

INTRODUCTION TO THE FOURTH BOOK,

BY THE ORIGINAL TRANSLATOR.

IN this fourth book Cicero treats of morals and education, and the use and abuse of stage entertainments. We retain nothing of this important book save a few scattered fragments, the beauty of which fills us with the greater regret for the passages we have lost.

BOOK IV.

FRAGMENTS.

I. * * * Since mention has been made of the body and of the mind, I will endeavor to explain the theory of each as well as the weakness of my understanding is able to comprehend it—a duty which I think it the more becoming in me to undertake, because Marcus Tullius, a man of singular genius, after having attempted to perform it in the fourth book of his treatise on the Commonwealth, compressed a subject of wide extent within narrow limits, only touching lightly on all the principal points. And that there might be no excuse alleged for his not having followed out this topic, he himself has assured us that he was not wanting either in inclination or in anxiety to do so; for, in the first book of his treatise on Laws, when he was touching briefly on the same subject, he speaks thus: “This topic Scipio, in my opinion, has sufficiently discussed in those books which you have read.”

And the mind itself, which sees the future, remembers the past.

Well did Marcus Tullius say, In truth, if there is no one who would not prefer death to being changed into the form of some beast, although he were still to retain the mind of a man, how much more wretched is it to have the mind of a beast in the form of a man! To me this fate appears as much worse than the other as the mind is superior to the body.

Tullius says somewhere that he does not think the good of a ram and of Publius Africanus identical.

And also by its being interposed, it causes shade and night, which is adapted both to the numbering of days and to rest from labor.

And as in the autumn he has opened the earth to receive seeds, in winter relaxed it that it may digest them, and by the ripening powers of summer softened some and burned up others.

When the shepherds use * * * for cattle.

Cicero, in the fourth book of his Commonwealth, uses the word “*armentum*,” and “*armentarius*,” derived from it.

II. The great law of just and regular subordination is the basis of political prosperity. There is much advantage in the harmonious succession of ranks and orders and classes, in which the suffrages of the knights and the senators have their due weight. Too many have foolishly desired to destroy this institution, in the vain hope of receiving some new largess, by a public decree, out of a distribution of the property of the nobility.

III. Consider, now, how wisely the other provisions have been adopted, in order to secure to the citizens the benefits of an honest and happy life; for that is, indeed, the grand object of all political association, and that which every government should endeavor to procure for the people, partly by its institutions, and partly by its laws.

Consider, in the first place, the national education of the people—a matter on which the Greeks have expended much labor in vain, and which is the only point on which Polybius, who settled among us, accuses the negligence of our institutions. For our countrymen have thought that education ought not to be fixed, nor regulated by laws, nor be given publicly and uniformly to all classes of society. For¹ * * *

According to Tully, who says that men going to serve in the army have guardians assigned to them, by whom they are governed the first year.

IV. [In our ancient laws, young men were prohibited from appearing] naked in the public baths, so far back were the principles of modesty traced by our ancestors. Among the Greeks, on the contrary, what an absurd system of training youth is exhibited in their gymnasia! What a frivolous preparation for the labors and hazards of war! what indecent spectacles, what impure and licentious amours are permitted! I do not speak only of the Eleans and Thebans, among whom, in all love affairs, passion is allowed to run into shameless excesses; but the Spartans, while they permit every kind of license to their young men, save that of violation, fence off, by a very slight wall, the very exception on which they insist, besides other crimes which I will not mention.

• ¹ Six or eight pages are missing here.

Then Lælius said: I see, my Scipio, that on the subject of the Greek institutions, which you censure, you prefer attacking the customs of the most renowned peoples to contending with your favorite Plato, whose name you have avoided citing, especially as * * *

V. So that Cicero, in his treatise on the Commonwealth, says that it was a reproach to young men if they had no lovers.

Not only as at Sparta, where boys learn to steal and plunder.

And our master Plato, even more than Lycurgus, who would have everything to be common, so that no one should be able to call anything his own property.

I would send him to the same place whither he sends Homer, crowned with chaplets and anointed with perfumes, banishing him from the city which he is describing.

VI. The judgment of the censor inflicts scarcely anything more than a blush on the man whom he condemns. Therefore as all that adjudication turns solely on the name (*nomen*), the punishment is called ignominy.

Nor should a prefect be set over women, an officer who is created among the Greeks; but there should be a censor to teach husbands to manage their wives.

So the discipline of modesty has great power. All women abstain from wine.

And also if any woman was of bad character, her relations used not to kiss her.

So petulance is derived from asking (*petendo*); wantonness (*procacitas*) from *procando*, that is, from demanding.

VII. For I do not approve of the same nation being the ruler and the farmer of lands. But both in private families and in the affairs of the Commonwealth I look upon economy as a revenue.

Faith (*fides*) appears to me to derive its name from that being done (*fit*) which is said.

In a citizen of rank and noble birth, caressing manners, display, and ambition are marks of levity.

Examine for a while the books on the Republic, and learn that good men know no bound or limit in consulting the interests of their country. See in that treatise with what praises frugality, and continency, and fidelity to the marriage tie, and chaste, honorable, and virtuous manners are extolled.

VIII. I marvel at the elegant choice, not only of the facts, but of the language. If they dispute (*jurgant*). It is a contest between well-wishers, not a quarrel between enemies, that is called a dispute (*jurgium*).

Therefore the law considers that neighbors dispute (*jurgare*) rather than quarrel (*litigare*) with one another.

The bounds of man's care and of man's life are the same; so by the pontifical law the sanctity of burial * * *

They put them to death, though innocent, because they had left those men unburied whom they could not rescue from the sea because of the violence of the storm.

Nor in this discussion have I advocated the cause of the populace, but of the good.

For one cannot easily resist a powerful people if one gives them either no rights at all or very little.

In which case I wish I could augur first with truth and fidelity * * *

IX. Cicero saying this in vain, when speaking of poets, "And when the shouts and approval of the people, as of some great and wise teacher, has reached them, what darkness do they bring on! what alarms do they cause! what desires do they excite!"

Cicero says that if his life were extended to twice its length, he should not have time to read the lyric poets.

X. As Scipio says in Cicero, "As they thought the whole histrionic art, and everything connected with the theatre, discreditable, they thought fit that all men of that description should not only be deprived of the honors belonging to the rest of the citizens, but should also be deprived of their franchise by the sentence of the censors."

And what the ancient Romans thought on this subject Cicero informs us, in those books which he wrote on the Commonwealth, where Scipio argues and says * * *

Comedies could never (if it had not been authorized by the common customs of life) have made theatres approve of their scandalous exhibitions. And the more ancient Greeks provided a certain correction for the vicious taste of the people, by making a law that it should be expressly defined by a censorship what subjects comedy should treat, and how she should treat them.

Whom has it not attacked? or, rather, whom has it not wounded? and whom has it spared? In this, no doubt, it sometimes took the right side, and lashed the popular demagogues and seditious agitators, such as Cleon, Cleophon, and Hyperbolus. We may tolerate that; though indeed the censure of the magistrate would, in these cases, have been more efficacious than the satire of the poet. But when Pericles, who governed the Athenian Commonwealth for so many years with the highest authority, both in peace and war, was outraged by verses, and these were acted on the stage, it was hardly more decent than if, among us, Plautus and Nævius had attacked Publius and Cnæus, or Cæcilius had ventured to revile Marcus Cato.

Our laws of the Twelve Tables, on the contrary—so careful to attach capital punishment to a very few crimes only—have included in this class of capital offences the offence of composing or publicly reciting verses of libel, slander, and defamation, in order to cast dishonor and in-

famy on a fellow-citizen. And they have decided wisely; for our life and character should, if suspected, be submitted to the sentence of judicial tribunals and the legal investigations of our magistrates, and not to the whims and fancies of poets. Nor should we be exposed to any charge of disgrace which we cannot meet by legal process, and openly refute at the bar.

In our laws, I admire the justice of their expressions, as well as their decisions. Thus the word *pleading* signifies rather an amicable suit between friends than a quarrel between enemies.

It is not easy to resist a powerful people, if you allow them no rights, or next to none.

The old Romans would not allow any living man to be either praised or blamed on the stage.

XI. Cicero says that comedy is an imitation of life; a mirror of customs, an image of truth.

Since, as is mentioned in that book on the Commonwealth, not only did Æschines the Athenian, a man of the greatest eloquence, who, when a young man, had been an actor of tragedies, concern himself in public affairs, but the Athenians often sent Aristodemus, who was also a tragic actor, to Philip as an ambassador, to treat of the most important affairs of peace and war.

INTRODUCTION TO THE FIFTH BOOK,

BY THE ORIGINAL TRANSLATOR.

IN this fifth book Cicero explains and enforces the duties of magistrates, and the importance of practical experience to all who undertake their important functions. Only a few fragments have survived the wreck of ages and descended to us.

BOOK V.

FRAGMENTS.

I. ENNIUS has told us—

Of men and customs mighty Rome consists;

which verse, both for its precision and its verity, appears to me as if it had issued from an oracle; for neither the

END OF SAMPLE TEXT



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