tyrant, then it is wrong to say, as I did yesterday, that there is a flawed commonwealth. The logic of the argument compels me to say that it is no commonwealth at all.

44.1 > Lælius: You're completely right, and I see the direction of your argument.

Scipio: So you see that a state that is completely controlled by oligarchy also cannot truly be called a commonwealth.

Lælius: Thall is my opinion.

Scipio: And you are right. What was the "concern of the Athenians" at the time when, after the great Peloponnesian War, the Thirty Tyrants ruled that city with great injustice? Did the ancient glory of the city, or its beauty, or the theater, gymnasium, porticos and gateways, or the citadel and the marvelous works of Phidias, or the great harbor of Piraeus make it into a commonwealth?

Lælius: Hardly, since there was no "concern of the people."

Scipio: What about at Rome, when the despoilers ruled in their third

The persons referred to the fourth-century Athenian democratic leaders.

The sixth-century BC Spartan tyrant was said to have punished people by shutting them in a hollow bronze bell and leaving it, so that their noses appeared to be the bottoms of the bell.

Scipio is still speaking, arguing that Aphratrius when ruled by Phaleus cannot be considered a true republic. "Bring back" may refer to the fact that Scipio, after the destruction of Carthage, removed the bull of Phaleus (which had been captured by the Carthaginians) to Aphratrius.

See 3.44 above. Book 3
year without any right of appeal to the people, and liberty had lost its guarantee. 22

LAEVIUS: There was no "concern of the people" — and in fact the people acted to recover its "concerns." 23

SCIPIO: I come now to the third type, where there may stem to be difficulties. When everything is said to be done through the people and everything is said to be in the people's power, when the crowd punishes whatever it wants; can you deny, Laevius, that that is a commonwealth? Everything belongs to the people, and we want the commonwealth to be the "concern of the people." 24

LAEVIUS: But there is no state that I would more quickly deny to be a commonwealth than the one that is completely in the power of the crowd. If we did not consider Syracuse to be a commonwealth, or Agrigentum, or Athens, when there were tyrants, or here at Rome when there were appropriate to the role of the crowd. In the first place, according to you excellent definition, there is no "people" unless it is bound by agreement in law, and that mob is as much a tyrant as if it were one person. It is all the more disgusting because there is nothing more awful than the monster which pretends to the appearance and name of the people. Nor is it right — since according to law the property of madmen is under the control of their relatives, because they no longer have the same. 40

[46] SCIPIO: * <the same things> can be said <about aristocracy> as were said about monarchy, to show why it is a commonwealth and a "concern of the people." 41

MUMMIIUS: Even more so. Kings have the appearance of masters, because they are single individuals; but nothing can be more fortunate than the commonwealth in which a number of good people are in control. Even so, I prefer monarchy to a free people; that is the third form that still remains to be examined, the worst commonwealth.

See 3.3-5 above.

It is impossible to translate the phrase re populo (referred throughout as "concerns of the people") adequately in secs. 44-45, as C. is playing on the meaning of no as property, depriving of its ownership of the physical possession of the state as well as of participation in government and (conseBagi),

And C. plays on the concept of no justice as the property of the people, here referring to the loss concerning administration of the property of justice.

[47] SCIPIO: I recognize your characteristic dislike of popular government, Sperius, and even though it can be tolerated more easily than you usually tolerate it, still I agree that it is the least admirable of these three forms. But I don't agree that oligarchies are preferable to a just king; if it is wisdom that is wanted to rule the commonwealth, then what difference does it make whether it is found in one person or in many? 25 But in such an argument we deceive ourselves. When we hear the name "the best people," it is nothing can possibly seem preferable: what can be imagined that is better than "the best"? But when someone mentions a king, unjust kings came to mind automatically. But we are not talking now about unjust kings when we examine the monarchic form of commonwealth itself. So think of Romulus or Pompilius or King Tullius, and then perhaps you won't feel so unhappy about that form of commonwealth.

MUMMIIUS: What praise do you have left to offer for the democratic commonwealth?

SCIPIO: Well, Sperius, we were recently together in Rhodes. 26 Do you think that the Rhodians have no commonwealth?

MUMMIIUS: I think that they have one, and one not at all to be condemned.

SCIPIO: You are right. But if you remember, all the people were at one time plebeians, at another, senators, and they had an alternation of the months in which they would in turn play the role of the people or the senate. In either part they received a fee, and the same people, in the theater and in the senate house, were judges of capital crimes and all other offenses. So the senate had as much power and importance as the multitude.

Uncertain location in Book 3

[48] The bravest men never . . . bravery, energy, and endurance

[5] Inc. 2] They put their spirit at risk . . . they see what they think they are going to do

[5] Inc. 3] The Phocianists were the first, through their trading and people's adoption of a new way of life. 28

A variation of Laevius' question to Scipio at 1.46.

Oripluce, see "Text and Translation" above.

Using Sperius' embassy to the king, probably in 149-149. The Rhodian constitution described here is not otherwise known.

The selection is inaccurate, and there is a gap in the text. It perhaps belongs in Laevius' speech.

The text of this fragment is corrupt.
On the Commonwealth

merchandise, to import into Greece greed and grandiosity and insatiable desire for all things. [† Nonius 431.11]

Doubtful fragment

[5] Lactantius, On the Workmanship of God 3.16–19 (excerpted): Although humans are born weak and frail, still they are safe from all mute creatures, and all those things which are born with greater strength, even if they are capable of enduring the forces of nature, cannot be safe from humans. (17) Thus reason gives more to the human than nature does to mute creatures, since in their case neither great strength nor strong bodies can stop them from being destroyed by us or subjected to our power. (19) Plato (I suppose to refute these ungrateful people) thanked nature for having been born human.†

† The argument of this passage is compatible with that of the preface to Book 3, but there is no clear evidence that it is taken from C.

Book 4

[10] Lactantius, On the Workmanship of God 1.12–13: Since reference has been made to the body and the mind, I will try to explain the rationale of each within the limited understanding of my feeble intelligence. I think it particularly important to take up this task, because Marcus Cicero, a man of outstanding talent, tried to do this in the fourth book of On the Commonwealth but composed a vast amount of material within a narrow compass and only touched lightly on the main points. Indeed, he remarks any error for not having dealt with the topic thoroughly by saying himself "what he had lacked neither will nor the effort": in the first book of On the Laws, when he was equally occupied on the same topic, he says: "As far as I am concerned, Scipio dealt adequately with this subject in the book which you have read" [1.27]. Even so, he tried to give a fuller treatment of the same subject in the second book of On the Nature of the Gods.†

† And the mind itself, which foresees the future, also remembers what is past. [† Nonius 300.9]

[14] . . . and finally that by its regular interposition it also creates the shade of night, something that is useful not only for the reckoning of days but for rest from toil. [† Nonius 234.14]

[15] And since in the autumn the earth has opened for the sowing of crops, in the winter has loosened for preparing them, and in the ripeness of summer has softened some and parched others . . . [† Nonius 343–20]

† [152r] 343r: * good will; how fitting is the orderly distribution into

* The introductory argument of Book 4 is close to that of the Nature of the Gods 1.12–43, both on the topic of body and mind, and on nature's gifts to humans.

* The text of this fragment is somewhat uncertain (essence is missing), but the sense is clear.