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CICERO

ON THE REPUBLIC
ON THE LAWS

Translated by

CLINTON W. KEYES

CICERO

XVI

DE RE PUBLICA
DE LEGIBUS

WITH AN ENGLISH TRANSLATION BY

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III. De Oratore, Books I–II

IV. De Oratore, Book III. De Fato. Paradoxa Stoicorum. De Partitione Oratoria

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THE REPUBLIC

INTRODUCTION TO THE DE RE PUBLICA

In the year 44 Cicero stated that he had written the *Republic* "when he held the rudder of the State."[1] This was true only in a comparative sense. In later years the period between his return from exile (57) and the outbreak of the Civil War (49) may well have seemed to Cicero one of activity in affairs of State, but it was in fact the transference of the "rudder" to the stronger hands of the First Triumvirate (59) that gave him the leisure to follow in the footsteps of his beloved Plato by composing a second *Republic*.

It was in 54 (probably in May) that the actual writing of the *Republic* was begun.[2] But Cicero found its composition difficult, and the work was also delayed by frequent changes of plan. In October, 54, two books were finished and seven more planned; each book was to contain one day's conversation. The speakers were to be Africanus the Younger, Laelius, and several of their friends. But when Cicero read the two completed books to

[1] Sex de re publica, quos tum scripsimus cum gubernacula rei publicae tenebamus. *De Divin.* II, 3.

[2] *Ep. ad Quintum Fr.* II, 12, 1; III, 5, 1–2. It does not seem necessary to suppose, from the words quoted in note 1, that the first draft of the work was made during Cicero's consulship (63) or soon thereafter. That is the theory of J. P Richarz (*De politicorum Ciceronis librorum tempore natali*, Wuerzburg, 1829, p. 9).

his friend Gnaeus Sallustius, he was told that the work would be much more effective if he presented his views on the commonwealth in his own person, instead of putting them into the mouths of statesmen of an earlier age. This suggestion led Cicero to adopt the plan of making the work a dialogue between his brother Quintus and himself. But later on he completed the work in accordance with his original plan, except that the length of the fictive conversation was shortened to three days, and that of the work to six books, two for each day.[1] Exactly when the work was completed we do not know. Atticus appears to have read it for the first time in 51,[2] and Caelius Rufus wrote of its general popularity in the same year.[3]

The work is dedicated to the man in whose youthful company Cicero claims to have heard a report of the whole conversation from Publius Rutilius Rufus in Smyrna; the indications seem to point with some probability to his brother Quintus.[4]

The dialogue is assumed to have taken place during the Latin holidays of 129 B.C., in the garden of Publius Cornelius Scipio Africanus the Younger. Those present were Scipio, Gaius Laelius, Lucius Furius Philus, Manius Manilius, Quintus Allius Tubero, Publius Rutilius Rufus, Spurius Mummius, Gaius Fannius, and Quintus Mucius Scaevola.[5]

[1] *De Re Pub.* II, 70; VI, 8; *De Amicit.* 14.

[2] *Ep. ad Att.* V, 12, 2.

[3] Tui politici libri omnibus vigent. *Ep. ad Fam.* VIII, 1, 4.

[4] *De Re Pub.* I, 13. Compare R. Hirzel, *Der Dialog*, Leipzig, 1895, I, p. 469, note 2.

[5] *De Re Pub.* I, 14. For brief identification of these persons see Index. Cicero's motive for placing the dialogue in a past age was his fear of causing offence (*Ep. ad Quintum Fr.* III, 5, 2).

Prefixed to each day's conversation (*i.e.* at the beginning of Books I, III, and V) is a preface (*prooemium*) by Cicero in his own person.

On account of the fragmentary state of the work, the following general outline of its contents is given.[1]

First Day.

Book I.

§§ 1–12. Cicero's preface: defence of the life of a statesman.

§§ 13–14. Transition to the dialogue.

§§ 15–34. Preliminary conversation: the "double sun"; astronomy in general, Archimedes' celestial globe; eclipses; comparative importance of heavenly and earthly studies; transition to the subject of the commonwealth; Scipio is asked to give his ideas on the best form of government.

§§ 35–71. After some preliminary remarks, Scipio defines the commonwealth (*res publica*), and proceeds to discuss the following subjects: the three simple, good forms of government (kingship, aristocracy, and democracy); their tendency to degenerate into the corresponding bad forms; the arguments in favour of and against each of the three simple forms; the details of their degeneration; the balanced form which is a combination of the three simple forms; its stability; its ideal character; the Roman State as a living example of it. He then states his intention of using the Roman Republic as his pattern of the ideal State in the remainder of the discussion.

[1] For a more complete outline of the work see T. Petersson, *Cicero: a Biography*, Berkeley, Cal., 1920, pp. 445–51; 457–61.

Book II.

§§ 1–63. Carrying out this intention, he traces briefly the history of the Roman State from its origin.

§§ 64–70. After drawing some conclusions from this history in support of the forms of government already discussed, he mentions the ideal statesman, and the necessity for justice in States.

Second Day.

Book III.[1]

§§ 3–7. Cicero's *prooemium*: the nature of man; human reason; its noblest function found in practical statesmanship, which is superior to devotion to political theory alone; the practical-minded Romans therefore to be set above the theorizing Greeks; reason the foundation of justice.

§§ 8–28. The dialogue turns to the controversy between the defenders and opponents of justice in States. Philus, against his convictions, presents the arguments of Carneades in favour of the necessity of injustice in governments.

§§ 32–41. Laelius defends justice and the necessity for it in a commonwealth.

§§ 42–48. Scipio shows by practical examples that any government that is just is therefore a good government, whereas without justice any form of government is necessarily bad; in fact nothing which deserves to be called a commonwealth at all can exist without justice.

[1] Compare St. Augustine's outline of the contents of this book (*De Civ. Dei* II, 21).

Book IV.

Only a few fragments remain. The social classification of citizens, the maintenance of high moral standards, the education of the young, and the influence of the drama are evidently among the subjects discussed.

Third Day.

Book V.

This book also is almost entirely lost. It begins with a *prooemium* in Cicero's own person (§§ 1–2) on old-fashioned virtue. The dialogue appears to have treated of law and its enforcement, and of the ideal statesman (*rector* or *moderator rei publicae*).[1]

Book VI.

The great value and the noble reward of the statesman's labours are discussed, and the work closes with *Scipio's Dream*, which extends this theme beyond the world and the brief span of human life into the universe and eternity.

Sources.

Cicero's indebtedness in the *De Re Publica* to Plato is, of course, great.[2] The idea of composing such a treatise evidently originated with the reading

[1] In regard to Cicero's ideal statesman, see T. Zielinski, *Cicero im Wandel der Jahrhunderte*, third ed., Berlin, 1912, pp. 5 and 151; R. Reitzenstein, *Die Idee des Principats bei Cicero und Augustus*, Nachrichten der Gött. Ges. der Wiss., 1917, pp. 399 ff., 436 ff.; R. Heinze, *Ciceros "Staat" als politische Tendenzschrift*, Hermes, 59 (1924), pp. 73–94; E. Meyer, *Cäsars Monarchie u. das Prinzipat des Pompeius*, Stuttgart, 1918, pp. 176 ff.

[2] Compare R. Hirzel, *op. cit.*, I, p. 463 f.

of Plato's *Republic*, and the form and plan of the dialogue owe much to that work. The following are some of the obvious points of imitation: the presence during the dialogue of a fairly large number of persons, while the actual conversation is confined to a few; the fact that the leisure of a sacred festival gives occasion to the dialogue; the commencement of the conversation with subjects far removed from the commonwealth; the introduction of an argument about justice and injustice, and of discussions of the forms of government, the ideal statesman, education, and the influence of the drama; and, finally, the ending of the dialogue with an account of a mystical experience which carries the reader beyond the boundaries of the present life. The frequent interruption of long disquisitions in order to maintain the character of a dialogue, and the fact that the chief speaker, Scipio, like Socrates, disclaims the rôle of teacher of the other participants in the dialogue,[1] perhaps deserve to be mentioned also.

A reading of Plato's *Phaedo* in the light of the political situation in 54 may also have influenced Cicero to some slight extent. For example, it may have suggested placing the conversation in the last year of the chief speaker's life, and also the concentration of attention upon the life after death in the climax of the dialogue.[2] And Scipio's statement of the superiority of kingship over aristocracy and democracy has a close parallel in Plato's *Politicus*.[3]

[1] *De Re Pub.* I, 70.

[2] See R. Hirzel, *op. cit.*, p. 467, note 3.

[3] *De Re Pub.* I, 56–64; Plato, *Politicus* 302 E. For other minor borrowings from the works of Plato, Aristotle, and other Greek writers, see the notes.

Cicero himself gives us a hint as to his chief sources for the contents of the dialogue by mentioning the fact that Scipio had frequently conversed on the subject of the State with Panaetius, Polybius also being present.[1] And in fact it seems most probable that the philosophical and political theories in Books I–III are derived from the eminent Stoic, Panaetius, while in matters of history and practical politics a considerable amount may have been borrowed from Polybius.[2] The general source for the *Dream of Scipio* is a matter of conjecture, none of the theories proposed having found general acceptance.[3]

Cicero found the writing of the *Republic* a slow and difficult task,[4] not a matter of easy transfer of Greek ideas to Latin periods, as in many of his later philosophic works.[5] With the possible exception

[1] *De Re Pub.* I, 34.

[2] See Polybius, Book VI. For Panaetius and Polybius as sources, see A. Schmekel, *Die Philosophie der mittleren Stoa*, Berlin, 1892, pp. 47–85; R. J. Schubert, *Quos Cicero in libro I et II de re publica auctores secutus esse videatur*, Diss., Wuerzburg, 1883; C. Hintze, *Quos scriptores graecos Cicero in libris de re publica componendis adhibuerit*, Diss., Halle, 1900; R. Hirzel, *op. cit.*, I, pp. 464 ff. For an exhaustive treatment of the problem of the sources, see Ioh. Galbiatius (= G. Galbiati), *De fontibus M. Tullii Ciceronis librorum qui manserunt de re publica et de legibus quaestiones*, Milan, 1916.

[3] For references in regard to this problem, see M. Schanz, *Geschichte der roemischen Litteratur* (Vol. VIII of Mueller's *Handbuch der Klassischen Altertumswissenschaft*), third ed., Munich, 1909, I, II, p. 345 It seems certain, at any rate, that Cicero made some use of one or more of the "Exhortations to Philosophy" (λόγοι προτρεπτικοί) which Aristotle and other philosophers composed. (Of Cicero's own "Exhortation," the *Hortensius*, only fragments remain.)

[4] *Ep. ad Quintum Fr.* II, 12, 1.

[5] *Ep. ad Att.* XII, 52, 2.

of the *Laws*, it is by far his most original treatise, and, if it were preserved in full, we should undoubtedly find it the most brilliant and interesting of them all well worthy of its sublime conclusion.

The Manuscripts.

The *De Re Publica*, with the exception of the *Somnium Scipionis* and scattered quotations by later authors, was lost until 1820, when Cardinal Angelo Mai, then prefect of the Vatican Library, discovered fragments amounting to perhaps a quarter or a third of the treatise in a palimpsest containing St. Augustine's commentary on the Psalms. This *Codex Vaticanus* 5757 (V) probably dates from the fifth or sixth century after Christ.[1]

The *Somnium Scipionis* is preserved in manuscripts of Cicero and of Macrobius, who wrote a commentary upon it. The manuscripts containing the *Somnium* which are referred to in the textual notes of this edition are as follows:[2]

[1] This manuscript has been emended by a second scribe, and there is great disagreement in regard to the comparative value of the first and second hands (V^1 and V^2). For bibliographies of this controversy and of the textual criticism of the *De Re Publica* in general, see C. Pascal's edition, in the *Corpus Paravianum*, Turin, 1916, *Praefatio* by G. Galbiati, p. viii and note 2; p. ix, note 2; also K. Ziegler's edition, Teubner, Leipzig, 1915, *Praefatio*.

[2] When a reading is credited to Macrobius in the textual notes, the reference is to his citation of the passage in his commentary (*Commentarii in Somnium Scipionis*). The rhetorician Favonius Eulogius, a pupil of St. Augustine, also wrote a commentary on the work (*Disputatio de Somnio Scipionis*).

Monacensis 14619, twelfth century (E).
Monacensis 6362, eleventh century (F).
Mediceus, eleventh century (M).
Parisinus 6371, eleventh century (P).
Monacensis 14436, eleventh century (R).
Monacensis 19471, twelfth century (T).

Editions.

I. Editions of Cicero's Works containing the *De Re Publica*:

J. C. Orelli, Zuerich, 1826–38.
J. C. Orelli, G. Baiter, and C. Halm, Zuerich, 1845–62.
C. F. A. Nobbe, Leipzig, 1827, 1849, 1869.
R. Klotz, Leipzig, 1850–57, 1869–74.
J. G. Baiter and C. L. Kayser, Leipzig, 1860–69.
C. F. W. Mueller, Leipzig (Teubner), 1878.

II. Separate editions of the *De Re Publica*:

A. Mai, Rome and Stuttgart, 1822; Rome, 1828, 1846.
A. F. Villemain, Paris, 1823, 1859.
F. Steinacker, Leipzig, 1823.
F. Heinrich, Bonn, 1823, 1828.
G. H. Moser and F. Creuzer, Frankfort, 1826.
C. Zell, Stuttgart, 1827.
F. Osann, Goettingen, 1847.
R. Marchesi, Prato, 1853.
A. C. G. de Mancy, Paris, 1870.
E. Charles (with explanatory notes), Paris, 1874.
K. Ziegler, Leipzig (Teubner), 1915.
C. Pascal, Turin, 1916.