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0521453445 - On the Commonwealth and On the Laws

Cicero

Excerpt

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On the Commonwealth

Book I

*Fragments of the preface*¹

1 [4.7f Ziegler]. Augustine, *Epist.* 91.3: *Take a brief look at that book On the Commonwealth, from which you drank up that attitude of a patriotic citizen, that there is for good men no limit or end of looking out for one's country.*²

2 [fr. 1a]. Thus, since our country provides more benefits and is a parent prior to our biological parents, we have a greater obligation to it than to our parents. (+ Nonius 426.8)

3 [fr. 1d]. From which those people³ call <us> away. (+ Arusianus 7.457.14K).

4 [fr. 1b]. Pliny, *Natural History*, *praef.* 22: *Cicero is honest: in On the Commonwealth he announces that he is Plato's companion.*

5 [fr. 1c]. Pliny, *Natural History*, *praef.* 7: *There is also a kind of public rejection of the learned. Even Cicero uses it, although his genius is beyond all doubt; more surprising is that he does so through a spokesman: "and not for the very learned: I don't want Persius to read this, I do want Iunius Congus to."*⁴ *If Lucilius, the creator of verbal wit, thought that he had to speak this way, and Cicero thought that he had to borrow it, especially when*

¹ More than half the preface is lost; the few extant fragments show that C. discussed the obligation to serve one's country, referred to Plato's *Republic* as his model, and emphasized the greater importance of experience and action than of philosophical expertise both in general and in the dialogue itself.

² The rest of this quotation will be found at 4.7f.

³ The Epicureans.

⁴ Lucilius 633–34 Warmington. The text is corrupt, but it is clear that the first person named is a very learned person, while Iunius Congus is the ideal (moderately learned) audience. For the identification of proper names, see the biographical notes.

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writing about the commonwealth, how much more do I have a reason to defend myself from some judge?

6 [fr. 1c]. Lactantius, *Inst.* 3.16.5: *They do not seek utility but pleasure from philosophy, as Cicero attests:* In fact, although all the writings of these people⁵ 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. 1f]. Nor would Carthage have had so much wealth for nearly six hundred years without judgment and education. (+ Nonius 526.8)

[1] <If they had not preferred virtue to pleasure . . . > would <not> have freed Rome from the attack <of Pyrrhus>;⁶ Gaius Duilius, Aulus Atilius, and Lucius 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.⁷ Marcus Cato, 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 Tusculum, a healthy spot and not far off, enjoying peace and quiet;⁸ but that madman (as some people⁹ 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.

⁵ Philosophers in general; "the others" are statesmen. Lactantius does not refer the quotation to a specific work, and it is sometimes ascribed to the lost *Hortensius*.

⁶ The manuscript begins in the middle of a sentence; for other possible supplements cf. J. Zetzel (ed.), *Cicero: De re publica* (Cambridge, 1995), *ad loc.* The opening paragraph is part of a polemic against the rejection of public life.

⁷ C. lists in chronological order three wars (against Pyrrhus and the First and Second Punic Wars) of the third and second centuries BCE and their heroes.

⁸ Tusculum (in the hills SE of Rome) was Cato's home; C. and other wealthy Romans had villas there.

⁹ Epicureans; the language of storm and calm is typically Epicurean.

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[2] 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 consists entirely in its employment;¹⁰ 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.¹¹ Philosophers, in fact, say nothing (at least nothing that may be said decently and honorably)¹² that does not 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? of modesty and moderation, the avoidance of shame, and the desire for praise and honor? of courage in 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. [3] 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 customs? For my own part, just as I think “great and powerful cities” (as Ennius calls them)¹³ 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 goads us on to this pleasure.¹⁴ Therefore, let us keep to the course that has always been that of every responsible citizen;¹⁵ let us not listen to

¹⁰ Cf. also *On Duties* 1.19, 2.19; the idea of virtue as active is Aristotelian.

¹¹ For the image see Plato, *Gorgias* 485d; C. used it previously at *On the Orator* 1.57, a passage closely parallel to this one.

¹² Again, an attack on Epicureanism.

¹³ *Varia* 21 Warmington.

¹⁴ C. uses Epicurean terminology to rebut Epicurean views.

¹⁵ *Optimus quisque*: “men of good standing,” i.e. supporters of the traditional (plutocratic) structure of Roman government. On the meaning of *optimus* (best) and *optimate* cf. the excursus on *optimates* in *On Behalf of Sestius* 96–131; see also “Text and Translation” above.

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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 minor burden for an alert and vigorous man, and one to be scorned not only in major matters but even in lesser desires or duties, or even in business. They add the dangers to one's life, confronting brave men with a disgraceful fear of death, men who generally think it far more miserable to be worn away by nature and old age than to be given an occasion to lay down for their country a life that would in any case have to be surrendered to nature. On this score, they think that they are particularly eloquent when they collect the disasters of great men, the injuries inflicted on them by ungrateful fellow citizens.¹⁶ [5] They list the familiar examples of this among the Greeks: Miltiades, the conqueror of the Persians, before the honorable 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 country he had freed and took refuge not in the harbors of Greece that he 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 Camillus and the attack on Ahala; the hatred of Nasica, the expulsion of Laenas, and the condemnation of Opimius; the exile of Metellus or the most bitter disaster of Gaius Marius < . . . >¹⁷ the slaughter of leading citizens, or the deaths of many people which soon ensued. They even include my own name; I suppose that because they think that they were preserved in 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 *

[one leaf missing]

¹⁶ A standard criticism of the Athenian democracy; cf. particularly Plato, *Gorgias* 515b–517a.

¹⁷ There is a gap in the text. C. refers (as also at *On the Orator* 3.8) to Marius' flight from Sulla and his violent return and revenge after Sulla's departure to the Mithradatic War.

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[7] * 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.¹⁸ 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 us¹⁹ or thinking that while herself serving our convenience she should provide a safe refuge for our relaxation 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 excuses 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 await injuries unendurable 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 commonwealth while they themselves are incapable of bringing aid, even if they should wish to.

¹⁸ When prohibited from speaking to the assembly on the last day of his consulate by the tribune Metellus Nepos, C. instead swore an oath that he had saved the commonwealth and the city; cf. *Against Piso* 6. ¹⁹ See above, Book 1 fr. 2.

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[10] Who, moreover, can be convinced by this proviso, that they say that the wise man will take no part in public affairs unless the necessity of a crisis compels him? 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. [11] 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.

[12] 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 pointless, I was obliged to eliminate doubts about taking part in public life.²⁰ 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

²⁰ Both “public affairs” and “public life” translate *res publica*; for its meanings see “Text and Translation.”

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observe, were almost all deeply involved in public affairs.²¹ 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.

[13] 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 < . . . >²² 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 expound 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 Rutilius Rufus when we were with him for several days at Smyrna; I think that nothing of any significance for these matters has been omitted.

[14] For when Publius Africanus the younger, the son of Paullus, had determined to spend the Latin holidays in the consulate of Tuditanus and Aquilius on his estate,²³ 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 sister's son Quintus Tubero. After Scipio had greeted him warmly and said that he was glad to see him, he asked, "What are you up to so early, Tubero? The holiday gave you a welcome opportunity for study."

TUBERO: 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.

TUBERO: 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.

²¹ The importance of the Seven Sages as practical politicians was emphasized by the Peripatetic Dicaearchus, one of C.'s sources in the first two books; the only one not active in public life was Thales of Miletus. The list of the seven varies; Plato (*Protagoras* 343a) includes Thales, Pittacus, Bias, Solon, Cleobulus, Myson, and Chilon.

²² There is a gap in the sense, and a verb is missing.

²³ The Latin holidays (*Feriae Latinae*) took place early in the calendar year (129 BCE); Scipio's estate was in the Campus Martius, just outside the formal boundary of the city of Rome.

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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?²⁴ 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 Panaetius 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, Africanus, 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 Pythagoras 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 Timaeus 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 subtlety of Socratic conversation with the obscurity of Pythagoras and the weight of his varied erudition.²⁵

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

²⁴ Parhelion ("sun-dogs") is an atmospheric phenomenon caused by the refraction of light through ice crystals; its occurrence in 129 was seen (in hindsight) as an omen of Scipio's death, which took place shortly after the dramatic date of the dialogue (cf. *On the Nature of the Gods* 2.14).

²⁵ This is the earliest reference to Plato's Egyptian travels; C.'s interpretation of Plato as a synthesis of Socrates and Pythagoras may have been drawn from Dicaearchus.

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unannounced; and after greeting him, he grasped him affectionately and placed him on his own couch. And since Publius Rutilius (our informant about this conversation) arrived with him, he greeted him too and told him to sit next to Tubero.

PHILUS: What are you up to? Has our arrival interrupted your conversation?

SCIPIO: Not at all. You regularly give careful attention to the kind of question that Tubero had just raised; and in fact our friend Rutilius even under the walls of Numantia itself used to discuss this kind of thing with me.²⁶

PHILUS: What is the subject?

SCIPIO: About those two suns; and I would like to know, Philus, what you think about it.

[18] He had just finished speaking, when a slave announced that Laelius was coming to visit and had already left his house. Then Scipio put on his shoes and outdoor clothes and left the bedroom, and when he had walked in the portico for a little while he greeted Laelius on his arrival and the men who came with him: Spurius Mummius, of whom he was particularly fond, and Gaius Fannius and Quintus Scaevola, Laelius' sons-in-law, young men of learning and already of an age to become quaestors.²⁷ When he had greeted them all, he took a turn in the portico and placed Laelius in the middle. There was something like a law between them in their friendship, that Laelius would treat Africanus almost as a god when they were on campaign, because of his extraordinary military glory, and that in Rome Scipio treated Laelius as a parent because he was the elder. When they had talked together a little during a few turns up and down the portico, and Scipio had expressed his pleasure and delight at their arrival, it was agreed that they should sit in the sunniest spot of the meadow, as it was still winter. As they were about to do so, Manius Manilius arrived, a man of wisdom whom they all knew and loved. When he had been greeted warmly by Scipio and the rest, he sat down next to Laelius.

[19] PHILUS: I don't think that we need to find a new subject because these people have arrived, but we should discuss it more carefully and say something worthy of their ears.

LAELIUS: What was the subject? what conversation did we interrupt?

²⁶ Rutilius was a military tribune at the siege of Numantia in Spain in 134–133.

²⁷ The minimum legal age for the quaestorship was 30.

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PHILUS: Scipio had asked me what I thought about the two suns that have been seen.

LAELIUS: 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?

PHILUS: 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.²⁸ 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.

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

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

LAELIUS: No, we would rather hear you, unless Manilius perhaps thinks that he should compose an interdict between the two suns, that each should possess the sky as it did before.²⁹

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 Philus, whose opinion, I see, is sought on greater topics than mine or that of Publius Mucius.

[21] PHILUS: 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 consul.³⁰ 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.³¹ I had

²⁸ The Stoic idea of the universe as the shared home of gods and men is central to the moral argument of *On the Commonwealth*; it also underlies the argument about natural law in *On the Laws*.

²⁹ A joke based on Manilius' eminence as a legal scholar. The interdict in question was an injunction against disturbing possession of disputed property pending adjudication; for the text cf. Gaius, *Institutes* 4.160.

³⁰ In 166 BCE. Galus also wrote a book about solar eclipses.

³¹ Marcus Claudius Marcellus captured Syracuse in 212 BCE, during the Second Punic War; Archimedes was killed in the siege.