CICERO

On the Commonwealth and On the Laws

EDITED BY

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On the Commonwealth

Book 1

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 people[3] 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.

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

6 [fr. 1e]. 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 people[5] 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 people[9] 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.

[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.

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 Mithdradatic War.

[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 us[19] 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.

[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."

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.

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.

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.

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.

often heard about this globe because of the fame of Archimedes, but its appearance was not particularly marvelous: the other globe made by Archimedes, which the elder Marcellus had placed in the temple of Virtue, had greater beauty and fame in the public eye.[32] [**22**] But when Galus with his great learning began to explain the workings of this device, I decided that Archimedes had more genius than human nature seemed capable of possessing. Galus said that the invention of the other globe, the solid one, was old; it had first been made by Thales of Miletus and then was marked out with the fixed celestial stars by Eudoxus of Cnidus, who he said was a pupil of Plato's. Many years later, Aratus brought out a verse description of its ornamentation, drawn from Eudoxus, not using any astronomical knowledge but through his ability as a poet.[33] But this new kind of globe included the motions of the sun and moon and the five stars that are known as "planets" or "wandering," something that could not be achieved in the solid globe. The discovery of Archimedes was all the more remarkable, because he had discovered how a single turning action could preserve these unequal orbits with their different speeds. When Galus moved this globe, the moon followed the sun by as many revolutions of the bronze globe as it does by days in the sky itself; the result was that the same eclipse of the sun occurred on the globe, and the moon then fell into the space which was in the shadow of the earth, when the sun from the region *

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[**23**] SCIPIO: * was . . . because I was fond of the man myself and knew that he was highly respected and loved by my father Paullus.[34] 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.[35] Galus was there as 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

[32] The Temple of Virtue was vowed by Marcellus (the conqueror of Syracuse) after the battle of Clastidium in 222 BCE and built by his son (also Marcus Marcellus, consul in 196 and father of the consul of 166). The globe dedicated in the temple was a solid celestial sphere; the one kept by Marcellus was clearly an orrery.

[33] C. himself as a young man translated Aratus' poem, the *Phaenomena*; a large portion of the translation survives.

[34] Scipio distinguishes between his natural father, Lucius Aemilius Paullus, and his adoptive father, Publius Cornelius Scipio.

[35] 21 June 168 BCE (3 September in the Roman calendar of that date; cf. Livy 44.37.5–9).

the future at fixed times when the sun was so placed that its light could not reach the moon.

TUBERO: Really? Was he able to teach that to simple countryfolk, and did he dare to say such things before uneducated people?

SCIPIO: He did indeed, and with great <success> *

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[**24**] SCIPIO: * 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.

[**25**] 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,[36] 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 fiftieth year after the foundation of Rome, "on the fifth of June moon and night blocked the sun."[37] Astronomical knowledge is so precise that from the date which is indicated in Ennius and the Great Annals,[38] 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 snatched Romulus to a human death, his virtue is still said to have carried him up to the heavens.[39]

[**26**] TUBERO: Do you see then, Africanus, what seemed otherwise to you a little while ago, that <learning> *

[36] 4 August 431 BCE.

[37] Ennius, *Annales* 166 Warmington. The correct astronomical date is 21 June 400 BCE, 350 years after the Polybian date (used by C.) for the foundation of Rome, 751/0.

[38] The *Annales Maximi* was an annual record kept by the pontifex maximus, including eclipses and other portents.

[39] On the deification of Romulus see below 2.17 and 6.24.

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SCIPIO: * let others see.[40] But what element of human affairs should a man think glorious who has examined this kingdom of the gods; or long-lived who has learned what eternity really is; or glorious who has seen how small the earth is – first the whole earth, then that part of it which men inhabit? We are attached to a tiny part of it and are unknown to most nations: are we still to hope that our name will fly and wander far and wide? [**27**] The person who is accustomed neither to think nor to name as "goods" lands and buildings and cattle and huge weights of silver and gold, because the enjoyment of them seems to him slight, the use minimal, and the ownership uncertain,[41] and because the vilest men often have unlimited possessions – how fortunate should we think such a man! He alone can truly claim all things as his own, not under the law of the Roman people but under the law of the philosophers; not by civil ownership but by the common law of nature, which forbids anything to belong to anyone except someone who knows how to employ and use it. Such a man thinks of military commands and consulates as necessary things, not as desirable ones, things that must be undertaken for the sake of performing one's duty, not to be sought out for the sake of rewards or glory. Such a man, finally, can say of himself the same thing Cato writes that my grandfather Africanus used to say, that he never did more than when he did nothing, that he was never less alone than when he was alone.[42] [**28**] Who can really think that Dionysius accomplished more by seeking in every way to deprive his citizens of liberty than did his citizen Archimedes, while seeming to accomplish nothing, in creating that globe we spoke about just now? Or that men who have no one with whom to enjoy conversation in the crowded forum are not more alone than men who, even when no one else is present, can converse with themselves or are somehow present in a meeting of the most learned men, whose discoveries and writings give them pleasure? Who would think anyone wealthier than the man who lacks nothing of what nature requires, or more powerful than the man who achieves all that he seeks, or more blessed than the man who is freed from all mental disturbance, or of more

[40] Scipio's first speech anticipates themes taken up later in the dialogue, notably in the preface to Book 3 and in the *Dream*. It also has close connections with Aristotle's lost *Protrepticus* (fr. 10a Ross).

[41] There is an extended play on the technical terminology of Roman property law, which distinguished sharply between ownership and possession.

[42] Cato, *Origines* fr. 127 Peter, but the location is doubtful. C. cites the same aphorism (in slightly different words) at *On Duties* 3.1.

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. [**29**] I think that the saying of Plato (or whoever else said it) is elegant:[43] 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 sown fields, but from the signs of learning. And therefore, Tubero, 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 Philus or Manilius are so *

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LAELIUS: * there was a model in his own father's family for our friend Tubero here to imitate,

superbly stout-minded man, wise Sextus Aelius[44]

who was – and was called by Ennius – "superbly stout-minded" and "wise" not because he looked for things he could never find, but because he gave opinions which relieved his questioners of care and trouble. In his arguments against Galus' studies he always used to quote Achilles' famous lines from the *Iphigenia*:[45]

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 Pacuvius' 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."[46] But if Greek learning pleases you

[43] The anecdote is in fact normally connected to Aristippus, not Plato.

[44] Ennius, *Annals* 326 Warmington. [45] Ennius, *Plays* 249–51 1Warmington.

[46] Ennius, *Plays* 400 Warmington. The same two passages are similarly juxtaposed at *On the Orator* 2.156. The contrast between the brothers Zethus and Amphion as men of action and learning respectively derives from Euripides' *Antiope* (adapted by Pacuvius) and is used by Callicles in Plato, *Gorgias* 485e–486a, to demonstrate the folly of philosophers.

that much, then there are other studies, more suitable to free men and more widely applicable, that we can bring to the needs of everyday life or even to public affairs. If studies of your kind have any value, it is this: they sharpen a little and seem to tickle the minds of boys, so that they can learn greater things more easily.[47]

[**31**] TUBERO: I don't disagree with you, Laelius, but I want to know what you understand to be "greater things."

LAELIUS: I will indeed speak, although I may earn your scorn, since you are asking Scipio about those things in the sky, while I think that the things before our eyes are more worth asking about. Why, I ask you, is the grandson of Lucius Aemilius Paullus, with an uncle like Scipio here, born into the most noble family and in this glorious commonwealth, asking how two suns could have been seen and not asking why in one commonwealth there are two senates and almost two peoples? As you see, the death of Tiberius Gracchus and, before that, the whole conduct of his tribunate have divided one people into two parts. Scipio's enemies and opponents, starting from Publius Crassus and Appius Claudius, but no less after their deaths, control one part of the senate that opposes you under the leadership of Metellus and Publius Mucius; although the allies and the Latins are stirred up, the treaties are broken,[48] and a treasonous land commission is daily starting revolutionary actions, they do not permit this man, the only capable person, to remedy such a dangerous situation. [**32**] Therefore, my young friends, if you listen to me, you should have no fear of that second sun: either it is nothing at all, or – granting that it is as it appeared, so long as it isn't causing trouble – we can know nothing about such things, or, even if we knew all about them, such knowledge would make us neither better nor happier. But it is possible for us to have one senate and one people, and if we don't we are in very deep trouble; we know that things are not that way now, and we see that if it can be brought about, then we will live both better and happier lives.

[**33**] MUCIUS: Well then, Laelius, what do you think that we need to learn in order to accomplish what you demand?

LAELIUS: The skills that make us useful to the state: that, I think, is the most outstanding task of philosophy and the greatest evidence and function of virtue. Therefore, so that we may devote this holiday to

[47] Also drawn from Callicles, *Gorgias* 485cd; imitated previously by C. at *On the Orator* 3.58.
[48] See also 3.41 below.

conversations that will be most useful to the commonwealth, we should ask Scipio to explain to us what he thinks 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 Manilius and Mummius had expressed their strong approval *

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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 with Panaetius in the presence of Polybius – possibly the two Greeks most experienced in 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.[49] 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 – would I not be admitting that I am less attentive than some workman, if I exerted less effort in the greatest craft than they do in trivial ones? [**36**] Moreover, although 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 prefer my own opinions to theirs. Therefore, I ask you to listen to me in this way: as someone neither completely ignorant of Greek learning nor deferring to the Greeks – particularly on this subject – but as one Roman citizen, reasonably well educated by the care of his father and inflamed from childhood with the desire for learning, but educated much more by experience and home learning than by books.[50]

[49] This sentence has often been used as evidence for C.'s use of Panaetius as a major source for *On the Commonwealth*. In fact, it says the opposite: the argument that follows was Scipio's, not Panaetius'. Polybius was clearly one of C.'s sources in Books 1, 2, and 4 (at least); there is no evidence that he made use of Panaetius, although it is not unlikely.

[50] Crassus makes a similar disclaimer at *On the Orator* 1.111, as does C. himself at *On Fate* 4 and probably in the preface to this dialogue: cf. fr. 5 above.

[**37**] 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 easily outdo 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 arouse 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.[51] 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;[52] 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.

[51] The emphasis on the importance of definitions is drawn from Plato, *Phaedrus* 237bc; so also *On the Orator* 1.209–13 and elsewhere.

[52] So, for example, Aristotle, *Politics* 1.2 1252a24–30, 1.3 1253b1–8, and Polybius 6.6.2.

[**39a**] SCIPIO: Well then: the commonwealth is the concern of a people,[53] 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 herding 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*. 6.10.18:[54] *Others have thought these ideas as insane as they in fact are and have said that it was not being mauled by wild animals that brought men together, but human nature itself, and that they herded together because the nature of humans shuns solitude and seeks community and society*.

[**39b**] And nature itself not only encourages this, but even compels it (Nonius 321.16)

[**41**] * what we can call seeds;[55] 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[56] in order to be long lived. That deliberative function, moreover, must always be connected to the original cause which engendered the state; [**42**] and it must also either be assigned to one person or to selected individuals or be

[53] The definition (*est . . . res publica res populi*) is virtually untranslatable, playing on the meaning of *res* (lit. "thing") as property. On the meanings of *res publica*, see "Text and Translation." Scipio returns to and modifies the meaning of this definition at 3.43. The account of the origins of society given here is basically Aristotelian.

[54] Lactantius' summary clearly overlaps with the end of sect. 39a; for that reason the quotation from Nonius is placed after it, rather than before as in Ziegler's text. "These ideas" are Epicurean, and Ziegler prints as the first part of this fragment a long selection from Lactantius' summary of Lucretius Book 5. "Others" presumably refers to C. himself.

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

[56] *Consilium*; see "Text and Translation."

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 – that is what 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 injustice 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 Marseilles[57] 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.[58]

[**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.[59] Beneath that tolerable and even lovable king Cyrus (to

[57] Massilia (Marseilles) was technically independent but was a client state of Rome.

[58] The conservative council of the Areopagus was deprived of most of its authority by the radical democracy of the fifth century.

[59] For the concept of the "kindred evil" cf. Plato, *Republic* 10.609a; as applied to constitutions, Polybius 6.10.3–4.

pick the best example) there lurks, at the whim of a change of his mind, a Phalaris, the cruelest 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.[60] 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> *

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[**45**] * most foul,[61] and from that arises a government either of an aristocracy or of a faction, or tyrannical or monarchic or, quite frequently, popular, and similarly 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;[62] to recognize them is the part of a wise man, and to anticipate them when they are about to occur, holding a course and keeping it under his control while 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 mixed from these first three types that I have mentioned.

[**46**] LAELIUS: 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 *

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[**47**] SCIPIO: * and the character of any commonwealth corresponds to the nature or the desire of its ruling power.[63] 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 monarchy, 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,

[60] The so-called Thirty Tyrants were the oligarchs installed in Athens by Sparta at the end of the Peloponnesian War.

[61] The form of government referred to is probably mob rule rather than tyranny. In what follows, "of a faction" is an emendation; for discussion cf. Zetzel (ed.), *Cicero: De re publica, ad loc*.

[62] The "cycle of constitutions" in C. differs from that in Polybius and elsewhere by having no fixed order.

[63] In sects. 47–50 Scipio represents the views of an advocate of democracy.