

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

men, unless the State had adopted a certain system of manners—nor the manners, unless they had been illustrated by the men—could ever have established or maintained for so many ages so vast a republic, or one of such righteous and extensive sway.

Thus, long before our own times, the force of hereditary manners of itself moulded most eminent men; and admirable citizens, in return, gave new weight to the ancient customs and institutions of our ancestors. But our age, on the contrary, having received the Commonwealth as a finished picture of another century, but one already beginning to fade through the lapse of years, has not only neglected to renew the colors of the original painting, but has not even cared to preserve its general form and prominent lineaments.

For what now remains of those antique manners, of which the poet said that our Commonwealth consisted? They have now become so obsolete and forgotten that they are not only not cultivated, but they are not even known. And as to the men, what shall I say? For the manners themselves have only perished through a scarcity of men; of which great misfortune we are not only called to give an account, but even, as men accused of capital offences, to a certain degree to plead our own cause in connection with it. For it is owing to our vices, rather than to any accident, that we have retained the name of republic when we have long since lost the reality.

II. \* \* \* There is no employment so essentially royal as the exposition of equity, which comprises the true interpretation of all laws. This justice subjects used generally to expect from their kings. For this reason, lands, fields, woods, and pastures were reserved as the property of kings, and cultivated for them, without any labor on their part, in order that no anxiety on account of their personal interests might distract their attention from the welfare of the State. Nor was any private man allowed to be the judge or arbitrator in any suit; but all disputes were terminated by the royal sentence.

And of all our Roman monarchs, Numa appears to me to have best preserved this ancient custom of the kings of Greece. *For the others, though they also discharged this*

duty, were for the main part employed in conducting military enterprises, and in attending to those rights which belonged to war. But the long peace of Numa's reign was the mother of law and religion in this city. And he was himself the author of those admirable laws which, as you are aware, are still extant. And this character is precisely what belongs to the man of whom we are speaking. \* \* \*

III. [*Scipio*. Ought not a farmer] to be acquainted with the nature of plants and seeds?

*Manilius*. Certainly, provided he attends to his practical business also.

*Scipio*. Do you think that knowledge only fit for a steward?

*Manilius*. Certainly not, inasmuch as the cultivation of land often fails for want of agricultural labor.

*Scipio*. Therefore, as the steward knows the nature of a field, and the scribe knows penmanship, and as both of them seek, in their respective sciences, not mere amusement only, but practical utility, so this statesman of ours should have studied the science of jurisprudence and legislation; he should have investigated their original sources; but he should not embarrass himself in debating and arguing, reading and scribbling. He should rather employ himself in the actual administration of government, and become a sort of steward of it, being perfectly conversant with the principles of universal law and equity, without which no man can be just: not unfamiliar with the civil laws of states; but he will use them for practical purposes, even as a pilot uses astronomy, and a physician natural philosophy. For both these men bring their theoretical science to bear on the practice of their arts; and our statesman [should do the same with the science of politics, and make it subservient to the actual interests of philanthropy and patriotism]. \* \* \*

IV. \* \* \* In states in which good men desire glory and approbation, and shun disgrace and ignominy. Nor are such men so much alarmed by the threats and penalties of the law as by that sentiment of shame with which nature has endowed man, which is nothing else than a certain fear of deserved censure. *The wise director of a gov-*

ernment strengthens this natural instinct by the force of public opinion, and perfects it by education and manners. And thus the citizens are preserved from vice and corruption rather by honor and shame than by fear of punishment. But this argument will be better illustrated when we treat of the love of glory and praise, which we shall discuss on another occasion.

V. As respects the private life and the manners of the citizens, they are intimately connected with the laws that constitute just marriages and legitimate offspring, under the protection of the guardian deities around the domestic hearths. By these laws, all men should be maintained in their rights of public and private property. It is only under a good government like this that men can live happily—for nothing can be more delightful than a well-constituted state.

On which account it appears to me a very strange thing what this \* \* \*

VI. I therefore consume all my time in considering what is the power of that man, whom, as you think, we have described carefully enough in our books. Do you, then, admit our idea of that governor of a commonwealth to whom we wish to refer everything? For thus, I imagine, does Scipio speak in the fifth book: "For as a fair voyage is the object of the master of a ship, the health of his patient the aim of a physician, and victory that of a general, so the happiness of his fellow-citizens is the proper study of the ruler of a commonwealth; that they may be stable in power, rich in resources, widely known in reputation, and honorable through their virtue. For a ruler ought to be one who can perfect this, which is the best and most important employment among mankind."

And works in your literature rightly praise that ruler of a country who consults the welfare of his people more than their inclinations.

VII. Tully, in those books which he wrote upon the Commonwealth, could not conceal his opinions, when he speaks of appointing a chief of the State, who, he says, must be maintained by glory; and afterward he relates that his ancestors did many admirable and noble actions from a desire of glory.

Tully, in his treatise on the Commonwealth, wrote that the chief of a state must be maintained by glory, and that a commonwealth would last as long as honor was paid by every one to the chief.

[*The next paragraph is unintelligible.*]

Which virtue is called fortitude, which consists of magnanimity, and a great contempt of death and pain.

VIII. As Marcellus was fierce, and eager to fight, Maximus prudent and cautious.

Who discovered his violence and unbridled ferocity.  
Which has often happened not only to individuals, but also to most powerful nations.

In the whole world.

Because he inflicted the annoyances of his old age on your families.

IX. Cicero, in his treatise on the Commonwealth, says, "As Menelaus of Lacedæmon had a certain agreeable sweetness of eloquence." And in another place he says, "Let him cultivate brevity in speaking."

By the evidence of which arts, as Tully says, it is a shame for the conscience of the judge to be misled. For he says, "And as nothing in a commonwealth ought to be so uncorrupt as a suffrage and a sentence, I do not see why the man who perverts them by money is worthy of punishment, while he who does so by eloquence is even praised. Indeed, I myself think that he who corrupts the judge by his speech does more harm than he who does so by money, because no one can corrupt a sensible man by money, though he may by speaking."

And when Scipio had said this, Mummius praised him greatly, for he was extravagantly imbued with a hatred of orators.

## INTRODUCTION TO THE SIXTH BOOK.

IN this last book of his Commonwealth, Cicero labors to show that truly pious philanthropical and patriotic statesmen will not only be rewarded on earth by the approval of conscience and the applause of all good citizens, but that they may expect hereafter immortal glory in new forms of being. To illustrate this, he introduces the "Dream of Scipio," in which he explains the resplendent doctrines of Plato respecting the immortality of the soul with inimitable dignity and elegance. This *Somnium Scipionis*, for which we are indebted to the citation of Macrobius, is the most beautiful thing of the kind ever written. It has been intensely admired by all European scholars, and will be still more so. There are two translations of it in our language; one attached to Oliver's edition of Cicero's Thoughts, the other by Mr. Danby, published in 1829. Of these we have freely availed ourselves, and as freely we express our acknowledgments.

## BOOK VI.

### SCIPIO'S DREAM.

I. THEREFORE you rely upon all the prudence of this rule, which has derived its very name (*prudentia*) from foreseeing (*a providendo*). Wherefore the citizen must so prepare himself as to be always armed against those things which trouble the constitution of a state. And that

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