

Cicero, *On the Republic*, Book 1

[Cicero wrote prefaces in his own voice to books 1, 3, and 5. Most of the preface to book 1 is missing (the missing pages total thirty-four—i.e., seventeen leaves of the discovered manuscript), but we can obtain an indication of Cicero's line of argument from the first fragment: he maintains that the city has a greater claim than our biological parents to our loyalty. The second fragment is just a snippet, but I leave it here because it may refer to the philosophers who reject involvement in public life, to whom Cicero refers afterward.]

Fragments from the Beginning of Book 1

1. Thus, because the fatherland secures more benefits and is an older parent than he who begot, surely a greater gratitude is owed to it than to a parent.¹
2. from which they call away²

[When the text begins after the fragments, Cicero is arguing against those philosophers who reject public life.]

[1] * * * they would [never] have freed [Rome from attack]; nor would Gaius Duilius, Aulus Atilius, and Lucius Metellus have freed [Rome] from the terror of Carthage;³ nor would the two Scipios have extinguished the rising fire of the Second Punic War with their own blood;⁴ nor, when it was inflamed with greater force, would Quintus Maximus have weakened it or Marcus Marcellus⁵ have crushed it; nor, when it was torn from the gates of this city, would Publius Africanus have driven it within the enemy's walls.⁶ Marcus Cato,⁷ a man unknown and the first in his family to hold high office (by whose pattern all of us who are eager for the same things are led to diligence and virtue), was certainly allowed to take delight in leisure at Tusculum, a healthful, nearby place. But that madman (as these men⁸ think) chose to be tossed about in these waves and storms to an extreme old age—although no necessity compelled him—rather than live most agreeably in that tranquillity and leisure. I omit countless men who were each the salvation of this city; and I leave off mentioning those who are [hardly] far from the memory of this generation, lest someone complain about the omission of himself or one of his own. I make clear this one thing: nature has given to the human race such a necessity for virtue and such a love of defending the common safety that this force will overcome all allurements of pleasure and leisure.

[2] Truly it is not enough to have virtue, as if it were some sort of art, unless you use it. In fact, even if an art can be grasped by knowledge itself without using it, virtue depends wholly upon its use. And its greatest use is the governance of the city and the completion in fact, not in speech, of the same things as these men shout about in corners. For the philosophers say nothing—at least of what may be said correctly⁹ and honorably—that was [not] accomplished and strengthened by those who have configured laws [*ius*] for cities.¹⁰ Whence comes piety, or from whom comes religion? Whence comes either the law of nations [*ius gentium*] or this law [*ius*] that is called civil?¹¹ Whence come justice, fidelity, fairness? Whence come a sense of shame, self-control, avoidance of disgrace, desire for praise and for honorableness? Whence comes courage in labors and dangers? Without doubt, from those men who gave form to those things by training and who strengthened some of them by customs and consecrated others by laws. [3] They even report that Xenocrates, an especially noble philosopher, when he was asked what his students attained through him, responded that “they did willingly what they were compelled to do by laws.” Therefore, that citizen who compels of all persons, by official command and by penalty of laws, what philosophers by speech can scarcely persuade a few persons [to do], should be given precedence even over the teachers themselves who debate those things. For what speech of theirs is so refined that it should outrank a city well established by public law [*ius*] and customs? For my part, just as I think that “cities great and commanding,” as Ennius calls them,¹² should be given precedence over little villages and settlements, so I hold that those who are in charge of these cities by judgment and authority should far outrank in wisdom itself those who have no part at all in public business.¹³ And because we are very greatly drawn to increasing the resources of the human race, and we are eager to render human life safer and more prosperous by our judgments and labors, and we are spurred toward this pleasure¹⁴ by the goads of nature itself, let us maintain this course, which has always been that of every excellent man, and let us not listen to the horns¹⁵ sounding the retreat to call back even now those who have already gone ahead.

[4] In these reasonings that are so certain and lucid, they are opposed by those who argue to the contrary, at first citing the labors that must be undertaken in defending the republic—certainly a trifling impediment to the vigilant and diligent man, and

one that should be scorned not only in such matters but also in ordinary matters, whether studies, duties, or even business. The dangers to life are then mentioned. Those men put a disgraceful dread of death as an obstacle in front of courageous men, who are accustomed to see it as more wretched to be consumed by nature and old age than to be given an occasion to give back this life—which must be given back to nature anyway—in behalf of their fatherland above all else. On that point they¹⁶ consider themselves endowed with a rich vocabulary and eloquent when they collect the calamities of the most famous men and the injustices imposed on them by ungrateful fellow citizens. [5] Here they give those examples from the Greeks: both Miltiades, conqueror and master of the Persians, who, before the wounds that he had received “head-on”¹⁷ in the very famous victory had healed [and] while he was in the chains of his fellow citizens, poured out his life, which had been saved from the enemy’s weapons; and Themistocles, driven and scared away from the fatherland he had freed, who fled for refuge not to the Greek ports he had saved but to the interiors of a foreign country he had demolished. Examples are not lacking of the fickleness and cruelty of the Athenians toward their most distinguished citizens, examples that originated and spread among them and also, they say, overflowed into our highly respected city. [6] For instance, the exile of Camillus is mentioned, or the offense against Ahala, or the ill will toward Nasica, or the expulsion of Laenas,¹⁸ or the condemnation of Opimius, or the fleeing of Metellus,¹⁹ or the bitterest disaster of Gaius Marius, the slaughter of leading men, or the deaths of many others that followed shortly thereafter.²⁰ Moreover, they do not hold back my name; and, I believe, because they think they were preserved in that life of leisure through my²¹ judgment and danger, they complain even more seriously and kindly about me. But by no means could I easily say why, when they themselves cross the seas for learning and visiting * * *

[Two pages are missing.]

[7] * * * [because] leaving the consulship I had taken an oath in the assembly [that the republic] was safe, and the Roman people took the same oath, I would have been easily compensated for the care and trouble of all the injustices.²² Yet my misfortunes held more honor than labor and not so much trouble as glory, and I reaped greater joy from respectable men’s longing than grief from wicked men’s joy.²³ But, as I said, if it had happened otherwise, how could I complain? Nothing that resulted from such deeds of mine had turned out for me that was unforeseen or more gravely than I had expected. I had been the sort of man who could have taken greater enjoyment from leisure than others could, because of the varied pleasantness of the studies with which I had lived from boyhood; or if anything more bitter happened to us all, I would have undergone a state of fortune not unique but equal to that of others. For the sake of saving fellow citizens I could not hesitate to expose myself to the gravest storms, and practically even thunderbolts, and to procure a common leisure for all others through my own dangers. [8] Our fatherland has neither given us birth nor educated us according to law without expecting some nourishment, so to speak, from us. Nor has it supplied a safe refuge for our leisure and a tranquil place for quiet merely to serve our convenience, but to appropriate for itself, for its own advantage, the largest and greatest part of our minds, talents, and counsels, giving back only so much to us for our private use as is beyond its own requirements.

Cicero, *On the Laws*, Book 1

Characters in the dialogue (in order of their initial speech): Titus Pomponius Atticus (A), Quintus Tullius Cicero (Q), Marcus Tullius Cicero (M)

[1] A: That sacred grove and this oak tree of the inhabitants of Arpinum is certainly recognized.¹ I have often read about it in *Marius*.² If that oak tree remains, surely this is it; and in fact it is certainly old.

Q: Indeed it remains, my³ dear Atticus, and it always will remain. For it has been planted by an intellect. No root can be sown by a farmer's cultivation that is so long lasting as one sown by a poet's verse.

A: How so, Quintus? What sort is there that poets plant? In fact you seem to me to be favoring yourself by praising your brother.

[2] Q: Well, that may be so. Nevertheless, as long as Latin literature speaks, this place will not lack an oak tree called *Marius's*. And as Scaevola⁴ states about my brother's *Marius*, "It will grow old⁵ for countless generations." Unless by chance [you think that] your Athens has been able to maintain the olive tree everlasting on the citadel, or [that] the tall, delicate palm tree that Homer's Ulysses said he saw at Delos is the same one they show today.⁶ And many other things in many places remain longer in remembrance than they could exist in nature. Therefore, let this now be that "acorn-bearing oak tree" from which once flew out "the tawny messenger of Jupiter, seen in wondrous figure."⁷ But when a storm or the passage of time has consumed it, there will still be in these places an oak tree that they may call *Marius's* oak tree.

[3] A: Indeed I do not doubt it. But now I ask this not of you, Quintus, but of the poet himself: Did your verses plant this oak tree, or did you accept that this happened about *Marius* as you describe it?

M: By all means I will respond to you, Atticus, but not before you respond to me: Is it certain that it was not far from your dwelling that Romulus, walking after his departure, said to Proculus Iulius that he was a god and was called Quirinus, and ordered a temple to be dedicated to himself in that place? And is it true [that] in Athens, likewise not far from your former home, the North Wind carried off Orithyia?⁸ For so it has been recorded.

[4] A: For what purpose do you ask those things?

M: No purpose, to be sure, except so that you do not inquire too diligently into things that have been handed down in that way.

A: Yet it is asked about many things in *Marius* whether they are fabricated or true; and because you are dealing with [things from] recent memory and a man from Arpinum, some persons expect the truth from you.

M: And, by Hercules, I desire that I not be considered mendacious! But those "some persons," my dear Titus, act ignorantly in that trial you imagine⁹ when they demand truth not as from a poet but as from a witness. I do not doubt that these same persons think that Numa spoke with Egeria and that the priest's cap was placed on Tarquinius by an eagle.¹⁰

[5] Q: I gather, brother, that you think some rules [*lex*] should be observed in a history, others in a poem.

M: By all means, Quintus, because in the one [everything is] measured by truth, in the other most things are measured by delight. But there are countless fables in both Herodotus, the father of history, and Theopompus.¹¹

A: I have the opportunity that I desired, and I will not miss it.

M: What opportunity, Titus?

A: For a long time a history has been expected—or rather demanded—from you. They think that if you handle it, it can be done, so that in this subject also we might yield nothing to Greece. And so that you may hear what I feel myself, you seem to me to owe this service not only to the eagerness of those who delight in your literary studies but also to your fatherland, so that what is safe because of you may also be honored by you. In fact history is absent from our literature, as I myself understand and as I hear very often from you. But you can surely do enough in it, since by all means this is one need especially suited to orators (as indeed it has long seemed to you).¹² [6] Therefore, we beg you to start and take the time for this matter, which to this point our men have either ignored or abandoned. After the annals of the highest pontifices,¹³ than which nothing can be drier, if you come to Fabius¹⁴ or to him who is always on your lips—that is, Cato¹⁵—or to Piso or to Fannius¹⁶ or to Vennonius, although one of these has more force than another, what is so meager as all of them? Fannius's contemporary Antipater blew a little harder, but he had strength that was boorish and rough, without luster and skill; nevertheless, he could remind the others to write more carefully. But behold: Gellius,¹⁷ Claudius,¹⁸ and Asellio followed him, and they were nothing in comparison with Coelius, but rather like the feebleness and ignorance of the earlier men. [7] Why should I count Macer? His loquacity has some cleverness. Nevertheless, it is not from the erudite ability of the Greeks, but from little Latin copyists; and the speeches¹⁹ contain many absurdities and the highest degree of shamelessness so far. His friend Sisenna easily surpassed all our writers up to now (except perhaps those who have not yet published, about whom we cannot make a judgment). Nevertheless, he was never recognized as an orator in your²⁰ class, and he strives after something

childish in his history: he seems to have read only Cleitarchus of all the Greeks, but he wants merely to imitate him. If he could attain that, he would still be a considerable distance from the best. Therefore, this is your task; it is expected from you—unless it seems otherwise to Quintus.

[8] Q: To me, not at all, and we have often spoken about this. But there is a certain small disagreement between us.

A: What, may I ask?

Q: The times from which he ought to take the beginning of his writing. I think, from the earliest times, since what has been written about them is certainly unreadable; but he himself demands the same time as that of his own life, so that it may embrace the things in which he participated.

A: I rather agree with him. For there are very great affairs in our memory and in our age. Then too he will shine praises on that dearest man, Gnaeus Pompeius, and he will run into his own memorable year.²¹ I prefer that he mention those things, not, as they say, Remus and Romulus.²²

M: Of course I understand that this labor has been expected from me for a long time, Atticus. I would not refuse it if any empty, vacant time were granted me. Such a thing cannot be undertaken with one's attention occupied or mind hindered; one must be without both care and business.

[9] A: What about other things, which you have written about more than any of us has? What empty time had been allowed to you?

M: Some spare time comes along, which I do not allow to perish, so that if days are given for spending in the country, they are tailored to the number of things I am writing. In fact a history cannot be begun unless leisure has been provided beforehand, nor can it be finished in a short time. And I am usually unsettled²³ when, once having begun something, I am diverted to another; and I do not weave together something interrupted as easily as I finish things one at a time.²⁴

[10] A: Without doubt, those words call²⁵ for some ambassadorial appointment, or some free, leisurely inactivity of that sort.²⁶

M: In fact I have been relying rather on the exemption due to age, especially since, in accordance with paternal custom, I would not refuse to sit in a counselor's seat and respond to those asking for advice, performing the pleasing, honorable task of a not lazy old age.²⁷ Then I could give as much attention as I wanted to the subject you desire and to many richer, greater subjects.

[11] A: But I fear that no one would accept that excuse as valid and that you would always have to speak, and all the more because you have changed yourself and begun another way of speaking. As your close friend Roscius, in old age, softened the rhythms in song and made the flutes themselves slower, so day by day you relax somewhat from the very high degree of struggle that you used to engage in, so that now your speech is not far from the softness of philosophers.²⁸ Since even the most extreme old age seems able to sustain it, I see that you are given no exemption from cases.

[12] Q: But, by Hercules, I have been thinking that our people could approve of your devoting yourself to providing legal advice. Therefore, when it seems good, I think you should try it.

M: Yes, Quintus, if there were no danger in trying. But I fear that while I want to diminish my labor, I would increase it, and that the interpretation of law would be added to the work on cases, which I never approach without having prepared and meditated on it. It²⁹ would be troublesome to me not so much because of the labor as because it would take away reflection on speaking, without which I have never dared to approach any more important case.

[13] A: Then in this spare time, as you say, why don't you explain to us these very things and write about civil law more precisely than the others? I remember that you have studied law from the earliest time of your life, when I myself also used to come to Scaevola.³⁰ You have never seemed to me to devote yourself so much to speaking that you scorned civil law.

M: You call me to a long conversation, Atticus. Nevertheless, unless Quintus prefers that we discuss something else, I will undertake it; and since we are unoccupied, I will speak.

Q: Of course I would gladly listen. For what would I rather discuss, or how would I better spend this day?

[14] M: Then why don't we proceed to our paths and seats? When we have had enough walking, we will rest. Surely we will have no lack of delight as we inquire into one topic after another.

A: That is fine with us, and, if it pleases you, this way to the Liris along its bank and through the shade. But now I beseech [you] to begin to explain what you feel about civil law.

M: Shall I? I think that the highest men in our city are those who have regularly interpreted it to the people and given legal advice. But although they have made great claims, they have dealt with small things. What is so great as the law of the city? But what is so tiny as this service of those who are asked for advice, even though it is necessary to the people? In fact I do not think that those who were in charge of this service have been ignorant of universal law, but they have trained in what they call civil law only as far as they wanted to furnish this service to the people. Yet it is thin material for study³¹ although necessary for experience. So to what do you call me, or what are you urging on me? That I produce pamphlets on the law about rainwater falling from the eaves of houses and [the law] about walls of houses? Or that I compose formulas for covenants and judicial decisions? Those things have been attentively written by many men, and they are lower than what I think is expected of me.

[15] A: But if you ask what I expect, since you have written on the best form of republic, the sequel seems to be that you also write on laws. For I see that your dear, famous Plato did so, at whom you marvel, whom you rank ahead of all [others], whom you greatly cherish.

M: Then do you want this: As with Clinias the Cretan and Megillus the Spartan, as he describes it, during a summer day in the cypress groves and woodland paths of Cnossos, often stopping, occasionally resting, he argues about the institutions of republics and about the best laws,³² so let us, walking and then lingering among these very tall poplar trees on the green and shady bank, seek something fuller concerning these same matters than the practice of the courts requires?

[16] A: Yes, I desire to hear these things.

M: What does Quintus say?

Q: [There is] no subject [I want to hear about] more.

M: And indeed correctly. For recognize that in no subject of argument are more honorable things brought into the open: what nature has granted to a human being, how many of the best things the human mind encompasses, what service we have been born for and brought into light to perform and accomplish, what is the connection among human beings,³³ and what natural fellowship there is among them. When these things have been explained, the source of laws and right can be discovered.

[17] A: So you don't think that the discipline of law [*ius*] should be drawn from the praetor's edict, as many do now, or from the Twelve Tables, as earlier men did, but from within the profoundest philosophy?³⁴

M: In fact, Pomponius, in this conversation we are not seeking how to safeguard interests in law [*ius*] or how to respond to each consultation. That thing may be a great matter, and it is, which formerly was undertaken by many famous men and is now undertaken by one man of the highest authority and knowledge.³⁵ But in this debate we must embrace the entire cause of universal right and laws so that what we call civil law [*ius*] may be confined to a certain small, narrow place.³⁶ We must explain the nature of law [*ius*], and this must be traced from human nature. We must consider laws by which cities ought to be ruled. Then we must treat the laws [*ius*] and orders of peoples that have been composed and written, in which what are called the civil laws [*ius*] of our people will not be hidden.

[18] Q: Truly, brother, you trace deeply and, as is proper, from the fountainhead of what we are asking about. Those who hand down the civil law [*ius*] differently are handing down not so much ways of justice as ways of litigating.

M: That is not so, Quintus: ignorance of the law [*ius*] is conducive to more lawsuits than knowledge of it. But this later;³⁷ now let us see the beginnings of law [*ius*].

Therefore, it has pleased highly educated men³⁸ to commence with law—probably correctly, provided that, as the same men define it, law is highest reason, implanted in nature, which orders those things that ought to be done and prohibits the opposite. The same reason is law when it has been strengthened and fully developed in the human mind. [19] And so they think that law is prudence, the effect of which is to order persons to act correctly and to forbid them to transgress. They also think that this thing has been called [from] the Greek name for “granting to each his own,” whereas I think it comes from our word for “choosing.”³⁹ As they put the effect of fairness into law, we put the effect of choice into it. Nevertheless, each one is appropriate to law. But if it is thus correctly said, as indeed it mostly and usually seems to me, the beginning of right should be drawn from law. For this is a force of nature; this is the mind and reason of the prudent man; this is the rule of right and wrong. But since our entire speech is for the people's business, sometimes it will be necessary to speak popularly and to call that a law which, when written, consecrates what it wants by either ordering [or forbidding], as the crowd calls it. In fact let us take the beginning of establishing right from the highest law, which was born before any law was written for generations in common⁴⁰ or before a city was established at all.

[20] Q: That is truly more convenient and suitable for the method of conversation we have begun.

M: Then do you want us to trace the birth of right itself from its source? When we have discovered it, there will be no doubt how to judge what we are seeking.

Q: Truly I think it must so be done.

A: Add me as well to your brother's opinion.

M: Then since we should maintain and preserve the form of republic that Scipio taught to be the best in that book,⁴¹ and since all laws should be tailored to that type of city, and since customs should be planted and not everything should be consecrated in writing, I will trace the root of right from nature, with which as our leader we should pursue the entire debate.

A: Most correctly, and indeed with it as leader there will be no way to err.

[21] M: Then, Pomponius, do you grant me this (for I know Quintus's opinion), that all nature is ruled by the force, nature, reason, power, mind, majesty—or whatever other word there is by which I may signify more plainly what I want—of the immortal gods? Now if you do not approve this, I must begin my case from there before anything else.

A: Of course I grant it, if you expect it. And because of the harmony of the birds and the rumbling of the rivers I do not fear that any of my fellow students⁴² will clearly hear.

M: Yet beware: They often become quite angry, as good men do. They will not tolerate it if they hear that you have betrayed the excellent man's first sentence, in which he wrote that god cares for nothing, either his own or another's.⁴³

[22] A: Continue, I beseech [you]. For I expect [to hear] how what I have admitted to you is relevant.

M: I will not make you wait longer. It is relevant at this point: This animal—foreseeing, sagacious, versatile, sharp, mindful, filled with reason and judgment—that we call a human being has been begotten by the supreme god in a certain splendid condition. It alone, of all kinds and natures of animate beings, has a share in reason and reflection, in which all the others have no part. Moreover, what is more divine than reason—I will not say in a human being but in the entire heaven and earth? When it has grown up and been fully developed, it is rightly named wisdom. [23] Therefore, since nothing is better than reason, and

since it [is] in both human being and god, the primary fellowship of human being with god involves reason; and among those who have reason in common, correct reason is also in common. Since that is law, we should also consider human beings to be united with gods by law. Furthermore, among those who have a sharing in law, there is a sharing in right. And for them these things are * * * and they must be recognized as being of the same city—if they obey the same commanders and men in power, even much more so. Moreover, they obey this celestial system, the divine mind and very powerful god, so that now this whole universe should [be] thought to be one city in common between gods and human beings. And the fact that in cities positions are distinguished by blood relations of families—according to a method that will be spoken of in a suitable place⁴⁴—is all the more magnificent and splendid in the nature of things, so that human beings are held to be in the “blood relation” and “race” of the gods.

[24] Now when all nature is inquired about, it is usual to argue the following (and without doubt it is so): In the perpetual celestial courses [and] revolutions there emerged a sort of ripeness for planting the human race. When it was scattered and planted over the earth, it was increased by the divine gift of souls. And although human beings have taken the other things of which they are composed from mortal stock, and those things are fragile and frail, the soul has been implanted by god. From this, in truth, there is what can be recognized as a blood relation or a family or a lineage between us and the heavenly beings. Thus out of so many species there is no animal besides the human being that has any notion of god. And among human beings themselves there is no nation either so tame or so wild that it does not know that it should have a god, although it may be ignorant of what sort it ought to have. [25] From this it follows that he recognizes god because he, so to speak, recollects whence he arose. Moreover, the same virtue is in human being and god, and it is not in any other species besides; and virtue is nothing other than [nature] fully developed and taken all the way to its highest point. Therefore, the similarity between human being and god is natural. Since this is so, what in the world can be a nearer, more certain kinship?

And so nature has generously given such a richness of things for human convenience and use that things that are given birth seem to have been donated to us by design, not originated by chance—not only those things that are poured out as the produce of the earth [laden] with crops and fruits, but also animals, which it is clear have been procreated partly for human use, partly for enjoyment, partly for feeding on. [26] In fact countless arts have been discovered through the teaching of nature, which reason imitated in order to attain skillfully the things necessary for life.

The same nature not only adorned the human being himself with swiftness of mind but also allotted [to him] the senses as escorts and messengers, as well as the obscure, insufficiently elucidated conceptions of many things as, so to speak, a sort of foundation of knowledge. It also gave to the body a shape manageable and suitable to the human intellect. For although it made the other animate beings prostrate for grazing, it raised up the human being alone and aroused him to a view of the heaven as if it were a view of his kin and original domicile. Then it shaped the appearance of his face so as to portray in it the character hidden within. [27] For the expressive eyes say beyond measure how we have been affected in the mind; and what is called the countenance, which can exist in no animate being besides the human being, indicates character. The Greeks know the significance of this, but they do not have a name for it at all.⁴⁵ I omit the fitness and abilities of the rest of the body, the control of the voice, the force of speech, which is the greatest matchmaker of human fellowship (not all things are for this debate and time, and, as it seems to me, Scipio expressed this point sufficiently in the book⁴⁶ you have read). Now since god [thus] begot and adorned the human being—that is, he wanted him to have precedence over other things—it is clear (so that not everything must be discussed) that nature itself proceeds further by itself: even with no one teaching it, it has taken its start from those things the characteristics of which it recognized from its first, rudimentary intelligence; it alone strengthens and fully develops reason.

[28] A: Immortal gods, how far back you trace the beginnings of right! And you do it in such a way that not only am I not in a hurry to get to those matters I was expecting from you regarding civil law, but I readily allow you to spend this day, even all of it, in this conversation. These things, which you include perhaps for the sake of other things, are more important than the things for the sake of which they are a preface.

M: Indeed these are important things that are now briefly taken up. But of all the things involved in the debate of educated men, surely nothing is preferable to the plain understanding that we have been born for justice and that right has been established not by opinion but by nature. This will already be evident if you have examined the fellowship and connection of human beings among themselves.

[29] For there is nothing so similar one-to-one, so equal, as all persons are among ourselves. But if the perverting of habits and the vanity of opinions did not twist weak minds and bend them in whatever direction they had begun, no one would be so similar to himself as all persons would be to all persons. And so whatever the definition of human being is, one definition applies to all persons. [30] That is enough of an argument that there is no dissimilarity within the species; if there were, no one definition would encompass all. And of course reason, by which alone we excel the beasts, through which we are effective in [drawing] inferences, through which we prove, disprove, discuss, demonstrate something, make conclusions—it certainly is in common, differing in education,⁴⁷ while decidedly equal in the capacity to learn. For the same things are grasped by the senses of all persons; and the things that move the senses move them in the same way in all persons; and the things that are imprinted upon minds, about which I spoke before, the rudimentary conceptions, are imprinted similarly upon all persons; and speech, the interpreter of the mind, differs in words but is congruent in thoughts. There is no one of any nation who cannot arrive at virtue when he has found a leader.

[31] Not only in correct actions but also in depravities there is a remarkable similarity of the human race. All persons are captivated by pleasure, which, although it is an enticement to disgrace, has a sort of similarity to a natural good; for it delights through its frivolity and sweetness. So, as a result of an error of the mind, it is received as if it were something salutary, and

by a similar ignorance death is fled as if it were a dissolution of nature, life is desired because it holds us in the condition in which we were born, pain is regarded as among the greatest evils both because of its own roughness and because the violent death of our nature seems to follow. [32] And because of the similarity between honorableness and glory, those who have been honored seem happy while those who are without glory seem wretched. Troubles, joys, desires, fears wander through the minds of all similarly. And if persons have different opinions, it does not follow that those who worship dog and cat as gods⁴⁸ are not tormented by the same superstition as other races. Moreover, what nation does not cherish kindness, benevolence, or a soul that is grateful for and mindful of a benefit? What nation does not despise, does not hate the haughty, the nefarious, the cruel, the ungrateful? Since from these things it may be understood that the whole race of human beings has been united among themselves, the final result is that knowledge of living correctly makes persons better. If you approve these things, I will continue to the remaining matters. But if something is lacking, let us explain that first.

A: Certainly nothing for us, if I may respond for both of us.

[33] M: What comes next, then, is that we have been made by nature to participate in right, one with another, and to share it among all persons. And I want that to be understood in this entire debate when I say that [right] is by nature. But there is such corruption from bad habit that it is as if the sparks given by nature are extinguished by the corruption, and the opposite faults arise and are strengthened. But if whatever is according to nature were also according to judgment, and if human beings “thought that nothing human is alien to themselves” (as the poet states),⁴⁹ right would be cultivated equally by all. Those who have been given reason by nature have also been given correct reason, and thus law, which is correct reason in ordering and forbidding. If law has been given, so has right. And reason has been given to all persons. Therefore, right has been given to all persons. * * * And Socrates correctly used to curse the person who first separated advantage from right, for he used to complain that this was the source of all disasters.⁵⁰ * * * For whence comes that Pythagorean saying? * * *

[This lacuna is of uncertain length.]

[34] M: From this it is clearly seen that when a wise man offers this goodwill, spread so wide and far, to someone endowed with equal virtue, what follows is something that seems incredible to certain persons⁵¹ but is necessary: he cherishes himself no more than he does the other person. What is there that differs when things are entirely equal? But if anything could differ only a little, the name of friendship would already have passed away. Its significance is that as soon as someone wants something for himself more than for another person, it does not exist.

All these things are provided as a fortification prior to the rest of our conversation and debate, so that it can be more easily understood that right is based in nature. When I have said a very little bit about this, I will come to civil law, from which this entire speech originated.

Q: Of course you need to say very little. For from what you have said, it certainly seems to me, at any rate—[even if otherwise] to Atticus—that right has arisen from nature.

[35] A: Could it seem otherwise to me?—since these things have already been fully developed: first, that we have been furnished and adorned as if by gifts of the gods; second, that there is one equal, common manner of living for human beings among themselves; then that all human beings are held together by a certain natural indulgence and goodwill among themselves, as well as by a fellowship of right. Since we have admitted—correctly so, I think—that these things are true, how could we separate laws and rights from nature?

[36] M: You speak correctly, and that is how it is. In fact in the manner of philosophers—not those men from long ago, but those who have furnished workshops of wisdom, so to speak⁵²—those things that used to be argued about broadly and freely are now spoken about point by point and distinctly. For they do not think that enough is done on the topic now at hand unless they argue separately this very thing, that right is by nature.

A: And doubtless your freedom of discussing has been lost, or you are the sort of man who does not follow your own judgment in arguing but rather obeys the authority of others?

[37] M: Not always, Titus. But you see the direction of this conversation: my entire speech continues for the sake of strengthening republics—that is, stabilizing⁵³ things [*res*] and healing peoples. Therefore, I fear being guilty of positing starting points that have not been well considered and diligently explored. It is not that they should be approved by all persons (for that cannot happen) but by those who have held that all correct and honorable things should be desired for their own sakes, and that either nothing at all should be counted among good things unless it is praiseworthy in itself,⁵⁴ or at least nothing should be recognized as a great good unless it can be truthfully praised for its own sake.⁵⁵ [38] All these men, whether they have remained in the Old Academy with Speusippus, Xenocrates, and Polemon, or they have followed Aristotle and Theophrastus (who agree with them in substance but differ a little in their way of teaching), or, as it seemed to Zeno, they have changed the terminology without changing the substance, or they have followed the difficult and laborious, but nevertheless already broken and defeated, sect of Aristo, that with the exception of virtues and vices, they should esteem things as being in the highest degree of equality—what I have said is approved by all these men. [39] But those who indulge themselves and are slaves to their bodies, and who weigh up everything that they follow and flee in life in terms of pleasures and pains—even if they speak truths (there is no need for quarrels in this place)—let us order them to speak in their own little gardens, and let us also ask them to go away for a little while from the entire fellowship of the republic, of which they know no part, nor have they ever wanted to know.⁵⁶ As for the disturber of all these things, the recent Academy of Arcesilas and Carneades, let us prevail upon it to be silent. For if it assailed these things that seem to us shrewdly enough prepared and composed, it would bring catastrophes too great. Indeed I desire to appease it; I do not dare to send it away.

[This lacuna is of uncertain length.]

[40] M: * * * for even in these things we have been expiated without the fumigating substances of that man. But truly there is no expiation for crimes against human beings and impieties against the gods. And so they suffer penalties, not so much in courts of law (which formerly existed nowhere and today are not in many places, but where they are, they are very often deceitful) as by being reproached and chased by the Furies,⁵⁷ not with burning torches as in the fables, but by the anguish of conscience and the torture of offense.

But if the penalty, not nature, ought to keep human beings from wrong, tell me what torment would harass the impious when the fear of punishments has been eliminated? Nevertheless, none of them was ever so daring that he did not either deny that he was guilty of a crime or fabricate some reason for his own just indignation and seek a defense of the crime in some right of nature. If the impious dare to call it this, with what enthusiasm will good men worship such a thing, I ask!

But if a penalty, if fear of punishment and not the disgrace itself deters from a wrongful, criminal life, then no one is unjust, and instead the wicked should be held to be incautious. [41] Then, moreover, those of us who are moved to be good men not by what is honorable itself but by some advantage and enjoyment are cunning, not good. Now what will a man do in the darkness who fears nothing except a witness and a judge? What will he do in a deserted place if he has found someone whom he can deprive of much gold, someone weak and alone? Our man who is just and good by nature will even speak with him, help him, lead him on his way. But he who will do nothing for another person's sake and will measure everything by his own convenience—you see, I suppose, what he is going to do. But if he denies that he is going to snatch his life and take away his gold, he will never deny it on the ground that he judges it disgraceful by nature, but that he fears that it might become known and the result might be bad. O worthy deed, for which not only educated but also boorish men may blush!

[42] But truly the most foolish thing is to think that everything is just that has been approved in the institutions or laws of peoples. And if those laws are from tyrants? If the Thirty at Athens had wanted to impose laws,⁵⁸ or if all the Athenians delighted in tyrannous laws, surely those laws should not be held to be just for that reason? No more, I suppose, than the one that our interim ruler provided,⁵⁹ that the dictator could kill whatever citizens he wanted with impunity, even without a hearing. Right is uniform; human fellowship has been bound by it, and one law has established it; that law is correct reason in commanding and prohibiting. He who is ignorant of⁶⁰ it is unjust, whether it has been written somewhere or nowhere. Now if justice is compliance with the written laws and institutions of peoples, and if (as the same men say)⁶¹ everything ought to be measured by advantage, he who thinks that it will be enjoyable for himself will neglect and break through those laws if he can. So it happens that there is no justice at all if not by nature, and what is established for the sake of advantage is undermined by that advantage.

[43] And if right has not been confirmed by nature, they may be eliminated * * * In fact where will liberality be able to exist, where affection for the fatherland, where piety, where the will either to deserve well of another or to return a service? These things originate in this, that we are inclined by nature to cherish human beings; that is the foundation of right. And not only allegiances toward human beings but also ceremonies and religious observances for the gods are eliminated, which I think ought to be preserved not by fear but by the connection that exists between human being and god. But if rights were established by peoples' orders, if by leading men's decrees, if by judges' verdicts, there would be a right to rob, a right to commit adultery, a right to substitute false wills if those things were approved by the votes or resolutions of a multitude. [44]] But if there is such power in the opinions and orders of the foolish that the nature of things is changed by their votes, why don't they establish that bad and ruinous things should be held to be good and salutary things? Or if law can make right out of wrong, can't the same law make good out of bad? But we can divide good law from bad by no other standard than that of nature.

Not only right and wrong are distinguished by nature, but also in general all honorable and disgraceful things. Nature makes common conceptions for us and starts forming them in our minds so that honorable things are based on virtue, disgraceful things on vices. [45] To think that these things have been based on opinion, not on nature, is for a madman. What is called the virtue of a tree or a horse (in which cases we misuse the name) is founded not on opinion but on nature.⁶² And if that is so, honorable and disgraceful things should also be distinguished by nature. Now if the whole of virtue were determined by opinion, its parts would also be determined by the same thing. Therefore, who would judge a man to be prudent and, may I say, clever not from his own deportment but from some external circumstance? Virtue is fully developed reason, and this is certainly in nature—therefore, in the same way all honorableness. Now as true and false things are judged on their own terms, not by other terms, and the same with logical and illogical things,⁶³ so also a constant and continual manner of life, which is virtue, and also inconstancy, which is vice, will be tested according to their nature. * * * Don't we do the same with young persons' character? [46] Or will character be judged by nature, and the virtues and vices that come from character otherwise? Or if not otherwise, won't it [still] be necessary for honorable and disgraceful things to be measured according to nature? * * * Whatever good thing that is praiseworthy necessarily has in itself that for which it is praised; for good itself is not by opinions but by nature. If it were not so, men would also be happy by opinion. What more foolish thing can be said than that? Therefore, since good and bad are judged by nature, and these things are elements of nature, certainly also honorable and disgraceful things must be distinguished in a similar manner and measured according to nature.

[47] But the variety of opinions and the disagreement among human beings disturb us. And because the same thing does not hold for the senses, we think they are certain by nature; and those things that appear one way to some persons and another way to others, and not always one way to the same persons, we say are false. That is far off the mark. No parent, nurse, teacher, poet, or stage perverts our senses; nor does the agreement of the multitude distract them from the truth. All [sorts of]

plots are directed against our minds, either by those I just listed, who have taken them when they were delicate and unrefined and who stain and bend them as they want, or by that which occupies a place entangled within our every sensation, pleasure, that imitator of the good and that mother of all bad things. Those who are corrupted by her flatteries do not sufficiently notice what things are good by nature, because they lack this sweetness and itch.

[48] What follows—to conclude my whole speech—is before our eyes from what has been said, that both right and everything honorable should be desired for their own sakes. And indeed all good men love fairness itself and right itself, and it is not for a good man to err and to cherish what should not be cherished for itself; therefore, right should be desired and cultivated for itself. Now if that is true for right, so also for justice; and if for that, then the remaining virtues should also be cultivated for themselves. What about liberality? Is it disinterested or mercenary? If a good man is benevolent without a reward, it is disinterested; if for payment, it is hired. There is no doubt that he who is called liberal or benevolent is following duty, not profit. Therefore, justice also elicits no reward, no repayment; therefore, it is desired for itself, and the same motive and sense exist for all virtues.

[49] And even if virtue is weighed according to its gains, not according to its own nature, there will be one virtue, which will most correctly be called badness. Insofar as each man judges what to do according to his own convenience, so little is he a good man, so that those who measure virtue by reward consider nothing to be a virtue except badness. Where is the benefactor if no one acts benevolently for another's sake? Where is the grateful [*gratus*] man if even those who are grateful do not respect the person to whom they return a service [*gratia*]? Where is sacred friendship if not even the friend himself is loved for himself, with whole heart, as it is said? Even he should be deserted and cast aside when hope of gains and profits has been lost. What more monstrous thing can be said than that? But if friendship should be cultivated for itself, human fellowship, equality, and justice should also be desired for themselves. But if that is not so, there is no justice at all. For the most unjust thing of all is to seek payment for justice.

[50] What shall we say about modesty, what about temperance, what about self-control, what about a sense of shame, decency, and chastity? Are we not to be impudent for fear of infamy, or of laws and courts of law? Are persons innocent and shameful in order to hear good things,⁶⁴ and do they blush in order to collect good hearsay? I am ashamed to speak of chastity at this point, and I am ashamed of those philosophers who think it is _____⁶⁵ to avoid any judgment without avoiding the vice itself. [51] What then? Can we say that those persons are chaste who are kept from defilement by fear of infamy, although infamy itself follows from the disgrace of the matter? What can be rightly praised or disparaged if you separate from its nature what you think should be praised or disparaged? Will irregularities of the body, if they are very remarkable, give some offense, and deformity of the mind give none? The disgrace of the latter can be very easily perceived from its vices. What can be called fouler than avarice, what more monstrous than lust, what more scorned than cowardice, what more despicable than dullness and foolishness? What then? Do we say about those who are conspicuous for their individual vices, or even many vices, that they are wretched because of losses or damages or tortures, or because of the significance and the disgrace of their vices? That can be said again in the opposite [direction] as praise of virtue.

[52] Finally, if virtue is desired because of other things, necessarily there is something better than virtue. Is it then property or honors or beauty or strength? When these are present, they are very small, and it is in no way possible to know for certain how long they are going to be present. Or is it—what is most disgraceful to say—pleasure? But indeed virtue is most noticed in spurning and rejecting that.

But do you see what a series of matters and thoughts this is, how some things are woven out of another? I would slide further if I did not hold myself back.

Q: In what direction? I would gladly slide forward with you, brother, where you are leading with that speech.

M: Toward the end of good things, by which all things are judged and for the sake of obtaining which all things should be done—a disputed matter and one full of disagreement among highly educated men, but it must nevertheless be judged at some time.

[53] A: How can that be, now that Lucius Gellius is dead?

M: What in the world does that matter?

A: I remember hearing in Athens from my friend Phaedrus that your close friend Gellius, when he came to Greece as proconsul after his praetorship and was at Athens,⁶⁶ called together in one place the philosophers who were there then, and he earnestly advised them to make some end to their disputes at some time. And if they were of a mind that they did not want to waste their time in quarrels, the matter could be decided, and at the same time he promised them his effort to try to decide something for them.

M: That is quite humorous, Pomponius, and many have often laughed at it. But I certainly would like to have been assigned as arbitrator between the Old Academy and Zeno.

A: How so?

M: They disagree on only one matter, while amazingly they agree on other matters.

A: Is that so? Is there only one disagreement?

[54] M: Only one that is relevant to anything: the Old Academics determined that everything in accordance with nature by which we are helped in life is good, but he considered [nothing] to be good except what is honorable.

A: You speak of a truly small dispute, but nevertheless one that causes a complete break.⁶⁷

M: You would indeed be right⁶⁸ if they disagreed in substance and not in words.

A: Then you agree with Antiochus, my close friend (I dare not say “teacher”), with whom I lived and who nearly uprooted me from our little Garden⁶⁹ and led me into the Academy by means of a very, very few steps.⁷⁰

M: That man was indeed prudent, sharp, and perfect in his own way, a close friend of mine, as you know. Nevertheless, I will soon see whether I agree with him on everything. I say this: that entire dispute can be settled.

[55] A: How in the world do you see that?

M: As Aristo of Chios said that the only good is what is honorable and the only bad is what is disgraceful, if [Zeno had said] that all other things are entirely equal and that it made not even the slightest difference whether they are present or absent, he would strongly differ from Xenocrates, Aristotle, and the famous school of Plato, and there would be a disagreement between them about a very important subject and about the entire manner of living. Now since he⁷¹ says that honor is the only good, while the Old Academics said it is the highest good, and they called dishonor the utmost⁷² bad thing, while he calls it the only bad thing, he calls riches, strength, and beauty convenient things rather than good things, and poverty, infirmity, and pain inconvenient things rather than bad things, then he thinks the same as what Xenocrates and Aristotle say in another way. But from this discord not about things but about words, the dispute arose about ends. In that dispute, since the Twelve Tables did not allow a taking by possession within five feet, we will not permit the old possession of the Academy to be devoured by this sharp man. And we will not rule one at a time over the boundaries, according to the Mamilian law, but as three arbitrators according to the Twelve Tables.⁷³

[56] Q (or A?): Then what verdict do we pronounce?

M: We resolve that the boundaries fixed by Socrates should be searched for and respected.

Q: Splendid, brother! You are now employing words concerning civil right and laws. I await your argument on that subject. Now that decision is indeed important, as I have often recognized from you yourself. But certainly the matter is such that the highest good is to live from nature—that is, to take great enjoyment [from] virtue in a moderate, suitable life—or to follow nature and to live by its law, so to speak—that is, to omit no act (however great it may be in itself) that may attain the things that nature demands—because this is likewise worthwhile, to live in accordance with virtue as if it were a law. Therefore, I do not know whether this can ever be decided, but certainly not in this conversation, if we are going to complete what we have undertaken.

[57] M (or A?): But I was digressing there, not unwillingly.

Q: That will be allowed at another time. Now let us discuss what we have begun, especially since this disagreement about the utmost bad and good thing has nothing to do with it.

M: You speak very prudently, Quintus. Now what I have said to this point * * *

Q: [From] you I do not desire [a discussion of] the laws of Ly-curgus or Solon or Charondas or Zaleucus or our Twelve Tables or plebiscites, but I think that in today’s discussion you are going to give the laws of living and the training in living, for both peoples and individuals.

[58] M: What you expect is indeed appropriate for this argument, Quintus. If only it were within my ability! But surely the matter is such that since it is proper for the law to be the corrector of vices and the recommender of virtues, education about living is drawn from it. It so happens that * * * the mother of all good things, wisdom (from the love of which philosophy found its name in a Greek word).⁷⁴ Nothing given to human life by the immortal gods is richer, nothing is more illustrious, nothing is preferable. This alone has taught us, along with all the other things it has taught us, what is most difficult: we should know ourselves. There are such force and thought behind this precept that it was credited not to a human being but to the Delphic god.⁷⁵

[59] He who knows himself will think first that he has something divine and that his own intellect within himself is like a sort of consecrated image. And he will always do and feel something worthy of such a great gift of the gods. And when he has examined and completely tested himself, he will understand how he has come into life equipped by nature and how great are the furnishings he has for obtaining and securing wisdom, since in the beginning he conceived the first, so to speak, sketchy conceptions of all things in his soul and mind. When they have been made lucid, with wisdom as leader, he discerns that he is a good man and that for this very reason he is going to be happy.

[60] When the virtues have been recognized and perceived, and when the soul has departed from the allegiance to and indulgence of the body, and has crushed pleasure like some stain of dishonor, and has escaped all fear of death and pain, and has entered the fellowship of affection with his own, and has regarded as his own all those who are joined with him by nature, and has undertaken the worship of the gods and pure religion, and has sharpened the sight of his intellect, like that of his eyes, for culling good things and rejecting the opposite (a virtue that has been called prudence [*prudencia*] from foreseeing [*providere*])—what can be said or thought that is happier than that?⁷⁶

[61] And when the same man has examined the heaven, lands, seas, and the nature of all things, and he has seen whence they have been begotten, whither they will return, how they will perish, what in them is mortal and frail, what is divine and eternal, and he has almost grasped [the god] himself who directs and rules these things, and he has recognized that he is not surrounded by the walls of some place but is a citizen of the whole universe as if it were one city—in this magnificence of things, and with this view and knowledge of nature, O immortal gods, how he will know himself (as Pythian Apollo⁷⁷ has instructed), how he will scorn, how he will look down upon, how he will consider as worth nothing those things that the crowd says are the most distinguished!

[62] And he will fortify all these things as if by a sort of barrier through the method of discussing, the knowledge of judging true and false, and a certain art of understanding what follows each thing and what is opposite to it. And when he senses that

