

MARCUS CICERO

THE REPUBLIC
OF CICERO

Marcus Cicero

The republic of Cicero

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Marcus Tullius Cicero
The republic of Cicero / Translated from
the Latin; and Accompanied With a
Critical / and Historical Introduction
SOUTHERN DISTRICT OF NEW-YORK, ss

Be it remembered, that on the 23d day of January, A. D. 1829, in the fifty-third year of the Independence of the United States of America, G. & C. Carvill, of the said district, hath deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

“The Republic of Cicero, translated from the Latin; and accompanied with a Critical and Historical Introduction. By G. W. Featherstonhaugh, Esq., Fellow of the Geological Society of London; of the American Philosophical Society; of the Lyceum of Natural History of New-York, &c. &c. &c.”

In conformity to the Act of Congress of the United States, entitled, “An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned;” and also, to an Act, entitled, “An Act, supplementary to an Act, entitled an Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned, and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

FRED. I. BETTS,

Clerk of the Southern District of New-York.

TO RODERICK IMPEY MURCHISON, Esq

F. R. S., F. G. S., &c. &c. &c

I dedicate these pages to you, my dear Murchison, that you may have a renewed assurance of my great esteem and friendship for you. I should have had a livelier satisfaction in doing so, if the part I have had in the production of them, were more worthy of your refined taste. I hope to offer some compensation, however, in the assurance, that you will find in them many congenial opinions and principles.

G. W. Featherstonhaugh.

New-York, January 21, 1829.

PREFACE

I am not aware that any translation of the Republic of Cicero into the English tongue has been made.

Believing that it cannot but excite a deep interest with generous minds, as well on account of the high nature of the subject, the illustrious name of Cicero, as of the great motives which led him to compose this work, I venture to offer a translation of it to the public.

In this extensive republic, where every individual reads, it appears peculiarly proper, that an English dress should be given to a work, of which almost every page teaches that public happiness depends upon individual virtue.

Cicero's definition of a republic, that it is an association of the people for the defence and advancement of the common interest; will be understood here, which may be doubtingly said of any other republics now in existence.

A bare translation of the fragments of this mutilated work, unassisted by any commentary, could not but have been unsatisfactory. The deficiencies of the original are somewhat compensated to us, not alone in the grandeur of thought which pervades it, but in the majesty of diction, precise, elevated, as it frequently is, and always governed by the most refined taste. It would be a vain effort to attempt the dignity of the Latin tongue, when adorned with the elegancies of the Ciceronian style. Humbly as the translation may deserve to be considered, it will perhaps be deemed sufficiently faithful: and that the translator has not altogether failed in pointing out to grave and reflecting minds, the immediate cause of the ruin of a noble Republic.

He has therefore prefixed a brief historical introduction; the which, whether it will be thought too long, or not sufficiently detailed, will probably depend upon the reader's historical recollections. The motive for drawing it up was to render the work more generally useful and acceptable.

INTRODUCTION

The imperfect manuscript, a translation of which is now presented to the American public, was discovered in the Library of the Vatican, by Professor Angelo Mai; a person of singular ingenuity in the detection of those Palimpsests whose contents were written upon ancient writings partially erased. A fac simile of part of the MSS. accompanies this work. The Republic of Cicero was greatly cherished by those who lived in and near his times; of which occasional evidences are found in the writings of antiquity. But the tyranny of the emperors bridled the Romans so soon after its appearance, that Horace, Virgil, Seneca, Quintilian, Pliny, and even Tacitus, have not dared to praise it, lest they should bring down vengeance upon themselves. It is remarkable that while despotism was rapidly extinguishing philosophy and letters, and the very existence of these precious monuments of better times was scarcely thought of; the Christian religion was gradually raising up amidst the persecutions of the primitive church, new champions for truth and justice; to whose works we are indebted for many valuable fragments of the best writers of antiquity, and for almost all the passages of Cicero's Republic which we were acquainted with, until the late discovery of professor Mai. It is in the works of St. Augustin and of Lactantius that these passages most abound; and they are appealed to by them as most eloquent arguments, in support of just government, and virtuous conduct. Scipio's Dream, forming the only part of the sixth book which has been preserved, and which is one of the most splendid passages that has been saved from antiquity, has long had a place in the works of Macrobius, a writer at the beginning of the fifth century, addicted to the Pythagorean mysticisms; and who has preserved it probably on account of the occult astronomical relation of numbers contained in it. Notwithstanding the mutilated state of the MSS., the order of the books is distinctly preserved, the general plan of the work is obvious, and we have much greater reason to rejoice at what we possess, than to regret what is wanting. The disordered state of the government and the republic at large, evidently suggested to Cicero this patriotic and bold attempt to stem the influence of bad men, and raise the falling liberties of his country. In this highly philosophical discourse he sought to recall the Romans from the interests of ambitious individuals, and fix their attention upon the greater interests of the country, where each man had a stake: to revive their veneration for the simplicity of the early institutions of Rome, and for the men who had made themselves illustrious by their virtues: and to guard the people more effectually against the innovations and factions now succeeding each other with so much rapidity, he invests those ancient times with a perfection, that the attractions of his eloquence alone can excuse.

Of the original simplicity of the government, some evidences are afforded by this work; as where it is stated that lands were assigned to the sovereign, and cultivated for him by the people, that he might have nothing to do but administer justice. The principal men too of the state in those early times lived in the vicinity of Rome, cultivating a small possession. The illustrious names of Fabius, Lentulus, Cicero, &c., were perhaps given to those husbandmen who excelled in the cultivation of those vegetables; such was the opinion of Pliny.¹

The censor had the power of reprimanding those whose fields were slovenly cultivated. Many customs of those antique times are found in Cato's curious Treatise on Rural Affairs. "Our ancestors constituted and ordained thus in their Laws: A thief was condemned to double restitution; an usurer to quadruple. You may judge from this how much worse a citizen they deemed the usurer to be than the thief. And when they praised a worthy man, they spoke thus of him: 'that he was a good farmer, an excellent husbandman.' He that was commended in these terms, was thought to be praised enough."² And again speaking of a good husbandman, he says, "He should part with his old cattle, his weaned

¹ His. Nat. 18. 3. 1.

² Cato de Re Rustica. Majores enim nostri, &c.

calves and lambs, his wool, his skins, his old carts and worn out irons, his old slaves, and his sick ones; and if he has got any thing else he does not want, let him sell it. A father of a family ought always to sell and never to buy.” Dion says that a messenger summoned the patricians by name, but that the people were convened *by the blowing of a horn*.³ But the splendid military government which soon grew up, gave both state employment and riches to that class once distinguished for their industry and frugality. Agriculture was abandoned to slaves, and men branded for crimes: it was no longer deemed an honourable employment. Luxury and habits of profusion made it necessary for conspicuous men to acquire the means of indulging in them, at the expense of principle and patriotism. At length when sensual gratifications became dearer to a majority of the Romans than liberty, the republic was overthrown, and military despotism accomplished the circle of military influence; extinguished every spark of light and liberty; stripped the empire of its moral and physical power, and left it unmindful of its past glorious existence, to perish in a blind and helpless old age.

Marcus Tullius Cicero was born at Arpinum, a city of the Samnites, which had long enjoyed the freedom of Rome. His family was an ancient one, and of the equestrian order; which comprehended the most respectable gentry of the empire, who were only inferior in rank to the patricians. Having assumed the manly gown at his sixteenth year, he immediately began to acquire a knowledge of the laws of his country, under the two Scævolas, eminent persons of that day. The Marsian war, and the civil broils of Marius and Sylla, the former of whom was also a native of Arpinum, occurred during the prosecution of his civil studies; and although they gave some interruption to them, yet these violent contentions falling immediately under his observation, he became at an early period accustomed to consider the political situation of his country. These circumstances no doubt had some influence in deciding his future career; although the rare natural activity of his mind would perhaps have led him under any situation to the investigation of all moral and physical relations. Prompted by this impulse, he now began the study of Grecian philosophy under the learned Athenians who fled to Rome from the persecutions of Mithridates, and afterwards perfected himself in it under Molo the Rhodian; a man so distinguished, that he was permitted to address the Roman Senate in the Greek tongue without an interpreter. About the age of twenty-six, with his mind filled with all the knowledge taught at that period, he first began to plead at the Forum. His celebrated successful defence of S. Roscius was made soon after, in which he braved, what the other Roman orators had not dared to do, the resentment of Sylla. By this bold measure, the generosity of his character, as well as the force of his talents, were developed, and his reputation established as the most powerful orator of Rome. He visited Athens not long after this period, partly to avoid the displeasure of Sylla, and partly to renew the study of philosophy, which he here pursued with great ardour. His friend Atticus, who was at Athens at the same time, had embraced the Epicurean doctrines; but Cicero appears at this early period to have believed in a future state; a doctrine which at a later period he has most eloquently recorded in his celebrated Dream of Scipio. At the end of two years, he returned to Rome, greatly improved by his intercourse with the philosophers and orators of Greece and Asia.

In his thirty-first year, and not long after his marriage, he was elected to the quæstorship, which opened his way to the Senate. One of the provinces of Sicily fell to him by lot, and he exercised his quæstorial functions with such moderation and ability, as to induce the Sicilians to confer extraordinary honours upon him at the termination of his year; when he returned to Rome, determined henceforward to withdraw himself as little as possible from the eyes of the Roman people. In his thirty-seventh year he received the unanimous suffrages of all the tribes for the edileship, which introduced him into the magistracy. The exhibition of the shows and games, which was the province of the ediles, was conducted by Cicero with great satisfaction to the people, and without injuring materially his own private fortune. In this he achieved a difficult point, which marks his great prudence and address. So great had the affection of the people now become for him, that at three

³ Dio. 11. 8. Gellius xv. 27.

different elections for prætor, he was each time placed at the head of the list by the unanimous vote of all the centuries. In his forty-third year, having been very diligent in strengthening his interest, he became a candidate for the consulship with others; among whom were L. Sergius Cataline: but such was his popularity that he was saluted consul by acclamation of the people before the votes were counted. He received also a strong support from the patricians, who had uniformly been opposed to his advancement; but Cicero's reputation for knowledge and probity was so great, and the times were becoming so critical, that they deemed the government safe in his hands. The patricians at this time were of the faction of Sylla, to which also Cataline belonged: and the Tribunes and the people were of the Marian faction; at the head of which was Julius Cæsar, a near relation to Marius. Although Cæsar, and Cicero were both on the popular side, yet they were not united upon any common principles of order. Cæsar was always individually opposed to him: and when Cicero being consul, was endeavouring in the senate to bring the associates of Cataline to punishment; Cæsar defended them, and even indirectly encouraged their cause, by declaring his disbelief in the immortality of the soul. The suppression of this conspiracy of Cataline, Cethegus, Lentulus and many others, among whom Cæsar was generally numbered, raised the reputation of Cicero to the greatest height. By his incessant vigilance, Rome was saved from the horrors of a general massacre and pillage. The greatest honours were paid him by the senate and equestrian order: and for the first time the sublime epithet of "Father of his Country" was addressed to a Roman citizen in the senate, in the person of Cicero.⁴ This great action of his life he most feelingly alludes to in the introduction to his first book of the Republic. "Nor is my name forgotten," &c. The feelings too which the circumstances attending the very last act of his consulship excited in him, are eloquently pourtrayed in a passage immediately following. It was the custom for the consul at the expiration of his office, to make a speech in the assembly of the people, and to swear that he had executed his duties with fidelity. When he was already in the rostra, and was about to address the whole people assembled on this interesting occasion; Metellus, a new tribune, prompted by the officious spirit of popular authority, which often delights to mortify the great and good, forbade the consul to address the people, alleging that Cicero having caused Lentulus and the rest to suffer death without being heard in their defence, did not deserve to be heard himself. Whereat with an enthusiastic presence of mind peculiar to himself, he swore with a loud voice that he had saved the republic: and the multitude moved by a generous feeling which the demagogues had no time to tamper with, more than atoned to him for the intended affront from their tribune, by a simultaneous shout that he had sworn nothing but the truth,⁵ and by accompanying him from the Forum to his own house.

In this most glorious year of his life, and at the very time when he was occupied in saving his country, Octavius Cæsar was born; by whose arts and influence Cicero, as well as the republic, were not more than twenty years after destroyed. And although he had acted so noble a part toward his country, which under his government had been saved from the most profligate attempt that had yet been made upon its liberties; and enjoyed the highest rank in the senate, and the first consideration from all good men; corruption had now reached such a height, that pre-eminence in virtue, shining forth in so active a citizen as Cicero, who was constantly thwarting the designs of bad men, served but to unite their efforts against him. He became henceforward the object of their hatred and vengeance. Cæsar, who did not believe in a future state, and who consequently had no principle to restrain him, was constantly plotting means to usurp the government. Pompey, in whose interest Cicero had always been, and who at the close of the Mithridatic war had become the most powerful man in the Republic, was afraid to disoblige the numerous enemies of Cicero, and declined even to strengthen him by a public approbation of the measures he had taken to suppress the conspiracy of Catiline. The luxurious and the corrupt, who far outnumbered the rest, were willing to sell the republic and themselves to

⁴ Roma patrem patriæ Ciceronem libera dixit. Juv. 8.

⁵ Magna Voce me vere jurasse juravit. Ep. fam. 5. 2.

the highest bidders. The people were as usual the tools of demagogues. Every thing conspired to accelerate the downfall of the republic. In the face of these fearful odds stood Cicero, a large majority of the senate, and of the equestrian order, which comprehended the independent landholders and gentry of the Roman nation: and with but little other support than the satisfaction of being engaged in the noblest of causes, the maintenance of regular government. It is most painful to look back upon the history of the degradation of such a people; corrupted and ruined by their blind admiration of that falsest of all idols, military glory.

An event occurred the year after his consulate, which brought him into a new conflict with some of the worst of these men. P. Clodius, at this time a quæstor, a vicious and debauched young man of family, and who possessed many personal advantages, had an intrigue with Cæsar's wife Pompeia. Satiated with ordinary voluptuousness, he disguised himself as a woman, and entered the house of Pompeia in the night time, when she with other distinguished Roman matrons, was celebrating the mysteries of the Bona Dea, or Patroness of Chastity. He was discovered and fled. Such was the respect in which these mysteries, at which women alone officiated, were held, that the profanation excited the utmost indignation throughout the city. Even Cæsar found it necessary to put away his wife. The senate directed the consuls to prepare a law for the trial of Clodius before the people, which was resisted by one of the tribunes friendly to Clodius. At length it was agreed that a law should be passed to try him before the prætor and a select number of judges. Clodius rested his defence upon an alibi, which he endeavoured to sustain by witnesses. When Cicero was called to give his deposition, he was insulted by the mob which adhered to Clodius; but such was the veneration in which he was held, that the judges stood up, and received him with great honour. He testified that Clodius had been with him in his house in Rome on the very day of the pollution. Cæsar who was also called, said that he was ignorant of the whole affair; although it occurred in his own house, and in the presence of his mother and sister, who had deposed to the truth of the accusation. Being asked, why then he had put away his wife? he answered, "Because those who are connected with me, must be as free from suspicion as from crime."⁶

That the wife of Cæsar must be free even from suspicion, is a saying that has passed down to our days: yet too many who have heard it are ignorant of the circumstances attending its origin. We read the commentaries of Cæsar at school, and are fired with admiration at his talents and successes. We are thus prepared to pity his death and the manner of it. But the military and political glories of Cæsar, can never furnish an apology for a profligate private life; and a memorable saying is stripped of every attraction, when we know that it was uttered by the lips of a perjured atheist.

In a letter to Atticus, Cicero draws a curious picture of the judges selected to try this famous cause; a majority of whom appears to have been packed from the outcasts of all the orders, and to have been paid for the occasion. Clodius was acquitted by a majority of thirty-one voices over twenty-five. Upon their appointment some of them had requested a guard from the senate to protect them from the mob. Upon which occasion, Catulus a distinguished member of the senate, very facetiously asked one of the judges, "why they wanted a guard, and whether it was to protect the money which Clodius had bribed them with?"

After his acquittal, Clodius was wont to attempt to throw ridicule upon Cicero in the senate, finding it vain to encounter him in argument, and hoping to divert in some degree the force of his attacks. "So the judges" said Clodius, "would give no credit to your oath." "Twenty-five of them did," replied Cicero: "the rest would give you none it seems, but made you pay beforehand."

After the return of Pompey to Rome, as well as of Cæsar from Spain, a triumvirate of interests was formed between these two and Crassus: each having his own ascendancy in view. Cæsar, to make the interest it was thus intended to direct against the independence of the republic, still stronger, made overtures to Cicero, who declined connecting himself with them. At length Cæsar openly declared

⁶ Quoniam, inquit, meos tam suspicione quam crimine judico carere oportere. Suet. J. Cæs. 74.

against him, and favoured the election of Clodius to the tribunate, in the which he succeeded. Being now in authority, he brought forward the law, that whoever had taken away the life of a Roman citizen, uncondemned, should be interdicted bread and water. This was directed against Cicero, in relation to his consular acts respecting the conspirators; and affected him so much, that although the law was in general terms, and his name was not mentioned in it, he changed his garments, and appeared abroad sordidly dressed to attract the compassion of the people. The young Romans of liberal character, to the number of twenty thousand also changed their dress, and accompanied him; soliciting the favour of all in authority, and of the people, against the passage of this law. But the combination of bad men proved too strong against him, and Pompey having refused his protection, Cicero was induced by the advice of his friends, to withdraw himself into a temporary exile from Rome. This humiliating event took place in his forty-ninth year. During his absence his residences both in town and country, which were upon a scale commensurate with his dignity, were despoiled; and together with the furniture appropriated by the consuls and by Clodius. At length the daring insolence of that tribune, and the perpetual broils he occasioned, began to indispose all men against him, except his immediate profligate retainers. Advantage was taken of this to propose in the senate the recall of Cicero; which finally prevailed at a very numerous convocation of the senators and magistrates; Clodius alone giving a dissenting voice. At its final passage into a law by the Roman people, the field of Mars was crowded with their assembled centuries. Such was the public veneration for him, that voters from every town in Italy were present to insure the passage of a law which restored so great a benefactor to his country. All the centuries concurred in an act thus most solemnly passed by the whole Roman people. In anticipation of the event, he left Dyrrhachium in Macedonia, and soon after his arrival at Brundisium, where his daughter Tullia had come to meet him, he received the welcome news from Rome. His journey was a continued triumph, and he was received on his arrival at the city in the most enthusiastic manner. An insufficient sum of money was voted to him to rebuild his mansions. When he had almost finished his palatine house, it was attacked by one of Clodius' mobs, and destroyed. Broils and slaughters were now so common in the streets of Rome, that gladiators were retained to assist in these feuds; in which the consuls of the same year were sometimes opposed to each other. Cicero who had now reached his fifty-first year, was again made to feel how unremitting is the hatred of enemies, and uncertain the support of friends. Public virtue appeared to him to have no longer any value in the eyes of the Romans. He saw that every man attended more to his private safety and advancement, than to the public peace and dignity of the city; and perceiving the necessity of a powerful protector for himself and family in his old age, he appears from one of his letters to have determined to conform himself in every thing to the pleasure of Pompey. We also see him from time to time engaged in agreeable services to Cæsar, with whom Pompey was yet connected. Experience and persecution appear to have induced him to adopt a course foreign to the character of the perfect citizen he has portrayed in his republic. In his fourth epistle to Atticus, he says⁷ "If they will not be friendly to me who possess no power, I must endeavour to make those like me who have the power of being useful. 'I told you so long ago,' you will say; I know that you did, and I was an ass for not taking your advice." The opinion too of his friend Cælius, would have great weight with most men, in such disturbed times. "It cannot have escaped you, that the duty of men amidst domestic dissensions, is to espouse the honestest side, as long as the contention is of a civil nature, and force is not used. But when it comes to wars and camps, they should take the strongest side, and consider that the best which is the most safe."⁸

The influence of Cæsar was now becoming very conspicuous. His military career in Gaul, his generosity, and the universality of his talents, gave him at length a pre-eminence over Pompey in the public estimation. Pompey and Crassus had entered into the consulship with little observance of

⁷ Sed quoniam qui nihil possunt, &c.

⁸ Ep. fam. 8. 14.

constitutional forms; and, with as little deference to the senate, had caused provinces to be assigned to them for five years. Spain and Africa to Pompey. Syria and the fatal Parthian war to Crassus. This triumvirate had now almost the whole Roman military force at their command.

It was in the spring of the next year, that Cicero at his Cuman villa, began his famous work on government. He was now advancing into his fifty-fourth year, and it appears that he had completed his work before he entered upon his command in Cilicia. His military career was distinguished by great activity and judgment. He was saluted emperor by the army upon one of his military successes, and returned gladly to Rome at the end of the year. During the remainder of his eventful life, he appears to have found comfort only in the cultivation of philosophy and letters. The corruption of the Romans, the ruin of the republic, the death of his beloved daughter, and his separation from the wife he had lived with thirty years, embittered his days. He was too conspicuous a man not to be affected by all the political changes which took place. Crassus perished in the Parthian war; and Cæsar, as soon as he felt himself strong enough, crossed the Rubicon, which was the limit of his military command, and marched upon Rome, from which Pompey and the senate ingloriously fled. Cicero at length felt himself also constrained to follow the fortunes of Pompey, because he believed the dignity of the Roman name was alone to be found under his banners. And when the battle of Pharsalia left Cæsar sole master of the Roman world, he submitted to Cæsar, because there was no other government to submit to. But he rejoiced in his death, of which he was a spectator, and to the last, gave all the aid in his power to the patriots who sought to raise the liberties of his country. In his latter days, he showed an invincible spirit, defying the profligate Anthony in the plenitude of his power. And when the assassins of the second and more bloody triumvirate surprised him, he ordered his servants to set down the litter in which they were carrying him, and forbade them to defend him. Then undauntedly stretching out his neck, he bade his executioners do their pleasure; happy to escape from so much misery, to the immortality he had always believed in. This occurred when he was just entering his sixty-fourth-year.

This rapid sketch of the transactions of Cicero's times, will, it is hoped, not be deemed impertinent, but may rather be considered as assisting the general reader to form an adequate estimate of the great object which Cicero had in view, when he drew up this celebrated treatise, which was to revive the veneration of the Roman people for their ancient institutions, now in danger from the machinations of lawless men, at the head of whom was Cæsar, who denying in the senate a future existence, expressed his contempt for all religion. But it has been objected to Cicero that he was insincere, and that he called upon his countrymen to venerate what was often the object of his ridicule. The leading men of Rome who formed the sacerdotal order, from the earliest periods and under all circumstances maintained their influence over the people, chiefly by that religion they had been brought up in the veneration of, and especially by the observance of auspices. But in time the credulity of the Romans began to relax. Men like Cicero had for their religion the glorious doctrine of the immortality of the soul, and a great majority of his enlightened equals no doubt entertained his opinions. Others, and among them was his brother Quintus, from various motives, as has always been the case in the history of superstitions, persevered in the prejudices they had received from education. Prejudices acquired in infancy from our earliest and dearest protectors, and to relinquish which, seems to require the relinquishment of all reverence for those we most venerate. When therefore Cicero ridicules the religious observances of his times, it is to enlightened men he sometimes addresses himself; just as men have in all times laughed at absurdities they do not care publicly to assail: and at other times he may have used his ridicule to expose the most stupid superstitions indiscriminately to all. When in his Republic he praises the institution of auspices, however he may be charged with inconsistency, it was done from great and public motives, and not from selfish ones. There is no hypocrisy in this conduct, as we understand the word; and if we examine the whole bearing of Cicero's life, the policy which the circumstances of it, sometimes obliged him to, will not offend liberal minds. In estimating therefore the character of Cicero, it is well to remember Dr. Middleton's remark in

his preface “and in every thing especially that relates to Cicero, I would recommend the reader to contemplate the whole character, before he thinks himself qualified to judge of its separate parts, on which the whole will always be found the surest comment.”

The first book is the most complete of the whole six: the opening however is imperfect. Cicero in his own person enters into a discussion whether governments should be administered by contemplative philosophers, or by active practical men. He recapitulates the arguments on both sides of the question, often discussed by the ancients, and decides the question in consonance with those feelings which had governed his very active life. The eloquence and force of some of the passages are inimitable. They will be applicable to all times as long as civil government exists among men. But in this country where the experiment of a popular government is trying upon so comprehensive a scale, the grandeur of the sentiments deserves the attention of every man. As where he states as an argument of those who shun active occupations, that it is dangerous to meddle with public affairs in turbulent times, and disgraceful to associate with the low and disreputable men who are conspicuous at those periods; that it is vain to hope to restrain the mad violence of the vulgar, or to withdraw from such a contest without injury; “As if,” he adds with a generous enthusiasm, “there could be a more just cause for good and firm men, endowed with noble minds, to stand forth in aid of their country, than that they may not be subject to bad men; nor suffer the republic to be lacerated by them, before the desire of saving it may come too late.”

After disposing of this question, he proceeds with great address to open the plan of his work, and presents in all the beautiful simplicity of the times, Scipio, his friend Lælius, with some of their most accomplished cotemporaries, seated, not in the gorgeous saloon of a Lucullus or Crassus, but in the sunny part, because it was the winter season, of the lawn of Scipio’s country place; where they had convened to pass the Latin holidays in discussing philosophical questions. Here, upon an inquiry being instituted into the cause of two suns reported to have been seen in the heavens, occasion is found to introduce in a very pleasing manner, the astronomical knowledge of the day, which Cicero was well versed in. Scipio is made here to deliver a magnificent passage, beginning at the 17th section. “Who can perceive any grandeur in human affairs,” &c.⁹ This inquiry about celestial phenomena, which appeared so foreign to a philosophical investigation on the principles of government, is admirably closed and without the abruptness being perceived, by Lælius asking how it can interest him that Scipio should be solicitous about the two suns, “when he does not inquire the cause why two senates, and almost two people exist in one republic.” At the general request Scipio consents to deliver his opinion of government. He defines a republic to be the “public thing,” or common interest of all: and he shews most satisfactorily that human beings congregate not on account of their weakness, but that they are led thereto by the social principle, which is innate in man, and leads him even in the midst of the greatest abundance to seek his fellow. He successively examines the despotic, the aristocratic, and democratic forms of government: their advantages and disadvantages; and concludes that a fourth kind of government, moderated and compounded from those three is most to be approved. This is subsequently recurred to and enlarged upon. Many persons will be surprised that the balanced representative form of government, which has but in modern times received the sanction of the wisest nations, should have been shadowed forth in an apparently speculative opinion, two thousand years ago. We must however remember, that in the numerous small independent states of Greece; their various forms of government, the tyranny of their kings, the oppression of the aristocracies, and the violence of the people, had produced many discussions among their writers. Few of these have come down to us. Yet Cicero was familiar with them, and it is evident that his plan of a mixed government was drawn from this source. There is a passage to this effect preserved in the Anthology of Stobæus, of Hyppodamus. He says that royalty, which is a copy of divinity, is insufficient, on account of the degeneracy of human nature. That it must be limited by an aristocracy, where the principle of

⁹ “Quid porro aut præclarum putet in rebus humanis.” Lib. 1. xvii.

emulation leads men to excel each other: and that the citizen also should be admitted into that mixed government as of right: but cautiously, as the people are apt to fall into disorders. These opinions also flattered the Romans, for in fact it was substantially their own form of government, which consisted of consuls, patricians, and the people and their tribunes.

Scipio in the 43d section, gives an eloquent passage from Plato, where the excesses of the multitude are painted in the strongest language; a passage which might well have been inspired by the French revolution.

Scipio opens the second book with the origin of the Roman people, adopting the received opinions concerning the early history of Rome, of Romulus, and the succeeding kings. These opinions have of late, been much controverted. Niebuhr whose erudition appears to be inimitable, whatever success he may be thought to have had in shaking them, has substituted nothing satisfactory in their place, at least as far as we may gather from his first volume. One thing may be safely asserted, that Cicero might well present in his republic, those traditions of the times, as the real history of his country, because the Roman people were acquainted with no other. He could not call upon them to venerate the founders of Rome and their institutions, and tell them at the same time they had never existed. Niebuhr himself strengthens the account given at section 19, Book II., of the Greek descent of the first Tarquin, by observing that the clay vases made at Tarquinii were painted, and resembled in colour and drawing some discovered near Corinth. He says they are found only in the district of Tarquinii, and that the circumstance implies a peculiar intercourse between Corinth and Tarquinii.

In the 22d section of the 2d Book, is another passage with which Niebuhr is not satisfied, and which even Professor Mai terms “vexatissimum locum.” Cicero says the Roman people were distributed by Servius into six classes, whose entire elective force was one hundred and ninety-three centuries. To give the landed proprietors who were rated in the first class, a majority of this number, or ninety-seven votes, three centuries of horse with six suffrages, meaning those inscribed in the great census or register, in contradistinction to the horsemen set apart from the mass of the whole people; the century of carpenters, and the first class, constituted together eighty-nine centuries. Eight more centuries taken from the other five classes and added to this number, made ninety-seven, being a majority of one over ninety-six, and thus in Cicero’s words “Confecta est vis, populi universa.” The unwearied erudition of Niebuhr, to which great deference is due, is not satisfied with the simplicity of this statement of the Roman Constitution, but assails it with an unusual bitterness of critical spirit. He supposes the passage from its genuine state to have been corrupted by successive transcribers and commentators, to the order in which Professor Mai has thought proper to give it to the public, and that in its original state it stood thus. “Nunc rationem videtis esse talem ut prima classis, addita centuria quæ ad summum usum urbis fabris tignariis est data: LXXXI centurias habeat; quibus ex CXIV centuriis, tot enim reliquæ sunt, equitum centuriæ cum sex suffragiis solæ si accesserunt,” &c.

“Now you will perceive the plan was such, that the first class, a century being added from the carpenters on account of their great utility to the city, consisted of eighty-one centuries; to which if from the one hundred and fourteen centuries, for so many remain, only the centuries of horse with six suffrages are added,” &c. I forbear to add his very curious reasons for this proposed restoration, and which, not to be deemed extravagant, require to be judged by those familiar with the emendations of ancient MSS. It will be perceived, however, that he makes the whole number of centuries to consist of one hundred and ninety-five; and that he gives the landed proprietors a majority of ninety-nine over the ninety-six centuries belonging to the other five classes, which appears superfluous in a system which aimed at the appearance of moderation, “ne superbum esset.” Substantially the system appears to have been this. The Roman people were distributed into six classes, having one hundred and ninety-three centuries or votes. The first class consisting of men of rank and property, with the centuries of horse, had ninety-six votes; leaving ninety-seven votes to the other five classes. In order, however, to give the ascendancy to the first class in the least offensive way, the century of blacksmiths and carpenters was added to the first class, under pretence of their great utility to the city; but really

because they were dependent upon the first class and the cavalry for employment, and could be relied upon. In this manner the first class secured a majority of ninety-seven votes. The second book closes with a declaration from Scipio, that unless the most perfect justice is observed, no government can prosper.

The third book opens with a philosophical analysis of the faculties of man, introductory to the great principle of the immutable nature of justice, which it appears was fully discussed in this book, of which so small a portion is preserved. A splendid picture is drawn in the second section of an accomplished statesman, such as Cicero himself had aimed to be, and which from a passage in one of his letters to Atticus, appears to have been farther elaborated in the sixth book. It relates to a triumph about which he felt some anxiety after his government of Cilicia. "If this idea of a triumph which even you approve, had not been infused into me, you would not have had to look far for the perfect citizen described in the sixth book."¹⁰ Philus is called upon to defend the cause of injustice after the manner of Carneades the Greek sophist. The powerful passage contained in the seventeenth section is delivered by him. It was reserved for Lælius to close the discussion as the advocate of justice. Scarce any part of his discourse is preserved. Some fragments have, however, been collected by Professor Mai, preserved by Nonius the Philologist, and by Lactantius. In the one, Lælius is made to declare, that the Roman youth ought not to be permitted to listen to Carneades, who if he thought as he spoke, was a bad man; and if he was not, as he preferred to believe, his discourse was nevertheless detestable. One of the passages from Lactantius is that well known exposition of eternal right, or natural law of justice of which conscience is the voice.

"There is indeed a law, right reason, which is in accordance with nature; existing in all, unchangeable, eternal. Commanding us to do what is right, forbidding us to do what is wrong. It has dominion over good men, but possesses no influence over bad ones. No other law can be substituted for it, no part of it can be taken away, nor can it be abrogated altogether. Neither the people or the senate can absolve us from it. It wants no commentator or interpreter. It is not one thing at Rome, and another thing at Athens: one thing to-day, and another thing to-morrow; but it is a law eternal and immutable for all nations and for all time. God, the sole Ruler, and universal Lord, has framed and proclaimed this law. He who does not obey it, renounces himself, and is false to his own nature: he brings upon himself the direst tortures, even when he escapes human punishments."¹¹

The fourth book of which a mere fragment is preserved, appears to have treated of domestic manners, the education of youth, and of Roman life, public and private. We have lost here many fine pictures of the simplicity of Roman manners, at that flourishing period of the republic, as well as of the progress of luxury, which was not inconsiderable. A fragment of this book is preserved in Nonius, where Scipio opposes the collection of a revenue, necessary perhaps to make good those deficiencies which extravagance had produced. "Nolo enim eundem populum imperatorem et portitorem esse terrarum. Optimum autem et in privatis familiis et in republica vectigal duco esse parsimoniam." "I am not willing that the same people should be the sovereigns and the toll-gatherers of the world. I look upon economy to be the best revenue for the republic, and for private individuals."

The fifth book is also a mere fragment. St. Augustin has preserved some notices of it, from which it appears that it treated very much of the ancient Roman institutions, with a view to show the degeneracy of the times in which Cicero wrote. In the fifth section of this book, he speaks of the comfortable enjoyment of life depending upon legal marriages and lawful children; from whence perhaps we may gather the obligation which the dissolute manners of the times had laid him under, of asserting the value of these ties, as well as his own veneration for them.

Of the sixth book no part whatever has come down to us with this MSS: but the important fragment on a future state preserved in Macrobius, warrants our supposing that he was naturally led

¹⁰ Let. to Att. vii. 3.

¹¹ Lact. Inst. vi. 8.

in a treatise so highly philosophical, to pass from the consideration of human morals, to the great object which moral conduct has in view: the resisting of human weakness, for the sake of fitting the immortal part of our nature for a higher condition of being. The dream of Scipio, encumbered as it is by some of the pedantry of the schools, is a production of the highest order, upon this most sublime of all subjects.

BOOK I

I. For without the strong feeling of patriotism, neither had G. Duellius, Aulus Atilius or L. Metellus freed us from the terror of Carthage; or the two Scipios extinguished with their blood the rising flame of the second punic war. Quintus Maximus would not have weakened, nor M. Marcellus have crushed the one which was springing up with still greater strength: or P. Africanus turning it from the gates of this city, have borne it amid the walls of our enemies. Yet it was not thought unbecoming in M. Cato, an unknown and a new man, by whom all of us who emulate his course are led as a bright example of industry and virtue, to enjoy the repose of Tusculum, that healthy and convenient situation. That insane man, however, as some have considered him, preferred when urged by no necessity, to contend amid those waves and tempests to extreme old age; rather than pass his days in the most agreeable manner, amid so much ease and tranquillity. Men without number I omit, each of whom were benefactors to the State, and who are not far removed from the remembrance of this generation. I forbear to commemorate them, lest any one should reproach me with neglecting to speak of himself or his immediate friends. This one truth I would mark, that nature has so strongly implanted in man the necessity of virtue, and so powerful an inclination to defend the common welfare, that this principle overcomes all the blandishments of voluptuousness and ease.

II. Yet to possess virtue, like some art, without exercising it, is insufficient. Art indeed, when not effective, is still comprehended in science. The efficacy of all virtue consists in its use. Its greatest end is the government of states, and the perfection not in words but in deeds, of those very things which are taught in the halls. For nothing is propounded by philosophers, concerning what is esteemed to be just and proper, that is not confirmed and assured by those who have legislated for states. For from whence springs piety, or from whom religion? Whence the law, either of nations, or that which is called civil? Whence justice, faith, equity? Whence modesty, continence, the dread of turpitude, the love of praise and esteem? Whence fortitude in trouble and dangers? From those who having laid a foundation for these things in early education, have strengthened some of them by the influence of manners, and sanctioned others by the influence of laws. Of Xenocrates, one of the noblest of philosophers, it is said, that when he was asked what his disciples learnt of him, he replied “to do that of their own choice, which the laws enjoined them to do,” therefore the citizen who obliges every one by the authority and fear of the law to do that, which philosophers by reasoning, with difficulty persuade a few to do, is to be preferred to those learned men who only dispute about these things. For which of their orations, however exquisite, can be compared in value to a well constituted state, to public right and to morals. Truly as great and powerful cities, as Ennius says, are as I think, to be preferred to villages and castles; so those who stand pre-eminent in those cities, in authority and counsel, are to be esteemed far before those in wisdom, who are altogether ignorant of the conduct of public affairs. And since we are chiefly urged by a desire to increase the possessions of the human race, and seek by our counsels and labours, to surround the life of man with gratification and security, and are incited by the instincts of nature to these enjoyments; let us hold the course which was always that of the best men: nor attend to those signals which speculative philosophers make from their retirement, to allure back those who are already far advanced.

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