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Marcus Tullius Cicero, ***Treatise on the Commonwealth*** [54 BC]

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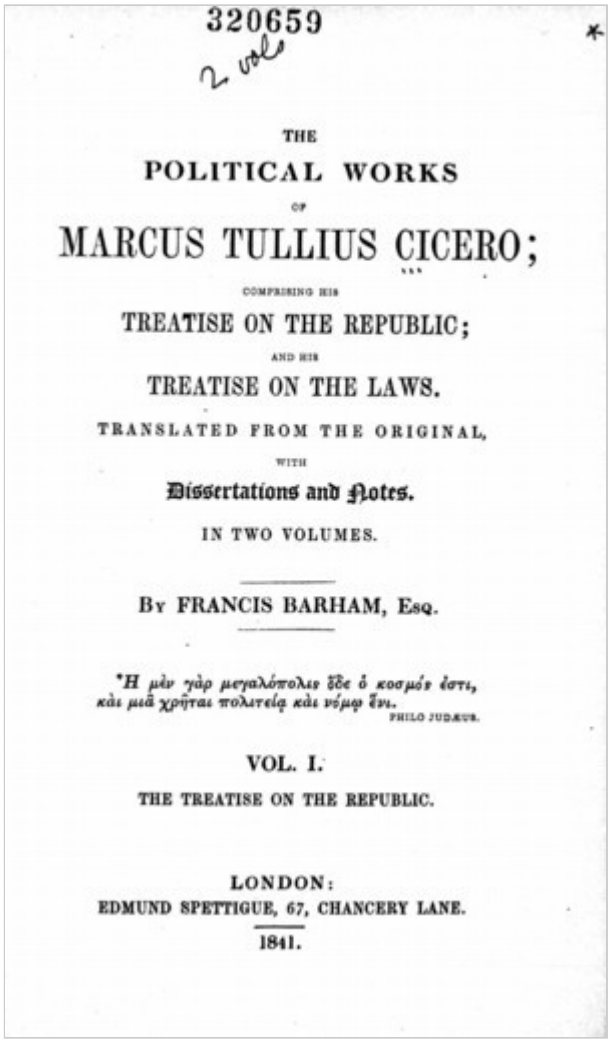

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The Political Works of Marcus Tullius Cicero: Comprising his Treatise on the Commonwealth; and his Treatise on the Laws. Translated from the original, with Dissertations and Notes in Two Volumes. By Francis Barham, Esq. (London: Edmund Spettigue, 1841-42). Vol. 1.

Author: Marcus Tullius Cicero
Translator: Francis Barham

About This Title:

The Treatise on the Commonwealth is Cicero's imitation of Plato's dialogue *The Republic* where he uses Stoic philosophy to explain Roman constitutional theory. He makes a connection between moral government and individual moral virtue.

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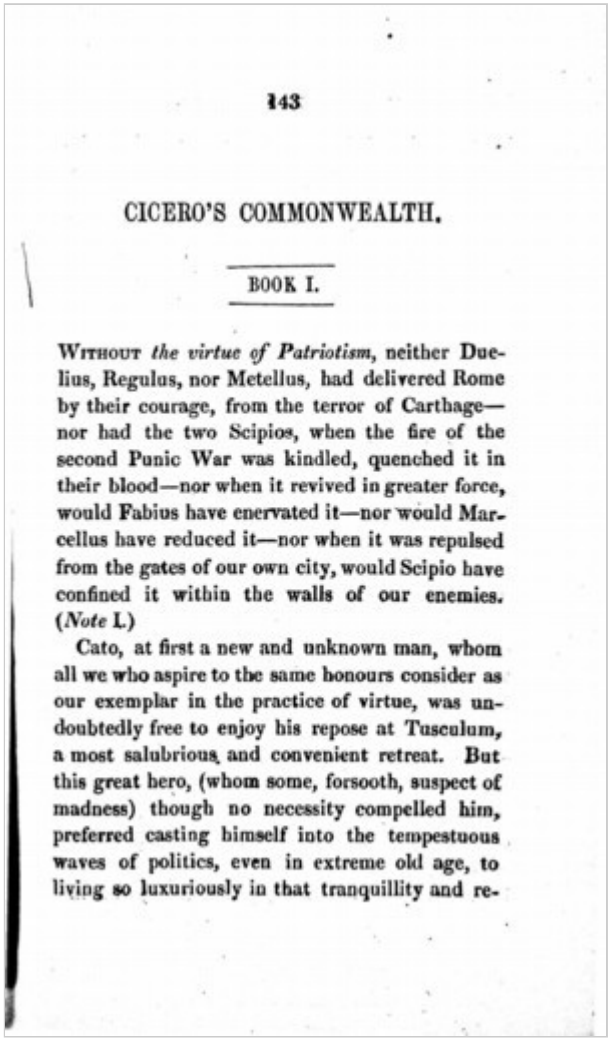

BOOK I.

WITHOUT *the virtue of Patriotism*, neither Duelius, Regulus, nor Metellus, had delivered Rome by their courage, from the terror of Carthage—nor had the two Scipios, when the fire of the second Punic War was kindled, quenched it in their blood—nor when it revived in greater force, would Fabius have enervated it—nor would Marcellus have reduced it—nor when it was repulsed from the gates of our own city, would Scipio have confined it within the walls of our enemies. (*Note* L.)

Cato, at first a new and unknown man, whom all we who aspire to the same honours consider as our exemplar in the practice of virtue, was undoubtedly free to enjoy his repose at Tusculum, a most salubrious and convenient retreat. But this great hero, (whom some, forsooth, suspect of madness) though no necessity compelled him, preferred casting himself into the tempestuous waves of politics, even in extreme old age, to living so luxuriously in that tranquillity and re-

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E. Spettigue, Printer, 67, Chancery Lane.

TO HIS GRACE THE DUKE OF WELLINGTON, *defender of the british constitution,* is this FIRST ENGLISH TRANSLATION of Cicero's Political Works DEDICATED, with the highest respect for his character and conduct, by his honest admirer, and very obedient servant, THE TRANSLATOR.

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PREFACE.

The science of politics, on which the prosperity of nations has ever depended, has become intensely important to the welfare of the British Empire during the present crisis of public affairs.

This science is confessed by all to be an ennobling and enlarging study, singularly august in theory, and almost illimitable in application. But we need not here anticipate the panegyrics which our author has bestowed on it.

We wish to see the science of politics extensively studied in these eventful times, because the more profoundly and universally it is understood, the more likely are we to attain that spirit of Catholicity, Union, and Coalition, which is the best safeguard against the schisms, sects, parties, and factions, that so miserably lacerate our national constitution, and undermine its strength and beauty.

The more politics are studied as a science,—a science of the loftiest dialectics and purest logic,—a science which demands from the truth–searcher whole years of arduous ratiocination, as subtle and severe as that applied to mathematics, and equally remote from the bias of party prejudices and passions,—a science, which, being the last effort of human genius working on human experience, seeks its proofs and illustrations from the history of all times and states;—the more chance shall we have of rearing senators worthy of the name, and of elaborating a system of laws, entitled to the veneration of posterity.

The science of politics and laws divides itself into two principal branches. First, the *divine* or *theologic,* from whence spring the ecclesiastical economies. This branch is treated at large by the inspired writers, the Jewish and Christian fathers, as Philo and Origen, and a great number of ecclesiastical lawyers.

The second grand branch of politics and laws, is the *natural* and *national,* the law of Nature and Nations, from whence arise the civil and municipal laws of particular states and provinces. This likewise has been treated at large by the sacred writers, and the Jewish and Christian fathers, particularly Augustine. Much information on this branch may be found in Selden's famous Treatise "on the Law of Nature and Nations, according to the discipline of the Hebrews," and the works of Grotius, Puffendorf, Cumberland, Mackintosh, and others on the law of nations in general.

These two catholic branches of divine or theologic, and natural or national law, are reflected in the particular ecclesiastical and civil systems of the chief nations of antiquity; and if the student desires to follow them into their successive developements, he will find plenty of authors ready to assist him.

If he would inquire, for instance, into the ecclesiastical and civil polity, and laws of the Hebrews, he may consult Philo, Maimonides, Aben Ezra, Menochius, Spencer, Selden, Michaelis, Pastoret, Lewis, Lowman, and others.

For the ecclesiastical and civil jurisprudence of the Assyrian, Persian, and other oriental empires, let him read Psellus, Kircher, Hottinger, Pastoret, Confucius, Selden, Zoroaster, Sale, Hyde, Anquetil, D'Ohson, Sir W. Jones, and other investigators.

Respecting the ecclesiastical and civil constitutions of Grecian and Roman states, he must examine Keckerman, Plato, Aristotle, Plutarch, Potter, Taylor, Rollin, Gillies, Montesquieu, Montague, and their followers.

Of all these constitutional systems of the ancient world, by far the most important to the political student is that of Rome, which became the fruitful parent of all the constitutions of the middle ages in Europe, and those which subsist therein to the present day.

Concerning the history and character, the merits and defects of this Roman Constitution, Cicero has ever been considered the chief light and authority. Hence the fragments of Cicero's Political Works were translated into most modern languages, and expounded by authors, no less illustrious than Mirandola, Vives, Scaliger, Campanella, Bodinus, Bellendenus, Bernardi, and Montesquieu. And when of late, by the ingenuity of Mai, the long–lost Treatise of Cicero on the Republic was recovered, it was instantly translated into German and French, and commented on by Savigny, Heeren, Sismondi, Guizot, Niebuhr, Pierre, Villemain, Constant, and Lerminier.

We know not why the British have been so much more negligent than their continental neighbours in translating the chief works of the fathers of the Church, and the classical writers of the schools. Our fellow–countrymen have indeed, in this respect, done better justice to the illustrious Cicero than to many of the Latin writers, as they have already translated his moral, philosophical, and oratorical treatises; but still, with regard to his political works, his Commonwealth and Laws, *the most important and interesting of all,* these have never yet been translated in this kingdom.

We, therefore, imagine it is doing justice to Cicero, and fair service to our fellow countrymen, to translate his Political Works for the benefit of the British public.

Certainly, no Roman writer on politics is entitled to deeper respect from the British than Cicero; and this not only on account of his sublime genius, his vast experience, and his patriotic magnanimity, which were before acknowledged; but more especially for this reason, that in his newly–recovered Commonwealth we find him extolling the very political constitution which he indeed ventured to hope, and which we have so fortunately realized. We find him praising a limited monarchy, comprising King, Lords, and Commons, as the only government which can permanently establish the glory and prosperity of a state.

In this respect, Cicero, like several of the ancient politicians, was a catholic, unionist, or syncretist in policy, as openly as he was an eclectic in philosophy. If any doubt remained on this subject, it is for ever removed by the new–found Commonwealth, in which he evidently declares himself *too great a man for party.* He here assumes a station above all sects and schisms, which enables him to embrace whatever is good

in all parties and factions, and at the same time to lash their errors and corruptions with unsparing satire.

It is neccessary to state that Cicero used the word *Republic* or *Commonwealth* in a general sense, just as we use the word *constitution* or *state.* In his idea, a true republic, or commonwealth properly so called, should include the specific forms of royalty, aristocracy, and democracy; but it is not to be confounded with either of these specific forms in particular. Unhappily, the scientific precision with which Cicero employs these political terms has been neglected by many modern authors; and thus the most important and essential distinctions of government have been perplexed by a careless and conflicting nomenclature.

In order to make this English translation of Cicero's Political Works as complete as possible, we shall endeavour to accomplish the following design.

I. A Review of the Life and Politics of Cicero.
II. A Review of the History of Cicero's Commonwealth.
III. A Translation of Cicero's Commonwealth, with Notes.
IV. A Review of the History of Cicero's Treatise on Laws.
V. A Translation of Cicero's Laws with Notes.

With the Political Works of Cicero every man who pretends to the character of a senator or a lawyer, in the higher sense of the word, ought to be familiar. And yet how few of our statesmen or jurisconsults now–a–days, are acquainted with the great current of classical authorities and decisions, in the very science they profess to teach. They have renounced the *viginti annorum lucubrationes* which Lord Coke recommends, for the *præpropera lectio et præpostera praxis,* which he so sternly censures. Of old time, there was no royal road to the science of Politics, any more than to that of Mathematics; but now every man is born a politician, "and fools rush in where angels fear to tread."

We shall think ourselves happy, if this Translation of Cicero's Political Works shall revive a higher and more philosophic study of the science of politics, properly so called—a study which has taxed the intelligence and elicited the eloquence of the noblest sages, philanthropists, and patriots that have ever "lived upon the tide of time."

Such being the translator's design, he has a right to expect benignant and liberal treatment from that higher order of critics who can appreciate the national importance of such undertakings, and who will rather praise an author for his general merits, than satyrize him for occasional lapses and mistakes. And if in the present work either "the unsteadiness of attention, or the uncertainty of conjecture," has betrayed him into those defects from which no translation can be entirely free, he will solicit his reader's pardon as frankly as he would accord it under similar circumstances.

It fortunately happens that those portions of Cicero's Republic which have been recovered, contain the three first and most important books, in which he unfolds his grand political principles; and that the three latter books, which related to the offices

of sacred and civil magistrates, are admirably supplied by those three books of his Treatise on Laws in which magisterial duties are expounded. And thus, by a most propitious coincidence of discoveries, we are enabled to present the public with all the more valuable and interesting portions of Cicero's Politics and Laws, of which the lost fragments were probably little more than developements or illustrations.

Of this noble text book of Political and Civil Laws, the Cyclopædia Britannica says, "this is the most valuable contribution to national literature which has appeared in modern times."

In translating this work, we occasionally availed ourselves of the critical German version of Pierre, published in 1824. In his spirited Preface a remark occurs, so true and graphic that we venture to paraphrase it. It is not (says he) from the perusal of Cyclopedias and Compendiums that we can gain a masterly knowledge of the *science of politics,* nor indeed any other science. In acquiring the sciences, we must ascend to the deep original fountains of them. We must make ourselves familiarly conversant with the master minds of the ancients, who have elaborated the relations of truth, from the depths of their own souls,—we must apply to spirits who have thought out philosophies for themselves; for that which rises from spirit excites spirit.—Genius is the power of eliciting power in other minds, just as the magnetic pole of the earth imparts its electric property to the magnetic needles that guide the mariner.—(Gründliche Gelehrsamkeit und Thätigkeit des Geistes wird nur durch das Studium der Werke selbst, worin die Wissenschaften ausführlich behandelt werden, erlangt, und vorzüglich geschieht dieses durch die Werke der Alten; denn in ihnen ist Alles selbst gedacht, und was vom Geiste ausgehet, das regt auch den Geist wieder an, wie der Magnet an den Polen der Erde alle Magnetnadeln der Seefahrer an sich zieht und ihnen ihre Richtung giebt.)

We cannot conclude without expressing our obligations, likewise, to M. Villemain, the French editor and translator of the newly–recovered Commonwealth, and to M. Morabin, the French editor and translator of the Treatise on Laws. In endeavouring to convey the true sense and force of the Latin originals, we have not hesitated frequently to adopt the happy turns of phraseology which these elegant French scholars have employed. Nor do we feel any compunction in having thus freely availed ourselves of foreign versions which have been so universally applauded by competent judges. Not to have used these versions, would have been literary prudery; and not to confess that we had used them, inexcusable plagiarism.

It is, perhaps, necessary to add, that many passages of the original are so obscure, owing either to an error of the text, or a remote allusion to certain customs of antiquity, that the critics have been extremely puzzled at them, and have often explained them in very different ways. This difficulty has hitherto deterred English scholars from translating these works, and should in the present case mitigate the severity of the censorious, who find it easier to carp than to excel. Wherever these intricate sentences occur, we have endeavoured to give the sense that appeared most sensible, and most congenial to the context. In such ambiguous phrases, to which, perhaps, no translator can do full justice, our interpretation has been confirmed by the

opinion of the learned friends we have consulted; but they still admit of being rendered, by other turns of expression, more or less plausible.

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A REVIEW Of The LIFE AND POLITICS OF CICERO.

The life of Marcus Tullius Cicero, the father of Roman eloquence, has been drawn by a multitude of able historians in all the nations of Europe. Among these we may mention the names of Plutarch, Cornelius Nepos, Boethius, Rapin, Erasmus, Scaliger, Bellendenus, Olivet, Middleton, and Melmoth, not to cite the later writers.

As the leading facts of Cicero's biography are noticed in all cyclopedias and biographical dictionaries, it is unnecessary to present them in any thing like detail at present, for this would be needless repetition.

Suffice it to say, he was born at Arpinum, b. c. 107, a. u. 647. His father was a Roman knight, descended from Titus Tatius, king of the Sabines. "In his very youth (we quote the words of Moreri), he pleaded with so much freedom against Sylla's friends, that fearing the resentment of one that spared nobody, he travelled into Greece, and heard Antiochus, of Ascalon, an academic philosopher at Athens. Thence he past into Asia, seeking still the perfection of eloquence. He became the disciple of Xenocles, Dionysius, Menippus, and afterwards studied at Rhodes, under Apollonius Molon, the most eloquent man of his time. Molon being at one of Cicero's orations, could not avoid crying out that the deplored the misfortune of Greece, which being already conquered by the Romans, was then likely to lose by his scholar's eloquence the only advantage she had left over her victorious enemies. Hence Cicero came to Rome, where, in consideration of his great parts, he obtained Sicily, and was made questor of Rome. When he was chosen Ædile, he condemned Veres, to make satisfaction for the violences and extortions he had committed. In 691 (a. u.) he was consul with Antonius Nepos, during which consulship he discovered Cataline's conspiracy, and punished the accomplices, for which he was styled Preserver of the Commonwealth; yet in a. u. 696, he was banished, through the envy, and by the practices of Clodius and others. But the people shewed such concern for his misfortunes, that he was recalled the next year at the request of Pompey, who had a hand in his exile. After this Cicero, at his return from Cilicia, where he was proconsul, a. u. 702, followed Pompey in the civil wars, after whose death, in 706, he was pardoned by Cæsar, whom he reconciled to Ligarius. He had no hand in that prince's death, though he was an intimate friend of Brutus. But after this murder he favoured Augustus, who desired to be consul with him, and proposed a general amnesty. But the interest of Augustus made him take other measures, and join with Antony and Lepidus in the triumvirate. Antony making use of his power, and hating Cicero extremely, by reason of the orations he wrote against him, which we call Phillipics, got him pursued and beheaded in the 711th year of Rome, forty–three years before the Christian æra, and in the 64th year of his age. His executioner was one Popilius, whom he had formerly defended against some who accused him of having killed his father. His many works are well known: as his books, De Inventione—his Orations, Epistles, Philosophical Questions, De Finibus — his Tusculans; with his works de Natura Deorum, Amicitia, Senectute, De Republica, De Legibus, &c. It is said that he wrote three books of verse, concerning what had befallen him during his consulship."

We must now take a brief view of Cicero's character and opinions, as they are sketched by his admirable English biographer, Middleton. He evinces, beyond contradiction, the fact that Cicero preferred the divine, theocratic, Catholic, and Eclectic, philosophy of the Academic Platonists, to that sectarian dogmatism which prevailed among the Stoics, Peripatetics, Epicureans, and other partisans. "Thus (says Cicero, Acad. 2, 3,) we preserve our judgment free and unprejudiced, and are under no necessity of defending what is prescribed and enjoined to us; whereas, all the other sects of men are tied down to certain doctrines, before they are capable of judging what is best; and in the most infirm part of life, drawn either by the authority of a friend, or charmed with the first master whom they happen to hear; they form a judgment of things unknown to them, and to whatever school they chance to be driven by the tide, cleave to it as fast as the oyster to the rock."

"As this syncretic or academic school (says Middleton) was in no particular opposition to any, but an equal adversary of all, or rather to dogmatical philosophy in general, *so every other sect next to itself readily gave it the preference to the rest, which universal concession of the second place is commonly thought to infer a right to the first.* The academic manner of philosophizing was of all others the most rational and modest, and the best adapted to the discovery of truth, whose peculiar character it is to encourage inquiry, to sift every question to the bottom, to try the force of every argument till it has found its real moment, and the precise quantity of its weight."

This same spirit of Catholicism or Unionism — this leading principle of the syncretic, eclectic, and coalitionary philosophy—Cicero carried into politics; and thus he endeavoured to reconcile those sects, parties and factions, whose increase he foretold would prove the inevitable ruin of his country—a prophecy which was afterwards most awfully fulfilled, as Montesquieu has proved at large in his "Grandeur and Decline of the Roman empire."

"As to Cicero's political conduct (says Middleton), no man was ever a more determined patriot or a warmer lover of his country than he. His whole character, natural temper, choice of life, and principles, made its true interest inseparable from his own. His general view, therefore, was always one and the same—to support the peace and liberty of the commonwealth in that form and constitution of it which their ancestors had delivered down to them. He looked on that as the only foundation on which it could be supported, and used to quote a verse of old Ennius's as the dictate of an oracle, which derived all the glory of Rome from an adherence to its ancient manners and discipline,

"Moribus antiquis stat, res Romana virisque."

It is one of his maxims that he inculcates in his writings—"that as the end of a pilot is a prosperous voyage; of a physician, the health of his patients—of a general, victory—so that of a statesman is to make the citizens happy, to make them firm in power, rich in wealth, splendid in glory, and eminent in virtue, which is the greatest and best of all the works among men."

"And as this cannot be effected but by the *concord and harmony* of the constituent members of a city, so it was his constant aim to unite the different orders of the state into one common interest, and to inspire them with a mutual confidence in each other. For, says he, quæ *harmonia* a musicis dicitur in cantu, ea est in civitate *concordia* arctissimum atque optimum omni in Republica vinculum incolumitatis. 'What harmony is to musicians, that is concord to states. Concord is the strongest and best bond of security to all nations.'

"Cicero, therefore, (continues Middleton) endeavoured so to balance the power of the people by the authority of the Senate, that the one should enact, but the other advise; the one have the last appeal, and the other the chief influence.

"For (says he) when the Senate is the regulator of public opinion, we find from this distribution of rights, namely, of authority to the Senate, and of power to the people, that the state is maintained in equilibrium and harmony. This was the old constitution of Rome, by which it raised itself to all its grandeur: while all its misforfortunes were owing to the contrary principle of distrust and dissension between these two rival powers. It was the great object, therefore, of Cicero's policy, to *throw the ascendant in all affairs into the hands of the Senate and the Magistrates,* as far as was consistent with the rights and liberties of the people; which will always be the general view of the wise and honest in all popular governments." So far Middleton.

Such being the strong preference of Cicero for the Catholic, Syncretic, Unionistic, and Universal policy, which includes all the particular forms of government, it may be worth while to take a brief review of these particular forms, in order to gain a clearer notion of the Ciceronian theory.

The Catholic, Syncretic, or Unionistic government is, in fact, the same as that which is called the mixed government by most modern politicians. Insomuch as *union* necessarily excels and precedes division and partition, this kind of government is essentially more sublime and ancient than any of its particular components. Hence there is some degree of incorrectness in the application of the word 'mixed' to this universal government, as it seems to postpone its history, and to complicate its theory. It is, however, useful in disquisitions of this kind, just because it is more popularly understood than more scholastic terms; and we shall not hesitate to avail ourselves of it.

The Syncretic, Universal, or Mixed government then, which Cicero, like many of the sages of antiquity, preferred to all particular forms of government whatsoever, included and harmonized all those partial systems which pass under the names of patriarchal, monarchical, aristocratic, and democratic institutions.

The divine and theocratic form of government, when closely examined, will be found to be analogous in many of its elemental features to the Catholic or Syncretic policy. All these terms are analogous, and all imply a system of divine dominations, perfectly regular and complete, capable of embracing all just authorities, and of holding them in a state of perfect coalition, harmony, and co–operation, from the highest to the lowest.

The first development of the syncretic and mixed policy, is that form of government which is called the Patriarchal or Paternal. The power of patriarchs has in all ages been accounted higher, wider, and more absolute than that of any of the emperors, kings, aristocrats, or democrats that subsequently arose.

This aboriginal and supreme form of government, entitled the patriarchal, has been lauded as the earliest and best, by Philo, Plutarch, Selden, Bossuet, Filmer, Michaelis, Pastoret, and most of the commentators on the political history of the Jews. The patriarchs, and, as they were subsequently called the Judges, of the Jewish nation, were in fact theocratic legislators: they combined an absolute ecclesiastical and civil power, universal and indefeasible.

Sir Robert Filmer has evinced, beyond contradiction, the priority and superiority of the patriarchal power. He has shewn that the beautiful principle of paternal government and hereditary succession is the natural and proper foundation of human government.

In this respect Gerson, Bossuet, Du Pin, and other Catholic writers are perfectly right. When they entitle the pope a patriarch, they acknowledge that so far as precedence of rank is concerned, he stands as much above all emperors and kings, as they stand above all archbishops and bishops. The patriarchal power of the pope should not, however, extend beyond his own dominions. *Emperors and kings should be supreme within their own territories in ecclesiastieal as well as civil matters;* for they ought to be as much defenders of the universal faith of their subjects, as they are of their universal rights.

The patriarchal theory, which shews us that we must trace the true origin of monarchical and aristocratic power to the paternal principle of hereditary succession, is of the greatest value. By Filmer's doctrine, we consider our princes and nobles as the personal representatives of the oldest families; and as such entitled to the same deference and respect as attach to priority of birth and seniority of age, in all national clans and private families. The able politician Heeren has recently shewn that the theory which makes all government merely a matter of popular compact and election, though supported by Locke and his followers, is fraught with all the perils of Rousseau's "social compact," and tends to produce republicanism and revolution.

These remarks would indicate the truth of what the admirable Selden observes with reference to the Hebrew commonwealth, namely, that when the government was changed from the patriarchal into the monarchical, there was in fact a fall from a higher order of government into a lower. It is no wonder, therefore, that the Deity was incensed against the people of Israel for asking a king, instead of a patriarchal successor to Samuel; for, by so doing, they throw their political system into an inferior condition.

Yet, royal, imperial, and monarchical government is next to the patriarchal, wonderfully sacred and venerable. We find something resembling it in the first rise and youthful spring of all ancient nations. In the Asiatic territories it has been universally cherished. And we find that kings, a series of wise and heroic monarchs,

laid the foundation of all the glories of Greece and Rome. Still, however fair, monarchy has been continually exposed to the dangers of degeneration into despotism and tyranny.

Next to the imperial or regal, is that particular form of government called the aristocratical. Inferior to the regal no doubt it is, but something infinitely better than the democratic. It still maintains something of the patriarchal dignity of hereditary succession to family wealth and honors, which is the grand security of all states, though it has often been abused to purposes of pride, extravagance, and oppression.

The last particular form of government we shall mention, is the democratical or republican. The advantages and disadvantages of this form are so neatly summed up by Paley, we shall avail ourselves of his words.

"The advantages of a republic are, liberty, or exemption from needless restrictions; equal laws; regulations adapted to the wants and circumstances of the people, public spirit, frugality, averseness to war, the opportunities which democratic assemblies afford to men of every description, of producing their abilities and counsels to public observation, and the exciting thereby, and calling forth to the service of the commonwealth the faculties of its best citizens.

"The evils of a republic are — dissentions, tumults, factions, the attempts of powerful citizens to possess themselves of the empire; the confusion, rage, and clamour, which are the inevitable consequences of assembling multitudes, and of propounding questions of state to the discussion of the people; the delay and disclosure of public counsels and designs, and the imbecility of measures retarded by the necessity of obtaining the consent of numbers—and lastly, the oppression of the provinces which are not admitted to a participation in the legislative power."

Now Cicero, the most observant of all politicians, clearly perceived that in proportion as the catholic, syncretic system of government, which combined and harmonized these several particular forms, advanced, in that proportion had the state become prosperous and durable. For it is the remarkable characteristic of this syncretic government, being unionistic, universal, coalitionary, mixed, and eclectic, to blend all that is good in the particular species, without contracting their mischiefs. Like the light of heaven, it combines all colours in a blaze of glory, which, when divided and segregated, become faint and shadowy.

Thus, according to Cicero, there can be only two principal distinctions in the kinds of government—one is the Catholic, Syncretic, Unionistic, coalitionary, and harmonic. The other is the sectarian, partizantic, divisionary and discordant. Cicero's preference for the first kind was strong and invincible; he saw that by a manly eclecticism, a philanthropical latitudinarianism, it combined all the separate notes of political wisdom into one grand and majestic concord; and he saw that the universal tendency of all divisionary and particular governments was to produce a miserable contractedness in national politics, and to embroil the state in the interminable jars of schisms and sects, parties and factions.

Cicero's testimony in favour of this Syncretic, Unionistic, and Mixed government, is most clearly and forcibly stated in a passage of his Commonwealth, which we here translate. "In my opinion, royalty (regium) is far the best of the three particular forms of government; but it is very inferior to that government which is composed of the equal mixture of the three best forms of government united, modified, and tempered by each other. I wish, in fact, to see in a commonwealth, a princely and regal power (placet enim esse quiddam in republicâ, *præstans* et *regale*), that another portion of authority should be allotted to the nobles, and that certain things should be reserved to the judgment and wish of the people. This constitution possesses a noble character of equability—a condition necessary to the existence of every free people, and at the same time obtains a wonderful stability; whereas particular governments easily degenerate into something corrupt. Thus absolute monarchs are apt to become despots—aristocracies, factious oligarchies—and the populace a mob and a hubbub (turba et confusio). It often happens, too, that these three kinds of government are expelled and replaced by each other. But in this Syncretic and Mixed government, which unites and amalgamates the partial forms, equal disasters cannot happen without outrageous misconduct among the grandees; for there exists no cause of revolution where every one is firmly established in his appropriate station, and there are few temptations to corrupt his integrity."

This passage fully unfolds the Syncretic and Eclectic views Cicero entertained respecting government. He wanted to obtain a Unionistic, Universal, and Mixed government, fairly composed of kings, lords, and commons, each assisting, and at the same time correcting the other.

It is evident, then, that Cicero had no objection to an emperor or a king, in a limited monarchy or a mixed constitution. On the contrary, he expressly asserts that monarchy was essentially a better form of particular government than either aristocracy or democracy: "Primis tribus generibus (says he); longe præstat meâ sententiâ regium).

Cicero, therefore, desired to restore the monarchial government, and wished to see an emperor or king once more swaying the Roman commonwealth—a fact which will appear manifestly proved in this newly–discovered treatise, De Republica. But while he pleaded for a king, he pleaded not for a king forced on the Romans by ambition or chicanery, but a king universally approved by his political character and conduct, and legitimately elected by the open, free, and unbiassed suffrage of the senate and the people. We conceive Cicero's sentiments in this respect may be well expressed by the opening passage in Philo Judæus's Treatise on Princes.

"Some have desired (says Philo) that princes should be established by lot, and by the collection of ballots, and have introduced this form and method of election, which is in no way profitable to the people, inasmuch as ballot shows good luck rather than virtue. Many have arrived, by this means, at the authorities of which they were totally unworthy—rascals, whom a true prince would reject and refuse to own as his subjects; for, noblemen of high honour will not take into their service all the serfs that are born in their houses, or all those they have bought; but those only that are obedient and ready to execute their will. The rest, who are obstinate and incorrigible, whom

they cannot bring under discipline, they sell them by auction in troops, as unworthy of a gentleman's service. It is not, therefore, fitting to constitute as lords of cities and nations, those who have got possession of the government by lot or ballot, which is a deceitful and slippery thing, and dependent on inconstant fortune. When the question is the cure of the invalid, lot is not spoken of; and physicians are not chosen by lot, but are approved by experience. So when we wish to make a prosperous and happy voyage by sea, the crew do not select a pilot by lot, and send him immediately to the helm, for fear, lest by his ignorance and rashness he should cause them shipwreck, even in calm and peaceful weather, and thus destroy the lives of all on board. But he is chosen who is known to have learned studiously from his youth the art of piloting vessels; who has often made voyages, and has traversed the majority of seas; who has sounded the depths and shallows, and is acquainted with the various ports and havens. It is even so in the government of great states, and the management of public and private, sacred and secular affairs. Government, which is the true art of arts, the science of sciences, in which it would be most unreasonable to regulate our measures by the eccentric courses and irregular motions of fortune. The sage legislator, Moses, therefore, well considered this evil; for he has no where mentioned this method of balloting for a magistrate; but he approves of that only which is made by the open election and suffrage of the people: and for this reason he says—"The prince you shall establish over you shall not be a stranger, but one of your brethren;" shewing by this, that the election ought to be a matter of rational preference, exhibited by the votes of the people, with full knowledge of the character and dispositions of him they choose and appoint."

Such was Cicero's desire to restore the kingly power and monarchical government at Rome, that he seems to have availed himself of certain passages in the oracles of the Sibyls, those initiated prophetesses, who, having obtained some knowledge of the Hebrew prophecies respecting the advent of the Messiah's universal monarchy, applied the prediction to the several nations in which they delivered their oracles. Now Cicero, who was a distinguished augur, and a notable master of divination, was well acquainted with these Sibylline foretellments, and appears to have made considerable use of them to promote his political designs. Cicero, therefore having found it stated in the Sibylline oracles, that "*a divine king should make his appearance in the Roman empire, whoshould obtain universal dominion over the world,* availed himself of this prediction to enforce his pleadings in favour of monarchy; and, therefore, referring to this Sibylline oracle, he says, "*eum quem revera regem habeamus, appellandum quoque esse regem, si salvi esse vellemus*"—(him whom indeed we should account a king, let us also call him king, if we would be secure). The Latin words are thus rendered by Cudworth—"if we would be safe, we should acknowledge him for a king who really is so." Thus, says Grotius (de veritate Christ.), "by the Sibyls it is stated that he was to be acknowledged as king, who was to be truly our king—who was to rise out of the East, and be Lord of all things." The Romans, therefore (as Brocklesby affirms), found something in their Sibylline oracles that favoured the change of their government from a republic into a monarchy; and therefore in Cicero's days a rumour was spread about by Cæsar's party (who designed for him the honour of king), that the sibylline oracles pronounced *that the Parthians could never be conquered except by a king.*

Respesting these Sibylline oracles, Cicero observes—Valeant ad deponendas potius quam ad suscipiendas religiones—("let them avail for the taking down rather than the taking up of religions"). Cudworth supposes that Cicero in this saying intimates that these oracles of themselves tended rather to the lessening than the increasing of Pagan superstitions, and that they predicted a change of the Pagan religion, to be introduced by the worship of one God. But perhaps Cicero's words imply no more than this—that he would have the Roman senate put their state oracles to a contrary use than they had hitherto been put to, not to the increasing superstition (of the overspreading of which he sadly complaineth in his second book on Divination), but the abating and retrenching it.

Be this as it will, there is no doubt that the Sibylline oracles afloat in the Roman state, prophecying as they did of a divine and universal kingdom of holiness, justice, and peace, not only facilitated the establishment of the Christian religion (as Grotius observes), but likewise facilitated the restoration of the kingly and monarchical form of government throughout the Latin empire.

The prodigious influence which these Sibylline oracles exerted over the religious as well as political destinies of the world at that period has been noted by many cholars. They took a strong moral hold on the minds both of the Christians and the Pagans, and urged on the greatest changes in society. The heathens (says a learned author) doubted not of the truth of the predictions of the Sibyls that were quoted by the fathers. They only put another sense upon them—nay, they even proceeded so far as to own that the Sibylline verses foretold the nativity of a certain new king, and a considerable revolution. This is mentioned by Tully, in several places: moreover, when Pompey took the city of Jerusalem, it was commonly reported that nature designed a king for the people of Rome. Lentulus, according to the testimony of Cicero and Sallust, flattered himself that he should become this king that was intimated by the Sibyl. Others have interpreted this prophecy with respect to Julius Cæsar or Augustus, as is observed by Cicero and Suetonius. Virgil, in his fourth Eclogue, produces the verses of the Cumæan Sibyl, foreshewing the birth of a new king that was to descend from heaven. In short, it is most certain that the Gentiles acknowledged that the books of the Sibyls were favourable to the Christians, insomuch that the latter were prohibited to read them, as appears from the words of Aurelian to the senate, recited by Vobiscus. (On this disputed question, see Selden, Blondel, Vossius, Flower, Bryant, and Faber.)

But while Cicero preferred the monarchical form of government, and would probably have assisted in the establishment of a constitutional king, reigning with the free and spontaneous approbation of the senate and the people, and limited in his powers by the aristocratic and democratic parties, he, at the same time, frankly and fearlessly owned his objection to the kind of absolute kingship which Cæsar wished to obtain for himself. Cicero saw that this great man was aiming at the throne in an illegitimate and unconstitutional way. Instead of seeking the monarchical authority by the voluntary and unextorted election of the senate and the people, he was proceeding by a most offensive system of seduction and intimidation to the object of his ambition.

We believe that Cicero, as well as Brutus, knew how to reverence and esteem the personal merits of Cæsar. They acknowledged that he was the greatest and noblest man of his age. They conceived that his design of restoring monarchy, (as the only means of consolidating the strength of the Roman empire and of reconciling the factions that were lacerating its vitals,) was in itself glorious and patriotic; and they saw that he was of all others the fittest man to become the emperor and regent of the state; that "quiddam præstans et regale," which Cicero thought so desirable.

But while Cicero agreed with Cæsar in some of these general *desiderata* of policy, he entirely disagreed with him respecting the *modus operandi.* Cicero wished for a limited monarchy; Cæsar aspired to an absolute one. Cicero wished that this limited monarchy should be established in a constitutional and legitimate way, by the free and unbiassed choice and approbation of the senate and the people; Cæsar, on the other hand, wished to obtain his supremacy by means of military intimidation over the aristocracy, and pecuniary corruption over the democracy. All this Cicero protested against; he saw it would expose the Roman empire to all the evils of tyranny. He therefore sided with Cato and Brutus, and might have expressed his sentiments in the language that Shakspere has given Cæsar's noblest antagonist,—"As Cæsar loved me, I weep for him; as he was fortunate, I rejoice at it; as he was valiant, I honour him; but as he was ambitious, I slew him."

In the same way, Cicero knew how to honour and extol a conservative aristocracy for its proper uses and services. He commended his brother–senators, so far as he could do so, for their philanthropical and patriotic proceedings; but he was by no means blind to their abuses and maladministrations; and he laid the lash of his invective, without compunction, on those who deserved the excruciations of his tremendous satire.

Cicero has also vouchsafed occasional eulogy to the democratic portion of the commonwealth; for he knew how to honour true merit and patriotism wherever he found them. But his political predilections were evidently rather aristocratical and anti–democratic. He saw that although the democrats were sometimes useful, when in their proper place they supported the popular interests, yet, on the whole, they were a very dangerous, precipitous, and violent body, continually straining after political dignities they knew not how to maintain; clamorous for perilous innovations which would have laid the glory of the state in ashes; rioting in all the reckless exasperations of schisms and factions; and eager for all revolutions which place honour, and authority, and wealth at the mercy of chance and confusion.

And thus Cicero appears to have discerned the great moral of history—that the first steps to democracy are the first steps to ruin: that the monarchical principle is the only one which can permanently exalt and consolidate the energies of a state: whereas the accessions of democracy, into which all nations have a tendency to degenerate, are certainly accompanied with that virulent spirit of partizanship and faction, which, by dividing a nation's strength, inevitably hurry it to decay; as was the case with Greece, and Rome, and Venice.

This conviction induced Cicero to oppose every obstacle he could to democratic corruption. Among other securities against this, he upheld the ancient Roman system of open voting by poll, *(per capita)* whereby the voters were induced to give their suffrages in the full presence of their fellow–citizens, to that mongrel style of secret voting by ballot, *(per tabellas)* which crept in during the later years of the republic, corrupted the moral courage and frankness of the ancient Romans into a sneaking and pitiful hypocrisy, and introduced infinite factions among the lower orders.

On this doctrine of Cicero, Montesqieu has made a remark, which is worth quoting, from his "Spirit of Laws:"—"The law (says he) which determines the manner of giving suffrages is likewise fundamental in a democracy. It is a question of some importance, whether the suffrages ought to be public or secret. Cicero observes, that the laws which rendered them secret towards the close of the republic, were the cause of its decline. But as this is differently practised in different republics, I shall here offer my thoughts concerning the subject.

"The people's suffrages (continues Montesqieu) ought, doubtless, to be public; and this should be considered as a fundamental law of democracy. The lower sort of people ought to be directed by those of higher rank, and restrained within bounds by the gravity of certain personages. Hence by rendering the suffrages secret in the Roman republic, all was lost: it was no longer possible to direct a populace that sought its own destruction."

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A REVIEW Of The HISTORY OF CICERO'S COMMONWEALTH.

The celebrated treatise of Cicero, "De Republica;" or the Commonwealth, so highly extolled by ancient writers, and so diligently sought by the scholars of modern Europe, was at length rescued from the slumber of ages, by Angelus Maio, librarian of the Vatican, formerly of the Ambrosian library of Milan, and now raised to the dignity of a Roman cardinal.

In a *palimpsest* volume, containing a part of Augustin's Commentary on the Psalms, this learned and ingenious person found that the prior writing, of much greater antiquity, had consisted of the long–lost books of Cicero, De Republica, which he wrote in his fifty–fourth year. Before this, nothing was known of "The Commonwealth," save a few fragments which had been preserved in the writings of Macrobius, Lactantius, Augustin, Nonius, and others.

Maio published his recovered MSS. (containing the main part of "The Commonwealth,") at Rome, in 1822. Steinacher published these fragments at Leipsic in 1823. Villemain translated and explained them in Paris, 1823. The work has also been translated at New York, in the United States, 1829; if we may trust the Cyclopædia Americana, by Mr. Featherstonhaugh.

"This work of Cicero, 'De Republica,' (say the Editors of the Cyclopœdia Metropolitana,) consisted of a series of Discussions, in six books, on the Origin and Principles of Government. Scipio being the principal speaker, while Lælius, Philus, Manlius, and other personages of like gravity, take part in the dialogue. Till lately, little more than a fragment of the sixth book was understood to be in existence, in which Scipio, under the the fiction of a dream, inculcates the doctrine of the immortality of the soul. In the earlier portion of the work, now recovered by Maio, Scipio discourses on the different kinds of constitutions, and their respective advantages, with a particular reference to that of Rome. In the third book, the subject of Justice is discussed by Lælius and Philus. In the fourth, Scipio treats of Morals and Education. In the fifth and sixth, the duties of Magistrates are explained, and the best means of preventing changes and revolutions in the constitution itself."

"This (says the Cyclopædia Britannica) is, perhaps, the most valuable contribution which has been made to classical literature in modern times. And it is sufficient to immortalize the learned, sagacious, and indefatigable scholar to whom we are indebted for it; consisting, as it does, of no inconsiderable portion of that treatise which the contemporaries of the Roman orator and Statesman all agree in regarding as his masterpiece."

It is no wonder, therefore, that the recovery of Cicero's "Commonwealth" by Maio in 1822, made a most immense stir in the literary world. It was criticised and quoted by all the leading periodicals of Europe and America. Senators and lawyers instantly

availed themselves of the long–lost, latefound treasure; and it diffused new light and energy through every department of political science.

It has now taken its eternal station among the grandest monuments of classical antiquity; and the reverence and admiration it commands are as great as ever, though the first excitement of its recovery may partially have subsided. It is time, therefore, to give it that fixed and extensive influence on the political studies of the British people, which it can only secure by a popular translation in their native language.

As Maio recovered the lost "Commonwealth" from a *palimpsest* parchment, it may be necessary to explain this word to the general reader. The word παλιμψηςτος, according to the Greek lexicographers, is derived from παλιν *(again)* and ψαω, or ψαιω, *(to scrape.)* Calepin, Ainsworth, and other Latin etymologists, finding the word *palimpsest* sometimes written *palinxest,* have chosen to derive it from Ω?αλιν and ξεω *(to rub.)* Thus, Calepin defines it to be, "*membrana abrasa et deletitia;*" and Ainsworth, "a sort of paper or parchment used generally for writing things the first time, and foul, *which might be wiped out, and new wrote in the same place.*"

Cicero himself uses the word in this sense in a letter to the lawyer Thebatius, who had written to him on a sheet thus *rubbed.* "Your letter (says he) is excellent in all respects. As to your writing in *palimpsest,* I admire your economy; but I wonder what there could have been on this billet which you preferred rubbing out to not writing at all, unless it was one of your briefs. I hope you won't thus obliterate my epistles to insert your own," &c. Catullus and others use the word in the same sense.

M. Maio found the MS. of Cicero's "Commonwealth," written in large antique letters, on a *palimpsest* parchment, which had been partially erased and grated off by the monks, in order to insert the Commentaries of their favourite Augustine on David's Psalms.

It was a matter of the greatest nicety and severest labour to recover the precious words of Cicero, for the superincumbent Commentary of the worthy father was written in very solid characters. Yet, by dint of critical acumen, almost unrivalled, and a most unflinching perseverance, this admirable scholar has rescued these glorious fragments of antiquity, and left them as an indefeasible inheritance to us and our children.

M. Maio has prefixed a very learned and masterly preface to his publication, in which he traces the history of Cicero's Commonwealth from its early date, through the long and intricate periods of the middle ages. It is peculiarly interesting to observe the intense and eager search which the great heralds of European literature made for the lost Rpublic during this lapse of time. The search was not less anxious and universal than the fabulous inquiry of Isis for the mangled body of Osiris, or of Ceres for her ravished Proserpine, or of Orpheus for his vanished Euridice. But, alas! it was still more unavailing, and men of transcendant genius and scholarship laboured in vain for centuries to regain the eloquent treatise, which a happy chance has now thrown into our hands.

We shall, therefore, take the liberty of translating from Maio's Latin preface those passages which best elucidate the history of this illustrious treatise. We believe this is their first appearance in a living language.

Of The Authors That Have Noticed Cicero'S Commonwealth, From The Christian Era To The Seventh Century.

It is easy to believe that Cicero's Commonwealth must have been received by the ancients with intense admiration, when we reflect on the fame of the author, the excellence of the subject, and splendour of the style. Cicero himself tells us, that this, his treatise, was read by Atticus with the utmost relish and satisfaction. Cælius also informed Cicero that these, his political works, were universal favourites. They must soon have attained a very extensive circulation, as is evident from the multitude of ancient authors who mention them. Suetonius eulogizes them in a distinct book. They were cited by Seneca, the elder Pliny, Fronto, Gellius, Macrobius, Eulogius, Servius, Philargyrius, Juvenal the Scholiast, Lampridius, Nonius, Charisius, Diomed, Victorinus, Nectarius, Jerome, Ambrosius, Boetius, Isidore, Priscian, and more particularly by Lactantius and Augustin, each of whom have quoted very splendid passages. Indeed, I believe it was from the title of Cicero's work de Republica, that Augustine derived the conception of the noblest of his own compositions—de Civitate Dei. That Livy read the political writings of Cicero, cannot be questioned; and we may suspect the same of Dion Cassius, Arnobius, Amianus, Marcellinus, Apuleius, Cyprian, Tertullian, Aurelius, Victor Ampelius, and others. Whether the ancient grammarians wrote comments on this great work of Cicero, we know not; probably, Victorinus might have done so, as Schottus and Patricius fully persuaded themselves. Both these scholars rely on the authority of Jerome, who mentions the Comments of Victorinus on Cicero's Dialogues, by which name these books may be understood. Nor was this work by any means unknown to the Greeks, though most of them, content with their own national literature, affected to despise that of Rome. Indeed, the Greeks possest so many political treatises in their own language, that they had little need to consult Cicero's work on the subject, which was notoriously derived from the Platonic fountains. Didymus, however, thought it worth while to draw his bow against Cicero's politics; but he was speedily refuted by Suetonius, as Amianus and Suidas inform us. Nor is this to be wondered at, since the politics of Plato were exposed to many antagonists even among the Greeks, as Zeno, Aristotle, and Athenæus. The judicious Quinctilian also has noticed Cicero's politics. In a Vatican palimpsest there likewise exists a Greek political author, or rather some fragments of one. He is neither very ancient, nor very recent—the style of writing belongs to the tenth century—I will not be positive respecting his age. That politician whom Photius has noticed (cod. 37), so well agrees with the Vatican writer, that he appears to be the same man as the writer of the Justinian age, and perhaps may be that Petrus Protector so famed for his political learning. This Vatican Anonymous, whoever he may be, wrote some books, Ω?ερι πολιτικης επιστημης (on political science). In the fifth book, which treats on the Art of Government (the same subject which occupied the fifth book of Cicero's Commonwealth), he divides his discourse into several chapters, in one of which he institutes a comparison between the Platonic and the Ciceronian politics, and gives the palm to Cicero. Very fairly, therefore, did the learned

Frenchman, Bernardi, who bestowed so much pains on Cicero's Commonwealth, suspect that Photius's anonymous Grecian devoted his attention to the imitation of Cicero's politics. It fortunately happens that we are enabled to publish the fragments of both these works from the Vatican MSS.

On The Authors Who Have Noticed Cicero'S Commonwealth From The Seventh To The Twelfth Century.

After Isidore, that is, after the Christian writers of the seventh century, I know not that any one cites the Republic of Cicero earlier than Gerbert, the Frenchman, who, in the tenth century, from being a monk of Florence, an abbot of Bobio and Rheims, became archbishop of Ravenna, and at length, Pope of Rome in 999, under the title of Sylvester II. His learning was so extraordinary for the times in which he lived, as to bring on him an accusation of magic. He constructed spheres, observed the stars through tubes, invented a clock, and made hydraulic organs, on which he played with scientific skill. He also wrote a Latin poem on Music, and is supposed to have introduced the Arabic numerals, together with the game of chess, into Europe. In his 87th epistle, requesting Constantine, the schoolman, to visit him, he says, "Take care of yourself, and also of the writings of Cicero on the Commonwealth, those against Veres, and others, which the father of Roman eloquence wrote in defence of so many of his countrymen." At that time, therefore, the political works of Cicero were considered extant, since Gerbert orders them to be brought to him without hesitation. But as the Vatican Codex of the Republic was brought to Rome from the Abbey of Bobio, founded by St. Colomban, then under the authority of Gerbert, who was passionately fond of collecting books, it is not too much to believe, that it was the identical Bobian Codex conveyed to Gerbert by Constantine; that there, in after times it was written over by the monks, and at length, after many ages, brought back to Rome, deposited in the Vatican library, and now fortunately discovered by myself. However this may be, we see John of Salisbury, in the 12th century, quoting passages in Cicero de Republica, which we now find only in our edition of it. That quotation especially respecting the poets is much longer in the Saresberian than in Augustin. And in another passage, though he might have taken the beginning of it from Macrobius, the subsequent sentences could only have been derived from the reading of the original. We need not wonder that John of Salisbury should have cited these books, since he lived only two centuries after Gerbert. And Lipsius has told us that he found many touches of the ancient purple in this monkish writer, and splendid fragments of a brighter age. In the same age, Peter of Blois states that he had read Cicero's Commonwealth. Petrus Pictaviensis likewise quotes a passage from the same work; from which Barthius infers that Peter must have perused the Republic entire.

On The Expectations Of Discovering Cicero'S Commonwealth In The Subsequent Centuries.

In subsequent periods, two Greek writers, we allude to Panudes and Gaza, the first of whom flourished in the 15th century, the other somewhat later, translated Scipio's Dream into the Greek language. But we need not suppose that these Greek interpreters possest the original MS. entire. For Scipio's Dream, divided from the political portion

of the work, occurs in many collections of MSS., besides appearing in the works of Macrobius. We may, therefore, affirm, that after the 12th century, the knowledge of the political writings of Cicero was confined to few, though a report of their existence was still prevalent.

Express mention is indeed made of the books of Cicero's Commonwealth with other works of the same kind, which Francis Petrarch, under the order of Pope Clement VI., diligently examined at great labour and expence. We have Petrarch's testimony to this point, in a very prolix epistle, which treats of Cicero's writings. But his search for the Republic was unsuccessful; and he tells us that he despaired of ever finding it. He was equally unsuccessful in recovering the works of Varro, which he declares he perused when a boy. But to return. Leonard Aretino tells us that Cicero's Republic was diligently sought for in the time of Pogius, who recovered so many ancient MSS. Writing to Pogius, in the year 1416, to congratulate him on the recovery of Quinctilian, he says, "There is no ancient work, with the exception of Cicero's Republic, which I more eagerly desired to peruse. Pogius himself was most diligent in seeking for the lost Republic, at the instigation of Francis Barbaro and others. Writing to a friend, he says, that he had deceived himself in the expectation of finding the Republic, as the MS. he supposed to contain it, was nothing more than a copy of Macrobius, including Scipio's Dream; but that he did not despair of its recovery, for a certain scholar had told him where it existed, and that he would go and hunt for it as soon as possible. As Cardinal Bessario is reported to have offered him a thousand guineas for the discovery of Cicero's Republic, and as Pogius was a client of his, we must suppose that Bessario employed Pogius in this kind of literary investigation, in which no man was ever more successful.

John Leland, who edited some works of the British writers, relates a current report, that a copy of Cicero de Republica existed towards the end of the 15th century in the library of William Tilley, where it was destroyed by fire.

John Sturmius, in the year 1552, thus writes to Roger Ascham:—"A certain person in this neighbourhood has promised me the books of Cicero's Commonwealth; I have sent to him six times. If he be but as good as his word, who will be happier than your humble servant? I shall assume all the senatorial gravity of the ancient discipline, if I can but get a sight of them. But as men are now–a–days, I fear 'tis a false report. If it be true, I will let you know, &c."

Three years after this, Roger Ascham writes to Sturmius thus:—"Card. Pole asks me, whether I have ever seen Cicero's Commonwealth. He tells me that he has sent a thousand guineas to a certain Polish gentleman, to seek for these books, which he had given him hopes of discovering. I immediately repeated him what you had told me respecting these books, and he requested me to write you again on the subject, that we may know the truth."

Andreas Patricius, a Pole, in his preface to the fragments of "The Republic," writes thus: "When I had inscribed these pages, and was silently reflecting on the loss of these inestimable books, my friend and patron, Philip Padnevius, Bishop of Cracow, informed me that he had heard from the late Albert Crisius, a very polite and learned

gentleman, that he had seen the first four books of "The Republic" during his embassy to England, in the year 1557, in a certain monastery. On his return, he wished to purchase them and take them with him; but he was informed that the MSS. had unfortunately been stolen in the mean time."

Peter Ramus, (a great admirer of Cicero,) who lost his life in the massacre of St. Bartholomew, thus expresses himself in the preface to Scipio's dream: "Whether the six books of 'The Commonwealth' have perished, or whether they are kept under the seal of secrecy, as I hear by certain very religious gentlemen in the state, as the Sibylline oracles of old, I dare not affirm."

Respecting the political works of Cicero, which some have sought in Sarmatia, wonderful things are reported by Bullartius, in his Life of John Zamoscias. He tells us that certain Polish noblemen, after the year 1576, retired from the siege of Pleskof into the interior provinces, and there found, among other monuments of antiquity, the books of Cicero's "Commonwealth," addressed to Atticus, written in golden letters. Walchius has either overlooked or despised this passage of Bullartius; for he says not a word on the subject. Bullartius would have more easily persuaded us to receive his report, if he had told us that Greek MSS. were to be found in these regions; for no Latin monuments appear to exist there.

Since M. Mai wrote this notice, Professor Gustavus Munnich, in Cracow, gives an account of the Sarmatian copy of Cicero de Republica, which in 1581 was in possession of a Valhynian nobleman, and has since disappeared. Munnich's work is entitled "Ciceronis libri de Republica. Notit. Codicis Sarmat. Gottingen, 1825." According to him, Gozliski used this copy in his work "De perfecto Senatore." It is true that Gozliski's "Accomplished Senator" is written according to the Ciceronian scheme of policy; but after a careful perusal we do not find any thing like plagiarism from Cicero's "Republic."

In the seventeenth century, continues M. Mai, Caspar Barthius writes thus: 'I recollect the testimony of a brave man and a learned document, which prove that the books of Cicero's "Commonwealth," existed in Germany a few years ago.' 'Near the city of Brunswick,' says J. H. Meibomius, 'in Saxony, is the Rittershusian monastery, which contained an extensive library. Among the MSS. was one comprising "The Republic." But this sanctuary of learning has been violated by common soldiers, and other ignoramuses, who have destroyed those treasures of literature which no lapse of ages can repair."

The same Barthius is said to have told Daumius, that before the thirty years' war, there existed, in the library of Fulda, in some parchment volumes, the books of Cicero's "Commonwealth;" but that the violence of the soldiers had destroyed many of these literary treasures.

Such are the words of M. Mai, in relating the history of Cicero's "Republic," up to the happy period when he had the good fortune to discover and to decipher the *palimpsest* MSS. which contained this invaluable composition, in 1822.

In order to carry on the history of this treatise, and to illustrate some of the most important doctrines which it unfolds, we cannot do better than translate the admirable discourse which M. Villemain prefixed to his French Version in 1823. This Discourse is the more important as it embodied the best information on the subject, and as it exercised a very decided influence on the politics of Europe and America.

"Of all the ancient monuments (says M. Villemain) of Latin literature, there were few whose loss occasioned more regrets than the Dialogues of Cicero de Republica. There were few whose discovery could have more profoundly excited the attention of cultivated men, and the curiosity of the public. The great portions which are still deficient in the historic masterpieces of Sallust, Livy, and Tacitus, could scarcely awaken a keener interest.

But the extent of these losses has deprived us of all hope of their recovery. We cannot suppose that the ingenious process which gives to the literary world the MS. which we now publish, will ever be successful enough to restore the vast fragments of these famous historians, and this process is unhappily the only means of communication which remains to that antiquity which is closed against us by death and time. Every other plan is impracticable and desperate. The cinders of Herculaneum are steril as the grave. These treasures of the human mind, which fire seems to have conserved by consuming—these MSS., calcined by flame, in which we still trace letters and words, and which at first excited so many hopes, have in reality satisfied none. They are so delicate, that we destroy them by a touch. For more than thirty years, with incessant toil and diversified talent, we have only derived from a considerable number of MSS. a few mutilated pages of a Treatise on Music, and some Observations on the philosophy of Epicurus. Within a recent date, chemistry, the most analytical and inventive, has exhausted all its efforts to unfold some of these rolls of Herculaneum, and to separate the pages which now form a black and compact mass, externally sprinkled with written characters. The celebrated Sir H. Davy, author of this last test, has scarcely been more successful than his predecessors. He has, according to his own avowal, melted many of these blocks without being able to extract any useful result. And science remains mute and discouraged before this fruitless depository and inheritance which she cannot enjoy.

Be this as it will; an Italian scholar, M. Angelo Mai, possessed by that love of antiquity which has produced so many prodigies of patience, turned his attention to another source of discoveries, from which he has derived treasures that are invaluable to science, and to which we are now indebted for Cicero's Treatise on the Commonwealth.

Learned men had long remarked, that in the ignorance and penury of the middle ages, they not unfrequently *grated* the ancient parchment MSS. in order to inscribe them with copies of fresh works, more agreeable to the taste of the time, and which for the most part were preserved by the same preference which had transcribed them.

One of the most learned men in Europe, Father Montfaucon, made this observation, and apparently tried it on a great number of ancient MSS. Let us hear him explain

himself, with that candour of erudition at once so respectable and so fascinating. We quote a part of a Dissertation on the Discovery and Use of Cotton Paper.

'The use of cotton paper (says he) came in very conveniently, at a time when there existed a great dearth of parchment, which has occasioned us the loss of many ancient authors, in the following way. In the twelfth century, the Greeks, plunged in ignorance, bethought them of *grating* or *scraping* the writings of ancient MSS. on parchment, and of obliterating their traces, as far as they could, in order to inscribe them with the books of the church. It was thus, to the infinite prejudice of the literary world, Polybius, Dion, Diodorus Siculus, and other authors of whom we retain only fragments, were metamorphosed into triodons, pentecostaries, homilies, and other ecclesiastical books. After an exact search, I can certify, that of the books written on parchment since the twelfth century, the main part are *palimpsests,* whose ancient writings have been obliterated. But as all the copyists were not equally skilful in thus effacing the primitive authors, we find some in which we can read at least a part of what they intended to erase.' *(Memoires de l'Academie des Inscriptions,* vol. vi. p. 606.*)*

If this same fact happened in the East, where barbarism was never so absolute, and at Constantinople, where there always existed so much bad literature, this miserable resource was adopted far more frequently in the Roman empire, which, so often overwhelmed by barbarians, was left in the sixth century, almost destitute of industry, and plunged in the grossest ignorance. It was about this time that, in the Italian monasteries, the only inviolable asylums where faithful librarians preserved the ancient MSS., they too often resolved to grate these precious parchments, in order to cover them with some new writing. These Latin copyists were often as fortunately imperfect in their craft of grating as those of Greece; but scholars have neglected, till recent times, to examine these double MSS., which remained unnoticed in the libraries.

The learned Angelo Maio, keeper of the Ambrosian library, was one of the first who set himself to examine these literary relics, and to recover those fragments of ancient genius in these neglected MSS., which he has published to Europe, under the designation of *palimpsests.*

It was thus that in 1814 he discovered and published fragments of the three discourses of Cicero, which lay buried under the verses of Sedulius, a Latin poet of the Middle Ages. I will not attempt to express the transports which this learned scholar must have felt at the moment of the glorious achievement, when, in these old parchments, preserved in a corner of the library of Milan, he beheld, between the barbarous lines of a versifier of the sixth century, the names and the phrases which revealed to him a work of Cicero. It was one of those philosophic yet intense gratifications which had been lost since the fifteenth age, and which we had so little prospect of regaining.

This authentic and incontestible discovery encouraged the patient researches of M. Mai. After some time, an immense MS. of the seventh century, which contained the voluminous acts of the council of Calcedon, presented him on its parchment leaves traces of a preceding writing. These leaves were in fact the collected shreds of many

ancient MSS.; and the learned investigator recovered from them new fragments of Cicero, with an ancient commentary, long passages of Symmachus, a celebrated orator of the fourth century, the Greek and Latin epistles of Fronto, an orator equally admired at the decline of the Empire, and finally, some Latin letters of Marcus Aurelius. M. Mai successively published these precious relics; and in 1817 joined thereto the fragments of a very ancient commentary on Virgil, which he had found in a recovered MS. of St. Gregory's Homilies.

It is easy to conceive that this new method of recovery must, from its very nature, leave many lacunes and gaps, many breakages and damages in the relics thus singularly rescued from destroying time. We observe, likewise, that the application of this process is exposed to hazards which are not all equally propitious. The pumice or grater of the copyist was sometimes exercised on masterpieces, sometimes on inferior works; sometimes it has happened to these *palimpsests,* as to human prejudices, which overwhelm and obliterate each other, without leaving truth the better or the worse for the change. The sixth age effaced the blunders of the fifth, only to transcribe its own; and thus the foundation and the superstructure were equally worthless.

But M. Mai, and we render homage to his erudite candour, has collected with the same critical accuracy and enthusiasm all the first traces of the characters he could discover under the subsequent writing. He has published the sophistical antitheses and nugacities of Fronto and Symmachus with as religious a scrupulosity as that he now exerts in commenting on Cicero's Commonwealth, discovered by the same method, and an accident still more fortunate.

This literary devotion, so respectable and so necessary in long and patient investigations, is an additional proof of the perfect sincerity of the learned editor. But here our proofs are superabundant, and doubt on one side is as impossible as fiction on the other. M. Mai, summoned to be librarian of the Vatican at Rome, on account of his earlier labours, and applauded by all the scholars of Europe, made new researches in this unrivalled library. 'Twas there he had the good fortune to discover a MS. formed of the disconnected and half effaced pages of Cicero's Dialogue, De Republica, which, in the sixth century, or later, had been overlined by a new writing, containing the Commentaries of St. Augustin on the Psalms.

On this MS. M. Mai laboured, beneath the scrutiny of all the scholars of Italy. These precious pages he transcribed literally, without addition, noting the lacunes and gaps with a mournful exactness, preserving the antique orthography, and indicating by italics the least conjectural criticism he was obliged to insert to supply a letter or word irreparably obliterated.

It is sufficient to cast a glance over the learned and ingenuous account of his labours in this respect, to be convinced of the authenticity of his publication, so substantially, we might say judicially, evinced. But among men of taste this is still more strikingly proved by the grand characteristics of patriotic elevation, genius, and eloquence, which distinguish the writings we translate. This kind of moral proof, far more agreeable to the reader than dissertations on the orthography of old words, or on the probable dimensions of letters and points, will naturally conduct us to some details

respecting this work of Cicero; the period when this great man composed it; the idea he entertained of it, and expressed in his other writings; the character of the few fragments which had been preserved in a detached form, and their relation to the new discovery of the actual treatise. Lastly, by the aid of this discovery, let us examine the contents of this celebrated treatise, hitherto so imperfectly known, and notice the nature and origin of the doctrines it unfolds, and the passages of political history it illustrates.

In accomplishing a design too arduous for our weakness, we shall be at least consoled by the ever present contemplation of the thoughts of a great man — a fruitful source of intellectual aggrandizement, a noble pleasure, which elevates the understanding, and enables it to enjoy what it cannot rival.

Although time had handed down but few fragments of this celebrated treatise, posterity conceived a high idea of the treasure it had lost, being well aware of the value Cicero himself set upon it, in his letters and in his other works; for there is none of his writings to which he makes more frequent allusion, or of which he speaks with more predilection and joy. We observe by his letters to Atticus, that he began it in the fifty–second year of his age, some time after his banishment, and at a period when, without having resumed his influence, he was occupied in political and juridical studies. Thus, it was not like most of his philosophic treatises — a kind of refuge which he sought in his misfortune and exhaustion. But he devoted the full energy of his agitated life to express these thoughts on the first objects of his ambition and love — policy and patriotism; and this fact explains the very decided and practical character he has given to the present work, if we compare it with the speculative Commonwealth of Plato.

He prepared for its composition by studying the laws and antiquities of the Roman state, and consulted for this purpose the works and the library of the learned Varro, the friend of Atticus. He determined to give his treatise the form of a dialogue, in which Scipio, Æmilianus, and Lœlius were to be the principal interlocutors. He indicates this plan of construction in his letter to Atticus, mentioning his wish to dedicate to Varro one of the prologues which he designed to prefix to each of his six books.

“May I be able to accomplish it (he adds); for I have undertaken a very important and difficult task, and one which demands a great deal of leisure—the very thing in which I am most deficient.”

This same year, during his residence at Cuma, he employed himself in writing this treatise, which he always describes as an arduous and laborious undertaking. “But (says he), if I succeed in making it what I wish, it will be labour well spent; if not, I shall throw it into the sea, which is under my eye while I write it, and I shall commence something else, for I cannot remain idle.” (Scribebam sane illa quæ dixeram Ω?ολιτικα, spissum sane opus et operosum; sed si ex sententia successerit, bene erit opera posita; sin minus, in illud ipsum dijiciemus mare quod scribentes spectamus, et alia aggrediemur, quoniam quiescere non possumus.”—*Ad. Quin.* 2. 14.)

Another letter of Cicero to Quintus, dated the same year (b.c. 53), is entirely occupied with this important work, which had made some progress. We shall take care not to break and mangle the valuable details which this letter affords us, which at once declares the author and the great man.

"You ask me (says Cicero), how I am getting on with the work which I undertook to write during my stay at Cuma. I have not relinquished it, nor do I mean to do so; but I have more than once changed my whole plan of composition, and the arrangement of my ideas. I had finished two books, in which, assuming for my epoch the nine days of feasts under the consulate of Tuditanus and Aquilius, I introduced a dialogue between Scipio Africanus, Lœlius, Philus, Manilius, Tubero, Fannius, and Scævola, both sons–in–law of Lœlius. The conversation was altogether respecting the best form of government, and the characteristics of the true citizen; being divided into nine days and nine chapters. The construction of the work advanced propitiously, and the dignity of the personages lent weight to the discourse. But when I had read these two first books at Tusculum, in the presence of Sallust, he told me it was possible to give the style still greater authority, if I spoke in my own person, not being a Heraclitus of Pontus, but a consul, and a man who had taken a part in the greatest affairs of state; that all I attributed to personages so ancient would appear fictitious; that in my book, in which I had discussed the art of oratory, if I had with a good grace avoided introducing in proprià personà any rhetorical illustrations, I had put them in the mouths of gentlemen, I might at least have seen; and finally, that Aristotle himself, in all that he has written on government, and on the qualities of a great man, speaks in his own name. This remark struck me the more forcibly, because, by my plan, I had barred myself from discussing the greatest events of our country, since they are of a much later date than the ages of my personages. In truth, this was the very thing I wished from the first to avoid, lest in describing our times, I should offend our cotemporaries. I desire altogether to escape this danger, and to adopt the form of a dialogue with you. However, if I come to Rome, I will send you what I first wrote; for you may well conceive that I cannot abandon these first books without some annoyance."

This confidential detail explains to us all the regret which Cicero must have felt in finding his long labour disappointed; and this regret sufficiently manifests the reason why, in spite of these changes of opinion, he resumed his first design, continued the dialogue as he had commenced it, and hastened to finish it with that rapidity which he always combined with discrimination, and which in a life so laborious, and a mind so agitated and restless, appears to have been one of the most remarkable properties of Cicero's genius. But he took care to limit his treatise to six books.

It was, therefore, under this form that the work was published a little while after the period when Cicero was so eagerly engaged in its composition. It appears that this was given to the world just before his departure for Celicia, in the fifty–fourth year of his age, a. u. 701. Soon after this event, the most talented of all the eminent men, whose letters are found mingled with those of Cicero, we mean Cælius, who constantly wrote him the news of Rome during this period, finishes his first epistle, full of the intrigues of the senate and the forum, in these words: *Tui libri politici omnibus vigent.* Your political treatise is universally read and much admired. "This

(says Middleton) alludes to his Treatise on the Commonwealth, which was drawn up in the form of dialogue, in which the greatest persons of the Republic were introduced. From the fragments of this work, which still remain, it appears to have been a noble performance, and one of his capital pieces, where all the important questions of politics and morality were discussed with the greatest elegance and accuracy."—(*Mid. Life of Cicero.*)

At the same epoch, Cicero speaks of them to Atticus, whom he supposes occupied in their perusal, and from whom he requests some political advices relative to the situation of the State. In another letter to his friend, written in the middle of his government, he mentions these six books of the Commonwealth as a recent publication, in which he had bound himself by the strongest engagements to justice and purity in his administration. This was the motive he opposed to the wishes of Atticus, who urged him to favour those measures of rigour and exaction which Brutus had exercised against the city of Salamis, of which he was treasurer. After having described the injustice of such conduct, and his resolution not to foster such corruptions, Cicero adds:—"Let those complain of me who will, I shall resign myself, if justice is on my side, especially since I have bound myself with my six books, as so many sureties which I am delighted to find have obtained your approbation. (Irascatur qui volet, patior, το γαρ ευ μετ εμου, presertim cum sex libris tanquam prædibus me ipsum obstinxerim, quos tibi tam valde probari gaudeo."—*Ad Att.* 6. 1.)

How fascinating is the *naiveté* and ingenuousness of so great a man—Admirable Cicero! in whom vanity itself was turned to the advantage of truth and virtue. Oh that all men in authority and power had thus composed treatises, by which they might be bound to good conduct, and invincibly compelled to justice and moderation.

The idea of his work on the Commonwealth was present to Cicero during the whole epoch of his government in Cilicia, which was in the avaricious tyranny of the Romans a splendid exception, an almost unique example of disinterested equity. This idea enabled him to resist the solicitation and the authority of Brutus—it made him rejoice in the honours which were decreed him by the gratitude of the people he governed—it guided and regulated all his actions. (Reliqua plena adhuc laudis et gratiæ, digna iis libris quos tu dilaudas, conservatæ civitates, cumulate publicis satisfactum offensus contumeliâ nemo.—*Ad Att.* 6. 3.

When Cicero, after an administration of eighteen months, during which he had changed the condition of his province, and gained a battle, wished to obtain the honours of a triumph, amid the congratulations of his public services, the memory of the principles maintained in his Commonwealth still commanded his attention. He had probably announced in this work that the true citizen ought to serve his country for its own sake, and without regard to honours and dignities; and in this point, the rigorous practice he had recommended, was, perhaps, above his own efforts. Thus, in this embarrassment, satisfied in himself respecting his conduct, scrupulous of indulging the vanity of a triumph, yet not possessing resolution enough to renounce this hope, he writes to his friend with that involuntary candour which so exactly delineates the man:—"If this idea of a triumph had not taken possession of me, which also meets your approbation, you would not have to seek very far for the man I have described in

my sixth book. But how can I excuse myself to you who have studied my words so diligently?"—(*Ad Att.* 7. 3.)

Many other passages in Cicero's letters recall this cherished work, and reply to the observations of Atticus, who acted the part of a useful and learned critic to his friend. In one of these he combats the reproach of having made Scipio say, incorrectly, that Flavius was the first who published the judicial terms and returns. And he justifies himself with the same ease from another fault, perhaps less innocent, of having ridiculed the theatrical gestures of a certain orator who, doubtless, is no other than the celebrated Hortensius. On two other occasions in his letters, he speaks of his Commonwealth: in one he discusses, with a scrupulosity which appears more worthy of a modern academician than an ancient orator, the manner in which he had used, without a preposition, the word Pyrea, the name of the Athenian poet: in another, to correct a vicious orthography which he had given to the name of a people, and to request Atticus to mark the variation in his copy. The reader will pardon these minutiæ for the same curiosity which induces us to read in Voltaire's correspondence the inquietudes and distresses of this great writer, on account of a word erroneously printed, or a verse incorrectly recited on the stage.

We would remark, that the epoch which Cicero so carefully occupied in composing this work consecrated to the free institutions of his country, was precisely that which was overwhelming its laws and liberties under Cæsar's arms. In fact, it was on his return from Cilicia, that Cicero, to use his own expression, saw the Constitution falling into the flames of civil war. Cicero followed Pompey without approving him, or trusting him; and soon he felt the mortification of not finding in this defender of the Roman Constitution the qualities he required of a statesman, in his book on the Commonwealth. For this memorial naturally presented itself to his mind; and he could not help, in writing to Atticus, quoting one passage of it, in which he had made Scipio speak, and which at that season served only to show him all the defects of Pompey.

After Cæsar's victory, although Cicero, at first retiring from the Senate and the Bar, sought in philosophic studies a peaceful and unsuspicious employment, he did not forget in the works he composed during this melancholy period, that treatise on the Commonwealth, he had so lately written in happier days and brighter hopes. He especially cites it, and refers his reader to it in his Dialogue on Laws (de Legibus), which he appears to have composed as a supplement, and a natural continuation of his former work. In his treatise on Moral Duties, written after Cæsar's death, at a period when tyranny threatened to survive the immolated Dictator, Cicero again recalls his Dialogue on the Commonwealth, as an immortal Protest against Cæsar, Antony, and their successors. Lastly, in his ingenious, but sceptical treatise on Divination, he speaks of the service he had rendered to the sciences, and enumerates his philosophic writings—"To all these (says he) I must add my six books on the Commonwealth, which I wrote at a period when I held the helm of the state"—a memorial of ambition and glory which he could not forget, and whose loss even his philosophy could not atone.

In collecting from Cicero himself these frequent references, it appears that the book he loved so often to cite, was a kind of Political Testament, in which he flattered

himself with having retraced, and fixed for the future, the image of the Constitution to which he devoted his life.

It is needless, therefore, to enquire why this work is no where mentioned in the monuments which remain of the literature of the age of Agustus. We know that the writers of this epoch, with the exception of Livy, feared even to name Cicero, whose glory was so recent, and so severely reproached the crimes of the Triumvirate. Plutarch tells us that one day Augustus found in the hands of one of his nephews, a book which the young man endeavoured to conceal under his robe; the emperor seized it and beheld a work of Cicero. After having perused the greatest part of it standing, he returned it, and added, "This was a wise man, my child, a wise man, and one that loved his country well." Whatever might have been the unexpected toleration of the emperor on this occasion, we suspect that the book he so generously pardoned, was not the treatise on the Commonwealth.

After the crafty usurpation of Augustus had given rise to the tyranny of Tiberius and the insane despotism of so many monsters, we may easily believe that it was forbidden to praise this work of Cicero, and that they discarded this glorious memorial of ancient Rome, with the same anxiety with which they prescribed the images of the heroes of the Republic. When the senate condemned to death the historian Cremutius Cordus, for having recounted the actions of the great men who were Cicero's contemporaries, we may suppose that the book in which their maxims were deposited, was not to be celebrated with impunity. Seneca, the feeble defender and martyr of liberty in the court of Nero, cites at some length this work of Cicero, on account of some historical curiosities,—"When (says he) a philologian, a grammarian, and a philosopher lay hands on Cicero's Commonwealth, each examines it for topics according to his own taste." Seneca, in this enumeration, forgets those who only examine books in order to fathom the depths of their subjects, Quintilian never mentions the Commonwealth; he praises Domitian. Pliny, the younger, who lived in better and freer times, even Pliny, so full of allusions to ancient literature, and so great an admirer of Cicero's writing, never ventures to cite these famous dialogues. Pliny, the naturalist, who, in a single work, has given an inventory of all the learning of antiquity, has cited this work of Cicero twice only, and in a style of expression devoid of interest.

Tacitus, in what remains of his writings, comprising the Dialogue of Orators, has never mentioned Cicero's Commonwealth; and he had little occasion to do so. But we cannot doubt that his great mind was penetrated by reading these political compositions. One passage in his annals, which we shall hereafter notice, shows that he had well considered one of the principal ideas and one of the brightest hopes which Cicero has expressed in his work. We will search no further among the writers of the two first ages of the empire; we should find but few traces of the admiration which attached itself to the finest composition of Cicero; but we may well believe that in secret this work nourished the virtue of Thraseas and Helvidius, and the great men whose heroic deaths have been recorded in history.

Two centuries later, it is noticed in a very curious and interesting manner in the Life of Alexander Severus, by Lampridius. We know that this Alexander, successor to the

abominable Heliogabalus, was one of the most virtuous princes that ever rejoiced the earth. He died in his 29th year, assassinated by the soldiers, who could not brook the discipline he had established, and the equal justice with which he enforced it. After having delineated his noble qualities, and his efforts to surmount the vice of absolute power and military dictatorship, the historian adds these remarkable words:—

"After he had overcome the labours of government and war, Alexander devoted his principal attention to Greek literature, studying above all, the books of Plato's Commonwealth. In Latin, the works he most assiduously perused were the Offices and the Commonwealth of Cicero."

This same Alexander had in his library the Consecrated Statues of Cicero and Virgil, whom he called the Plato of Poetry. This kind of philosophic and literary idolatry, which, in some elevated and enthusiastic spirits, was substituted for the old fables of polytheism, was little capable of gaining the multitude, and influencing beneficially the manners and destinies of the people. The refined ideas of eternal and immutable justice, of moral duty, and pure reason and liberty, on which the policy and philosophy of Cicero were founded, became every day more enfeebled and effaced in a world almost brutalized by slavery and ignorance. Literature herself could no longer recal them — she was then nothing better than the insipid learning of the sophist and the scholiast. To comment on the real principles of the ancients was altogether above the degradation of that unhappy age, in which nothing past current but expositions of words and phrases. Thus a great number of terms and idioms employed by Cicero in his Commonwealth were preserved as grammatical citations in many profane writers of the fourth and fifth centuries, while his thoughts were utterly neglected.

But, while Pagan civilization, sterile and exhausted, forgot its own history and traditions, and beheld in the philosophic master–pieces of ancient eloquence no more than dead letters, signs, and forms; the Christian church, which had grown strong under persecution, extended a bolder investigation to these venerable compositions — interrogated them, criticised them, and compared them with the sacred depositories of revealed religion. Thus examining all questions, and interdicting no truths, seeking on all sides for arguments against oppression and injustice, she replenished her admirable advocates with the sublime fragments of eloquence derived from those sages who had no longer in Paganism either interpreters or disciples.

Under this point of view, it becomes an object of interest to search in the writers of both religions those passages which they have preserved of Cicero's Commonwealth. Let us examine not only the grammarian Diomed or Nonius, author of a treatise on the "Propriety of Expressions;" let us also consult the learned collections of Aulus Gellius, and the fragments of the orator Fronto, in which we find the Commonwealth cited to support a peculiar signification of the verb *superesse,* or of the verb *gratificari;* and learn that Cicero, in this immortal work, had used an ellipsis or a metaphor with very remarkable nicety.

But when we peruse Lactantius, or Augustine, and investigate that Christian literature, as new and exuberant as the virtues it announced to the world, we find Cicero's Commonwealth often quoted in the most philosophic and sublime reasonings. There

we find, exactly transcribed, and sometimes confirmed or combatted with the utmost eloquence, those passages of the Treatise on the Commonwealth which were almost all we possessed of it till a recent period, but which were enough to give us the highest idea of the original. Lactantius quotes one of those beautiful fragments translated from Plato, which Cicero frequently inserted in his work:—it is a comparison between the just man condemned, and the guilty triumphant. No doubt such illustrations of truth must have been eagerly seized on by the early Christians.

"Suppose (says he) two men, one the best of mortals, of perfect equity and inviolable faith, the other distinguished for audacious villainy. Suppose that the mistaken crowd had arrested this virtuous man for a culprit, and had assented that the wretch on the other side was full of honour and probity. In consequence of this universal opinion, the virtuous man may be tormented, and have his limbs mutilated, and his eyes plucked out; he may be condemned, loaded with fetters, and tortured in flames; he may be rejected by his country, and die of hunger—and in the end, appear to all the most miserable of men, and the most justly miserable. The real offender, on the contrary, may be overwhelmed with homage and congratulation; he may be loved by all the world, and honours, riches, dignities, and all kinds of gratifications may be most profusely lavished on him — he may be, in short, in the estimation of all the world, the most meritorious of men and the most worthy of all possible prosperity. Yet, is there any one blind enough to hesitate in his choice between these two destinies?"—(*Lact. Inst.*)

The reflection of Lactantius on this passage is fine, and worthy of notice:—"In making this supposition (says he) it seems as if Cicero had foreseen the evils that would befal us, and forewarned us how to bear them for the sake of justice."

When St. Augustin was engaged against the celebrated heresiarch Pelagius, in a theological controversy on the nature and the fall of man, he also invokes Cicero, and cites this beautiful passage, which Pascal has so eloquently developed:—

"Nature, less like a mother than a step–dame, has cast man into life, with a body naked, frail, and feeble, and a soul which inquietude agitates, and fear depresses, and fatigue exhausts, and passion consumes; and yet there dwells within us, though half extinguished, a certain divine sparkle of intelligence and genius."

It is thus that Augustin, who in his City of God—a work evidently formed on the idea of Cicero's Commonwealth—has preserved as one of the arguments which the Roman orator has given for his opinions on the origin and nature of moral powers, this noble principle of the sovereignty of justice, anterior to all the sovereignty of man or human force.

"The public interest (says he) is really the interest of the people, whenever it is regulated in wisdom and justice, either by a king, or by a certain number of nobles, or by the entire people. But when the king becomes corrupt—that is to say, tyrannous; and aristocrats unjust, transforming their alliance into a faction—or the people unjust, violent, headstrong, and overbearing—then, the Commonwealth is not merely corrupted, but extinguished; for it is no longer the interest of the whole people, when

it falls into the power of a tyrant or a faction. And the people itself is no longer *the people,* when it becomes unjust, since it is then no longer a community formed under the sanction of right, and associated by the bond of common utility."—(*August. Civ. Div.*)

In another place, Lactantius, who protests against the barbarous decrees by which the despotism of the emperors had crushed the resistance of the primitive Christians, borrows from Cicero, and transmits to posterity, these beautiful words, extracted from the third book of the Commonwealth:—

"There exists one true law, one right reason—conformable to nature, universal, immutable, eternal — whose commands enjoin virtue, and whose prohibitions banish evil. Whatever she orders, whatever she forbids, her words are neither impotent among good men, nor are they potent among the wicked. This law cannot be contradicted by any other law properly so called, nor be violated in any part, nor be abrogated altogether. Neither the senate nor the people can deliver us from obedience to this law. She has no need of new interpreters, or new instruments. She is not one thing at Rome, another at Athens—she is not one thing to–day, and another to–morrow; but in all nations, and in all times, this law must reign always self–consistent, immortal, and imperishable. The Sovereign of the Universe, the King of all creatures, God himself, has given birth, sanction, and publicity to this illimitable law, which man cannot transgress without counteracting himself—without abjuring his own nature; and by this alone, without subjecting himself to the severest expiations, can he always avoid what is called suffering."

O sublime words! precious and indestructible relics of that primitive revelation which illumined the world—Antique tradition of the Deity, obscurely preserved by the most illustrious sages, too soon overcast by the gross errors of polytheism, and at length restored to mankind by that Christianity which lends to the truth of nature the sanction of heaven.

To these noble fragments, which thus passed from the works of Cicero into those of the early defenders of Christianity, we must add a passage more generally known, for whose preservation we are indebted to a Platonic philosopher. We allude to Scipio's Dream—an admirable episode in the treatise on the Commonwealth—a sublime fiction, in which Cicero puts into the mouth of a great man the doctrine of the immortality of the soul, in order to give the confirmation of this glorious truth to all earthly laws and institutions. Macrobius, who in the beginning of the fifth century transcribed this fragment, and commented on it, was, like almost all the Latin literati of the period, much occupied in philological curiosities, and a stranger to the inspiring truths of Christianity, whose name he does not mention. But being a Greek by extraction, though he wrote in Latin, he had a taste for that kind of theosophy—that compound of abstraction and illuminism, by which Greece nourished her ancient mythologies, and sought to revive them. What interested him most, and what he developed in his Commentary, are certain chimerical reasonings on those Pythagorean ideas to which Cicero had alluded in passages of Scipio's Dream, in order to lend to the fundamental truths of his argument a more mysterious and solemn character. Cicero, opening heaven to the eyes of his hero, had named some of the constellations.

His commentator makes on this subject an astronomical disquisition, which he adorns with those singular reveries respecting the numbers, by which the ancients mingled transcendental metaphysics with judicious geometry. But we must not be the less grateful to Macrobius, for having quoted in his writings this admirable episode of the work, which time concealed so many ages from our perusal.

During the ignorance of the middle age, Macrobius was preserved, and Cicero's original was lost. It is but very rarely alluded to by writers since the fifth century. We may, however, conjecture from a passage in Photius, that the Greeks of Byzantium, among whom barbarism was not so far advanced, had some knowledge of this precious monument.

"I have read (says Photius in his Bibliotheca,) a work on politics, in which are introduced two persons conversing, the patrician Menas and Thomas the referendary. This work contains six books, and presents a new form of political society, different from all the ideas entertained by the ancients, which is called the government of justice. As to the essence of this new government, it is composed, according to these two interlocutors, of royalty, aristocracy, and democracy. The reunion of each of these elements, taken in its purity, ought to form the best political constitution."

What was this work? Photius deceived himself in supposing that the idea of a mixed government was new, and unknown to the ancients; we shall find it in an epoch very far anterior even to the age of Cicero. But at all events, this idea, which surprized Photius, could not have taken its rise under the debasing despotism of the Greek emperors; and in the midst of the theologic controversies, which had in the East already so much degraded the sublimity of Christianity. Would a Greek, living in Constantinople, and in the eighth century, have imagined this form of government, whose model nothing in his experience could furnish? It is, therefore, most likely that this work, in six books, was some incomplete version, or some clumsy abridgement of Cicero's Commonwealth, in which the imitator, a stranger to the Roman manners and traditions, thought proper to change the names of the personages, without, perhaps, being conscious how much Scipio Africanus was a more interesting interlocutor than Thomas the referendary.

However this may be, there only remains of this Greek work, the brief analysis of Photius; and when at the first revival of letters in Europe, men were occupied in searching for the monuments of antiquity, the dialogue of the Commonwealth was not to be found in any language. Succeeding ages did not appear more successful with regard to this subject; and even in our own age, till the authentic discovery of the book now presented to the public, there were only known of this work the beautiful fragments above cited, Scipio's Dream, some phrases, some demiphrases, and many terms and words scattered throughout the grammarians and the scholiasts of the middle age.

We know that these fragments, of which the collection formed only twenty pages, have yet inspired a learned scholar with the idea of recomposing the work of Cicero, by gathering from all the treatises of this great man, the thoughts and expressions which related to government and politics. But it may, without difficulty, be conceived,

that this plan, even under the most dexterous management, carrying with it as an inevitable condition the amalgamation of the most discordant elements, could not give an idea of the original work. Cicero did not write a familiar epistle, a political letter, an harangue, and a philosophic treatise in the same style. Only think of the singular assortment which would result from a work formed of extracts, in which the same matter was treated in phrases borrowed here and there from the different productions of a writer, eminently skilful in varying his language, according to the occasion, and in adapting it to the different orders of composition. In this point of view, it is possible to conceive that nothing could be less Ciceronian than a work thus compounded from the phrases of Cicero. But without applying this test to the ingenious work of the learned M. Bernardi, we shall only remark, that this use of the then known elements of Cicero's politics, could have no resemblance to the discovery of M. Angelo Mai, who now presents us from an original MS., the very text of the original dialogue in its primitive form, and, therefore, a collection of thoughts and expressions which Cicero had reserved for this work, and which no other writing of this great man could furnish or supply.

Unfortunately this MS., whose authority cannot be doubted, still presents numerous lacunes and gaps, and the state of laceration in which it has been given to us, the destroyed pages, the incomplete phrases, the interrupted sentences, all attesting the religious fidelity of the editor, diminish the interest of this precious monument, and occasionally obscure its meaning. However, the grand divisions still subsist, the succession of ideas and arguments is evident, the development ample; some of the books are preserved almost entire, and the discovery is entitled to our admiration, incomplete as it is.

From the present publication, the public may therefore judge with confidence if Cicero's Commonwealth was worthy of so many eulogies and so many regrets. We may also, by the aid of this new discovery, form a more exact idea of the state of political science among the ancients, and, perhaps, throw some new light on the constitution of the Roman state, which the researches of so many scholars have still left obscure and dubious.

Let us endeavour to examine these interesting questions, by ascending to the source from whence the Romans, and particularly Cicero, derived almost all the principles of their sciences and opinions. I speak of the Greeks, who are to be considered as the chief inventors of classic civilization—for nothing is certainly known respecting the Egyptians. The world were little acquainted with the Hebrews, previous to the conquest of Alexander; and the Romans were merely copyists full of genius, but by no means original, especially if they be compared with the Greeks, their models. In truth, this science of government, which among the Romans appeared to have given rise, during many ages, to one theoretical work only, namely, this very book of Cicero, had produced among the Greeks political compositions of all forms, and whose multiplicity was worthy even of modern times. In this respect, the literary inferiority of the Romans may be explained by their national aggrandisement. They were too much occupied with reigning, to indulge in writing. Their motto was—"Tu regere imperio populos, Romane, memento." And, perhaps, this military and civil domination which overwhelmed so large a portion of the world, was too serious a

thing to be made the frequent object of speculative dissertations, after the manner of those Greeks of Peloponessus and Sicily, who reasoned within the peaceful walls of their little cities. For a long time Geneva has printed more political books than Paris.

The idea of political science among the Greeks, immediately recalls the names of two great geniuses, so admirable in different respects, who, after having reigned over ancient literature, have given rise in modern Europe to sects and parties—Aristotle and Plato. One, the most penetrating observer of nature and society; the other, the most brilliant and most sublime of speculative spirits. It will be easily supposed that Cicero, who in his works borrowed so much from them, who even in the contests of the rostrum and the bar continually associated philosophy with politics, would not lose sight in a work on government, of the thoughts which these two great men had expressed on the same subject. It will also be easily conceived that, following up his syncretic and eclectic method, he would make an imitation compounded of their several doctrines; he would temper the theories of Plato by the practical ideas of Aristotle; and especially, he would connect their foreign and dissimilar views with the model that he had before his eyes in the government of a country which he had so ardently loved, and so gloriously preserved.

What, then, were the ideas and illustrations which these great men afforded him? Plato, as Rousseau remarks, had traced in his Commonwealth rather a system of education than a plan of government. He imagined the best way of governing men, was by educating them from the cradle, and even by changing the natural relations of birth. He destroyed family connections, in order, in some measure, to substitute the paternity of the state. He caused the relation of the sexes to disappear; and, taking from women their most amiable virtues, modesty and fidelity, he sought at the same time to free them from all natural weakness, and to render them as robust and warlike as men. In these respects, this theory was only an exaggerated commentary on the rugged institutions of Lacedæmon, written with the enthusiasm and ingenuity of an Athenian philosopher. But the same thing happened to Plato, which happened to Rousseau in his Emilius. In the midst of these general systems, carried to excess, and these fantastical imaginations, he scattered a great number of particular verities, and though his principles might sometimes seem to counteract the laws of morality, he contrived to give to this same morality many sublime developments, and new illustrations, adorned with the grace of his eloquence.

This work, therefore, afforded Cicero, beside the charms of language which he incessantly cultivated, magnificent views of human nature, and that kind of elevated spiritualism which vivifies all science and learning. It is thus that in Scipio's Dream, that well–known fragment of Cicero's Commonwealth, is an evident, though embellished representation of the episode in which Plato explains the doctrine of the soul's immortality, and of its sufferings and rewards, by making an individual slain in battle, and miraculously restored from the tomb, reveal the secrets of futurity. In the body of the work, however, in the choice and arrangement of his ideas, Cicero had but little occasion to imitate Plato, since his plan and object were different—one having attempted to delineate an ideal Commonwealth; the other, to represent an actual political state: one, seeking for perfection in fanciful hypotheses; the other, believing that he had found it in the ancient Roman Constitution.

Cicero, in his letters, complains that Cato, with most virtuous design, and the most austere probity, often prejudiced the interest of the Commonwealth, because he delivered his sentiments as if he lived in the chimerical republic of Plato, and not among the dregs of the people of Romulus. This reproach sufficiently indicates that in a work which he wished to render useful to his cotemporaries, Cicero ought not to have indulged in those purely philosophical theories of which his whole life, and his familiarity with political affairs, proved the vanity and hollowness. But without contriving for men more wisdom and happiness than they could attain, and especially without desiring to change the foundation of human nature, Cicero did not place among impracticable Utopias, the reign of Justice, Law, and Liberty. He felt a reliance on virtue. The generous maxims of the Platonic philosophy had often directed his actions; but they could not be entirely amalgamated with the ideas which he expressed on politics. Thus, in his Commonwealth, he borrows little of the system of Plato, though he sometimes approaches him in the sublimity of his morals.

Aristotle, in his writings almost always takes a direction different from Plato's, for the same reason which causes a man of profound genius and critical sense, studiously to contradict or refute the testimony of an eloquent improvisateur. Aristotle, who even in his policy was still faithful to his philosophy, and mainly consulted fact and experience, presented to Cicero a treasure of observations and researches of which we have lost the largest part. We know that this great man had made a collection of the laws and constitutions of more than 158 states, from the opulent Carthage, to the poor and insignificant Ithaca. His eight political books were the result of this labour—it may be called the "Spirit of the Laws" of antiquity. If the less advanced state of the world did not open to the Greek philosopher so spacious a field as that which has been traversed by our Montesquieu, it must be confessed that the variety of discoveries is scarcely less, and that almost all social combinations are already classified and analysed in this astonishing work.—(*Vide Gillies on the Politics of Aristotle.)*

We observe that the wisdom of the ancients, far from excluding monarchy, conceived it under diverse forms—absolute, mixed, modified by laws and customs—and very philosophically compared its advantages with those of republican governments, the most scientific and diversified. But what especially strikes our attention, is to see that the minute and contracted universe of Greece, a portion of Asia, and a few islands, had already exhausted—if we may be allowed the expression, all the political conditions, accidents, and systems, which have prevailed in our modern world, aggrandized by so many new countries, and such marvellous inventions. In this point of view, the book of Aristotle is still singularly interesting. When it was brought from Athens to Rome, which was then so ignorant of all she had not conquered, this light must have appeared entirely novel, even to the most cultivated spirits. Cicero, doubtless, took advantage of it; but, occupied in forming a Roman treatise, and especially desirous of corroborating the political prepossession of his countrymen, and of lending assistance to that ancient constitution, menaced on all sides, it may easily be conceived that he could not adopt the plan of a work, which, by the variety of forms and examples with which it is filled, seems rather adapted to produce scepticism in the choice of a government, and uncertainty in its duration. Thus this great man, who mistrusted Plato as too conjectural, seems also to suspect the experiences and diversified experiments of Aristotle. Perhaps, also, in the height of

his Roman pride, he disdained to compile the fleeting institutions of so many small republics; and, perhaps, it cost him too much to believe that his cherished and powerful country would be obliged to submit to the same destiny of corruption and decay.

But the treatises of Plato and Aristotle, masterpieces of the Grecian philosophy, formed but the smallest part of Cicero's Commonwealth. These great men were followed by a crowd of disciples and expositors, all whose works were familiar to Cicero, a most curious investigator of the literature of Greece.

We have already mentioned the monarchical predilections of the ancients.

The preference that Herodotus, the father of classic history, entertained for the monarchical form of government, such as prevailed in Persia and the oriental kingdoms, is displayed in the celebrated speech which he puts into the mouth of Darius. The speech is this:—

"I think nothing can be imagined better, or more perfect, than the government of a single person. When one only commands, it is difficult for his enemies to penetrate and discover his secret enterprizes. If the sovereign power be lodged in the hands of many, it is next to impossible but that the deliberations must be discovered, and that enmity and ill–will prevail. Each one is jealous of his own opinion; ambition and rivalry promote discord, and hatred transports them into the most violent excesses. Hence arise seditions, murder, and carnage, which insensibly lead again to the ancient government of a monarch. And it is thus that the sovereign authority almost always returns into the hands of a single person. In a popular government, it is impossible but that there must be much corruption and wickedness. It is true, that equality does not in itself engender hatred, but it foments and maintains union among the wicked, who support one another until one among them obtains consideration sufficient to conciliate the people, and in the end he domineers over the multitude; thus he becomes truly a monarch, and often even a despot. We are then constrained to acknowledge that a monarchy is the most natural form of government, since sedition in an aristocratic, and corruption in a democratic form, equally tend to unite the sovereign power and domination in one person."—(*Herodot. Thalia.)*

In Beloe's translation of Herodotus, we find this pointed note attached to this speech:—"Larcher has quoted the following remark of Goguet, which it may be wondered that the vigilance of Bonaparte's satellites allowed to pass:—

'The best writers of antiquity have invariably expressed themselves in favour of monarchy. Herodotus, Plato, Aristotle, Zenophon, Socrates, Cicero, Seneca, Tacitus, Plutarch, and others, have considered a monarchical government as the most advantageous and perfect of all those which mankind have invented. It is singular enough that the greater part of the above writers flourished in Republics.'

Cicero did not violate any historical probability in placing the opinions of the Greeks in the mouth of Scipio. He himself tells us that this illustrious man always had in his

hand the book of Xenophon's Cyropœdia, "and with a good reason (says he), for no principles of an active and well regulated government are forgotten in this work."

But the book of the Cyropœdia only embellished what many of the Greek philosophers had said respecting the advantages of a wise monarchy, contrasted with the miseries of popular licentiousness. It is a remarkable fact, that the desire for this monarchical government had been continually formed in the democracies of Greece and Sicily, by spirits the most illuminated, and the most free from prejudices and passions. In this respect, the philosophy of the ancients was frequently at issue with their practice. This circumstance is sufficiently explained by the nature of those small states in which faction, violence, and popular hallucination left so little space and influence to calm and gentle spirits. There, the people was the absolute autocrat, against whom reason always struggled, and reclaimed the privileges which were due to liberty. We should not have alluded to this movement of the philosophic genius of the ancients, had it not inspired the celebrated sentence of Plato, who desired for the people "a good tyrant, aided by a good senate"—a self–contradictory exclamation, hardly worthy of a sage. But this aversion from popular excesses naturally produced among the philosophers of Greece that most correct theory of mixed and legitimate monarchy, of which history affords us only incomplete models.

That the ancients in general preferred monarchy to other forms of government, appears in their philosophic books; though they could not always maintain it in its appropriate relations to other constitutional powers. This fact is confirmed by the testimony of Keckerman's Systema Disciplinæ Politicæ, 1608. It is worth translating the passage in which he expresses his opinion on this subject:—

"It is a great question (says he) agitated among the politicians, whether a monarchy is to be preferred to an aristocracy or a democracy (An monarchia sit præferenda aristocratiæ, et democratiæ). If we look to the form of government abstractedly, and in its proper nature, certainly monarchy is entitled to the palm—(monarchia necessario palmam feret). And this monarchy should be such as God exercises over his creatures—for God rules not aristocratically nor democratically, but monarchically. Monarchy is also more conformable to the natural inclination of all creatures—for even the inferior animals retain some image of it, as bees and cranes, horses and cattle. In the regulation of all human families, also, there is one ruler or monarch—namely, the father, or his personal representative. We also learn, from sacred history, that God gave a king to his own people; and the testimonies of nations are evident in their histories, that whenever men constituted political government, they appointed some one to be their prince or king (unicum sibi principem aut regem delegerint). The authority of Homer is well known, and is reverently quoted by Aristotle:—

Ουκ αγαθον πολυκοιρανιη, εις κοιρανος εστω Εις [Editor: illegible character]ασιλευς.

> The authority of many is not good,
> Be there one Lord, one King.
>
> —2 *Iliad.*

Plato, in his politics, treats largely on the excellence of monarchy. Aristotle declares expressly, "In every variety of natures, we behold some one superior to the rest, who is worthier than the others of the same species." Seneca, in his book on Benefits, says, that M. Brutus did not act with sufficient prudence, when he slew Cæsar for the sake of liberty, and adds this reason—quia optimus civitatis status est sub justo rege — that the best condition of a state is under a just monarch. Plutarch, in his admirable works on the forms of governments, says—"If the privilege of choosing were granted us, we should not adopt any form but the monarchical." And in his Life of Solon, after he has told us that infinite factions and seditions arose among the Athenians under their democracy, he adds, "Nothing conduces more to the public security and peace, than that the Commonwealth should be subject to one monarch."

Aristotle appears to have have preferred the catholic, syncretic, or mixed form of government, as the only one in which king, lords, and commons could unite their strength, and preserve their purity. In his politics, he says that there are three forms of government—the monarchical, the aristocratical, and the timocratical; and adds, that the first is apt to degenerate into a tyranny, the second into an oligarchy, and the third into a democracy. This sentence I thus explain (says Keckerman), and reconcile with other passages, in which he classes democracy under the legitimate forms of government. By the term timocracy, in this chapter, he seems to understand that state of popular rule in which not the vulgar populace (promiscua plebs) but the better and worthier part of the people exercise authority. He defines timocracy to be a legitimate power of the worthier classes of the people (for timocracy is derived from τιμη, honour), acting for the general welfare.

This syncretic or mixed form of government was adopted in the primitive constitutions of Greece and Rome, and was long maintained in Sparta after the rest had unhappily fallen into democratical corruptions. As an example of the mixed government in ancient times (says Keckerman), we may cite that of Sparta or Lacedæmon, whose form was in the beginning purely monarchical, afterwards purely aristocratical, and at length composed of all three forms. Præclarissimi philosophi (says he), rempublicam temperatam extollunt, et Lacedæmoniorum formam summopere laudant, in qua reges et ephori et senatus, fecerunt mixtionem quandam, ut bene dignosci nequeant sub quanam gubernationis specie fuerit ea republica collocanda. The greatest philosophers extol this mixed and modified kind of Commonwealth, and especially commend the Lacedæmonian constitution, in which king, lords, and commons exhibited a certain combination, not to be classed under any of the particular systems of government."

Montesquieu has said, that the ancients had no very clear idea respecting monarchy, because they were not familiar with a government founded on a body of nobles, and still less with a government founded on a legislative body formed by the representatives of the nation.

This opinion is partially true. The ancients knew little of the system of political representation, and that for two evident reasons—the small number of citizens, and the existence of slaves; a nation almost enclosed within the walls of a single city, and having under its domination a people of slaves, had neither the idea nor the necessity

of limiting to a body of representatives a right which was common to all their freemen, and of substituting the election of a few for the presence of the multitude. Thus in these states, too rapidly aggrandized, the *universality of their right of suffrage was the direct cause of their destruction.* But with respect to the ideas of mixed monarchy, the balance of powers, and a body of nobles—if we find them in Cicero, who endeavoured to revive the ancient Roman constitution, we need not be surprized. These ideas had been long discussed among the Greek philosophers, with a precision and a copiousness very remarkable; though we can only judge of them by a few fragments preserved in the collections of Stobæus. A mixed monarchy was evidently the preference of the Grecian philosophers. "It is necessary (says Archytas, the friend and disciple of Plato), that the best government should be composed of the re–union of all other political constitutions; and that it should include in itself a portion of royalty, oligarchy, aristocracy, and democracy."—*(Stobæi Anthologion.)*

The same idea receives a more extensive development, answerable to modern institutions, in another fragment reported by Stobæus, and extracted from a work on the Commonwealth by Hippodamus, a Pythagorean philosopher.

"The laws (says he) will produce a durable empire, if the state is of a character mixed, and composed of all other political constitutions—I mean of all those conformable to the natural order of things. Tyranny, for instance, is of no utility to states, no more than oligarchy. What, therefore, we should lay down as the first foundation is royalty; and in the second place, aristocracy. Royalty, in fact, is a sort of imitation of divine providence; but it is difficult for human weakness to maintain it in this similitude—for it is apt to degenerate through luxury and violence. We, therefore, should not adopt it without limitations, but receive it in that degree of power and influence which is most serviceable to the state. It is of no less importance to establish aristocracy, because the existence of many great men results from it; an emulous ambition among themselves and a frequent substitution of power. The presence of democracy is also necessary; the citizen who forms an integral portion of the entire state has a right to his share in its honours; but this should be vouchsafed in moderation, for the multitude is always assuming and precipitous."—*(Stobæus,* p. 251.)

This extraordinary passage, which was written above 2000 years ago, seems almost to be a prediction of the Britannic government, not only in the exterior organization of its elements, but in the secret spring of its action, and the wholesome emulation of the ambitions it developes, which reciprocally superintend each other, and lead by regular gradations to the summit of power. This passage, which we have translated with a fidelity as great as the surprize we experienced in first perusing it, will easily explain the similar ideas which Cicero puts into the mouth of the wise and magnanimous Scipio, familiar with all the philosophy of the Greeks, the friend of Polybius and Panœtius, and the constant adversary of the Gracchi, of whom he was most probably the victim.

We have lost the writings of Panœtius, whom Cicero so largely imitated in his treatise on Offices. But we still retain a portion of Polybius, who instructed Scipio in the Grecian sciences, and who had, doubtless, learned from him the genius of the Roman

Commonwealth, so admirably described in his history. We observe in the fragments of his treatise on the different forms of the Commonwealth, that he had revived the ideas of Archytas and Hippodamus.

"The majority of those (says he) who profess to reason on these matters recognize three kinds of government, royalty, aristocracy, and democracy. But it seems to me a very fair question, whether they exhibit these political forms as the only ones in existence, or merely as the best that can be devised. In these points I humbly conceive them to have fallen into error. It is evident we should esteem that as the most excellent constitution, which is mixed, and composed of all the particular forms already mentioned. And here not every domination of a single individual should be called a royalty, but that only which is founded on a just obedience, and which is exercised rather by wisdom than by terror and compulsion. Nor should we believe that every oligarchy is necessarily an aristocracy, but that only which conducts to power, the justest and wisest men. For the same reason, we should not denominate as a democracy, a constitution in which the whole multitude is able to act as it pleases, but that only which maintains the ancient and familiar customs of worship towards God, gratitude towards parents, honour to old men, and obedience to the laws. Such is the assembly of men who, if swayed by the counsel of the majority, we should entitle a democracy."—*(Polyb. in Fragmentis.)*

We may learn from these several passages how Cicero in his first book of his dialogue on the Commonwealth, after having separately defined royalty, aristocracy, and democracy, affirms that his own preference was for a fourth political system composed of the union of the essential properties of the three others. A desire to which Tacitus alluded in a subsequent age, when this great man, after describing the three principal modes of government, adds, with an expression of unequivocal regret—"either monarchs, nobles, or the people, govern all nations and cities. That system of government mixed and composed of these, it is easier to extol than obtain, and even if obtained, it can scarcely be durable." (Cunctas nationes aut urbes, populus, aut primores, aut singuli regunt, delecta ex his et consociata reipublicæ forma, laudari facilius quam evenire,—vel si evenit haud diuturna esse potest.)—*Tacit. An. Lib.* 4. *c.* 33.*)*

We may imagine that Cicero, who had not endured the sad and discouraging experience, which the empire of the Cæsars forced on Tacitus, would express the same aspiration with more force and confidence. After a vivid delineation of the factions of oligarchy, tyranny, and popular licence, he adds these remarkable words:—"When I witness so many calamities, royalty appears to me to be far preferable to these three corrupt governments. But that which is superior even to royalty, is that government which is composed of an equal mixture of the three better forms of constitutions, re–united and modified by each other. I should wish to behold in every state a royal chief and regent. Another portion of power should be placed at the disposal of the nobles; and something should be reserved to the choice and election of the multitude. This constitution evidently possesses the grand characteristic of equability—a condition necessary to the existence of every free people. It likewise presents a great stability. In fact, the first elements I have mentioned, when they are isolated, they easily degenerate, and fall into the opposite

extreme, so that a king gives place to a despot, an aristocracy to a factious oligarchy, the people to a mob and a hubbub. They are likewise often dispossessed, and expelled by each other. But in this combined government, which re–unites and amalgamates them, the like disaster cannot happen without supposing monstrous errors in the grandees of the state. For there can be little cause of revolution there, where every one is settled in his appropriate rank, and there is no corruption into which he can fall," (et non subest quo præcipitet ac decidat.)

A celebrated writer, M. de Chateaubriand, has said that representative government is one of the few great discoveries which among the moderns has created a new universe. But this noble system—is it not rather discoverable in these words of Cicero, than the wild forests of Germany, where Montesquieu pretends to have found it? This passage, whose depth and power must be recognized even through the imperfection of our translation—this passage, in which the idea of Polybius has been so far extended by the genius of Cicero, is it not sufficient to lend an immense and peculiar interest to the precious MS., in which such revelations of ancient wisdom appear, and such distinct anticipations of modern experience?

We must not conclude from hence, that Cicero wished to overturn the Roman constitution—he who showed himself in all his letters so displeased with the power of the first triumvirate, so indignant at beholding Pompey sole consul, so ready to accuse him of usurpation and tyranny. But this great man was most keenly conscious of the defects of the Republic, the perpetually increasing domination of a multitude, always ready to intoxicate themselves with licence and passion, and to deliver over the laws and the empire to the fury of Cataline, or to the glory of Cæsar. He saw that the power of those great men, whose ambition he dreaded, had no better foundation than the abuse of popular government; he saw that the dictatorship was sold to them by a factious magistracy, or transferred by the exclamations of an ignorant mob. On the other hand, it was manifest, that in the first ages of Rome, after the expulsion of the king, the royal authority, rather displaced than destroyed, had entirely fallen into the hands of the consul and the senate, and that it was by favour of this powerful aristocracy and this persevering combination of designs and projects, that the edifice of the grandeur of Rome, was augmented.

Cicero endeavoured to rise, at least in theory, towards this condition of things; and as it often happens to men of genius, he embellished what no longer existed. He attributed to the past a wisdom, a discipline, and regularity, which, perhaps, had never been experienced in Rome. He explained accidental circumstances by general and profound causes; he sought to make the succession of these accidents tally with a system of policy, the wisest and subtlest which his studies and reflections could offer him. This seems to explain the almost historical precision which he has preserved in the second book of his Commonwealth. In this he reviews, one after another, the reigns of the Roman kings—indicates their principal institutions—advances to the establishment of the Republic—examines the different powers which were created to govern it, and marks their date, their motive, and their duration. But these different changes, have they a real connection with the plan of mixed government which he was pleased to describe? Does not Rome always present the same violent conflict of two rival bodies? Is there not a moderating, inviolable, and pacific power wanting

therein? and was not the absence of this power most dangerously supplied by the creation of that formidable dictatorship which, once established, must become in a warlike nation the supreme and unappealable authority?

It does not appear that Cicero is any where sincere enough to make this avowal; but it is evident that his genius inspired him in the management of the government, with the idea of seeking a remedy for this defect of the Republic. It was in truth this want of a superintending power, which induced him during his consulship to reestablish the order of knights, and to give to this class of citizens a sufficient preponderance to enable it to become the third body in the state. But whatever the momentary success of this effort might be, it had no other effect than introducing into the state an element of the same nature as the others—tumultuous and variable, like them; and therefore incapable of acting as a limitation and barrier to their excesses.

When we proceed to examine what this great man has said on the advantages of a mixed and moderate government, and compare it with the illusion which discovered to him these advantages in the ancient Roman constitution, we are naturally struck with an important truth—It is this, that the ancient Pagan world could not, owing to the imperfection of its religious creed, rise to the realization of this balanced and attempered monarchy, which so many sages had conceived and desiderated. A fulcrum, a point of support, was wanting. There was no consecration and sanctity in power, there was no authority of moral obligation which was inviolable, simply because it was just. This is, perhaps, the greatest advance which human nature has made by the agency of Christian regeneration. It has supplied power with a much safer foundation than either force or numbers. By this, even in the most barbarous times, Christianity has moderated the violence of the unjustest dominations. Thus our religion, well understood, favours and promotes this beautiful political system, which reconciles progression with stability, and which, under the shelter of a sacred authority, establishes elective powers and popular rights.

It appears that Cicero sought, during his whole life, in his political conduct and his writings, a *conservative principle,* which might ensure the durability of the noble edifice of Roman greatness. Through despair of attaining it, having saved Rome from Cataline, and conscious that it was reserved for Cæsar, he drew from ancient customs and recollections that support which he no longer expected from the laws, and from the distribution of power. From hence arose this choice of Scipio as his principal interlocutor, in order that he might seize and mark the moment in which the elegance of rising civilization approached and blended with the simplicity of ancient times. From hence arose his perpetual eulogy of antique manners. This veneration of the past, which is equally observable in his Treatise on the Laws, makes him in another place affirm the legislation of the Twelve Tables, simple as they were, superior to the meditations of all the philosophers. But however patriotic this sentiment may be, it sets very narrow bounds to politics. As the progress of civilization is a necessary result of time, to maintain that this progress leads to the destruction of nations, excludes from social life all improvements in education and art. This is to pronounce a sentence of death against all states; this is to subject their existence to a simple and transitory condition.

Cicero was, beyond all doubt, a great and admirable genius. But how far this exclusive predilection for the past, on which he founded his work, is inferior to the noble idea lately expressed by an English orator, a zealous advocate for all civil liberties, during fifty years—for all salutary reforms and ameliorations of society; who exclaimed in proposing a benevolent innovation—"For the ancient nations who relied on false and perishable creeds, civilization lay entirely in the past, and not in the future. But for us disciples of Truth, our civilization is an incessant progress to the highest degrees of light, justice, and humanity." It is not that Wilberforce was personally superior to Cicero; what we here remark is the superiority of the principle of modern politics over the fragile elements of ancient societies.

But this spectacle of ancient governments, so magnificent during their brief existence, could not fail to furnish Cicero with a multitude of vivid images and profound reflections. He describes their instability with admirable force in a few words. "Their power (says he) is like a ball which is thrown from hand to hand, and which passes from kings to tyrants, from tyrants to aristocrats, from aristocrats to the people, and from them to factions, by which constitutional forms are continually violated."

With what brilliant eloquence, in the original text, does Cicero delineate all these evils in the state? With what art are they exhibited in the natural course of the dialogue? What sublime sentiments, what accurate science, animates these political sketches, though the succession of ideas is too often interrupted by lacunes in the MSS.?

After having discussed in the First Book the principal forms of constitutions, and exhibited in the Second an embellished picture of the ancient Roman Commonwealth—connecting these historic memorials with interesting digressions on the Grecian cities—Cicero touches in the Third Book, a question which, at first sight, might appear but a trite and superfluous topic, namely, the nature and utility of justice. If we think so, we are deceived, for under diverse disguises, under the names of state interest, expediency, Machiavelism, and policy, this sacred and self–evident principle has always met with gainsayers and adversaries. The problem carries the greatest weight of evidence; but the solution must be continually repeated. Cicero has largely discussed this question in his Offices, in which he draws the most accurate distinctions between the honourable, the honest, the useful, and the agreeable. He here gives his arguments still wider developments; but he still leaves much to be said on a subject, in which the sophisms of interest are multiplied without end.

The following Books naturally lead us to the consideration of the most important departments of the Roman constitution. But our MS. contains but very few relics of this second moiety of the work. Some remnants of the original dialogue, some entire though detached pages, a few phrases and imperfect quotations, alone, serve to give us a general idea of the contents of the Fourth and Fifth Books. We have, however, carefully collected these mutilated monuments—we have endeavoured to illustrate them by historical notices, but we are conscious of the insufficiency and sterility of this attempt. The industrious perseverance of our modern scholars has restored defaced inscriptions, by calculating the number and form of the characters which composed them, and the impressions which the brass pins which fastened these obliterated characters had left in the sculptured marble. Thus, an admirable sagacity

has repaired the outrages of time; and, availing itself of the relics of material indications, has re–established the works of the human hand. But this divination cannot be applied to the glorious compositions of thought; we cannot calculate the inspiration of genius by the spaces they might have occupied on a parchment of illegible manuscript. We cannot here employ geometrical hypotheses to elicit the traces of truth irrecoverably extinguished. Thoughts do not necessarily occupy certain spaces. Imagination, eloquence, and sublime sentiment, when thus effaced, vanish into annihilation, and leave not a vestige by which conjecture might resuscitate them. What did these obliterated pages contain? what doctrines did Cicero there discuss—by what illustrations did he adorn them—by what eloquence did he make them fascinating? The isolated phrases, the insignificant expressions which a grammarian has transmitted to us—did they form a portion of some sublime argument—did they carry forward the development of some great moral or political verity? Can you not tell us what Cicero thought and uttered, when he described the most resplendent period of Rome omnipotent, and still free? Alas! to all these questions we can only confess our ignorance. I know not whether the English may not some day reconstruct the Parthenon of Athens, with all the stones which they have successively ravished from it; but no one could rebuild a work of Cicero, even if he possessed its materials; for who can tell what the genius of this illustrious man might have interposed between two of his thoughts? Who can supply the admirable sequence of ideas dictated by his sublime reason.

But it may be said that this discovery thus limited and contracted by such irreparable losses, will therefore add but little to our knowledge respecting the ancient Roman politics. Many obscure and contested questions will, therefore, remain enveloped in the same uncertainty—we cannot deny it; and we are convinced that if the work of Cicero had been found entire, it would be far from satisfying this curious inquisitiveness, and this desire for precision, which the moderns have carried into the study of history and social institutions. And in fact this critical science of history, so imperfect in ancient times, and before the discovery of printing, was, in the age of Cicero, still more dubious and confined than it was during the following centuries. The proof of this may be seen by the resemblance the second book of the Commonwealth bears to the recital of Livy respecting the first periods of Rome. No trace of those curious circumstances, which Tacitus and Pliny subsequently collected, are discoverable concerning the capture of Rome by Porsenna, and the singular state of slavery into which the Romans were sometimes reduced, whose rising fortune Cicero and Livy represent as a continual series of prosperity. In truth, during their first epochs of enthusiasm, states have their complimentary historians as well as kings. False traditions, consecrating glorious actions, are established, and become national prejudices, which are repeated by the literary writers. Time confirms them, and we are no longer permitted to call them in question. At Rome, the exclusive domination of the Patricians or nobles—the depository of religion, learning, and government, placed for a long time in the hands of a single class, still further favoured these fictions, and forbid that examination which might have destroyed them. Cicero himself tells us, that the ostentation of the Greek families, and the abuse of the panegyrics pronounced at the funerals of illustrious personages, introduced into history false events, fabulous consulates, and imaginary triumphs. We may thence easily conceive how these lies concerning these national conceits had, from very early periods, corrupted the Roman

annals, and contributed to invest them with that kind of the marvellous for which the critics reproach Titus Livius, and from which is not exempted the eloquent abridgment of the early history of Rome, which Cicero has delineated in the second book of his Commonwealth.

But, even admitting this alteration of facts, ought we not to expect the exact portraiture of institutions? Doubtless, on this point the almost entire destruction of the last books of the Commonwealth has deprived us of many precious records. We must not forget, however, that the ancients (fables and traditions being set aside) treated even contemporaneous history in a manner much less technical and less exact than we do. The same characteristic ought to be found in the exposition of their politics. We should also observe, that the history of a people, written by one of themselves—a national work on the institutions of a country, can never furnish an answer to all the questions that foreign curiosity may form. The reason of this is simple enough. What embarasses strangers is, that what they are most ignorant of in the nation's history, is always that which is most familiar to its natives, and assumed as a matter of course in the administration of its government and the form of its laws. This is precisely the point neglected by the author, who writes in the scene of the events, and to his fellow–citizens, cognizant of all the detail of their institutions and manners. We must not wonder, therefore, if the great history of Livy leaves so much obscurity on many circumstances respecting the Roman constitution; nor be surprized that almost the whole of the entire books of Cicero's Commonwealth hardly afford us any new historical light.

How many difficulties present themselves to our minds, after having read the Latin historians? Could the man who has most closely studied the book in which Montesquieu explains, according to their traditions, the grandeur and decline of the Romans—could he solve many questions of the simplest character, and which appertain to the most essential principles of society? What, for example, was the order of the tribunal at Rome?—did it comprehend several degrees of jurisdiction? How was the senate renewed—was it by right of birth, by election, or by virtue of certain offices once discharged? A plebiscitum, or public statute, was it a sovereign law, and could it apply in all affairs? Did the Roman citizens pay a tax? What were the expenses of the state?—or, to extend our curiosity a little further, were the principal magistracies gratuitous? Those dictators, those consuls, whose poverty has been celebrated by history—did they receive no salary from the Republic? Was this usage perpetual—or what period can be assigned for its termination?

In stating these questions, which the most sagacious critic has never resolved, we are persuaded that the last part of Cicero's work did not contain explanations either positive or exact. None of these supposed difficulties was problematical to his cotemporaries, and those great men whom Cicero represents as conversing together, and who must have instantaneously understood whatever related to the principles and customs of the Roman state, and who, in the rapid course of their conversation, took for granted a multitude of facts and details, which erudition vainly seeks at the present day.

Moreover, in comparing the philosophic generalization which reigns in the finest passages of this dialogue on government, with that practical finesse, that precise experience which Cicero evinces in his letters, I am tempted to believe that he drew a wide distinction between the politics of books and that of actual affairs—and that in the one he did not reveal all the secrets contained in the other. His manner of composing on this subject will not appear indeed so theoretic and paradoxical as that of Plato; but it is still oratorical, and rather moral than practical. His book is an exhortation to patriotism—a panegyric of Rome, and a skilful manifesto in favour of the senate's authority. In fact, the sort of politics it contains reminds us of the ingenious thoughts and beautiful images of Isocrates, in his eulogy of Athens, rather than the strong exhortations and energetic arguments of Demosthenes in his harrangues. This judgment does not, perhaps, correspond with the first idea that we form of a political work of Cicero—a great statesman, sometime the chief, and always a distinguished citizen of the greatest and politest nation on earth.

An historian of antiquity (Cornelius Nepos,) in speaking of the letters of Cicero to Atticus, says, "He so ably depicts the passions of the chiefs of parties, the blunders of the generals, and the revolutions of the Commonwealth, that he discovers every thing to his reader. From whence we may suppose, that his experience was a kind of divination,—for Cicero not only foresaw and predicted the events which happened during his life, but also prophesied those which happen to this very day." There is a wide difference between such eulogy, and that reproach of vagueness and indefiniteness, with which some tax the Commonwealth. If there be such a defect, it is explained as we have said, by the motive of the author, and by the nature of the Roman government. A similar observation may apply to Cicero's orations, and it has been made more than once. These orations, when they turn on the most important state of affairs, appear less forcible, less deplenished with principles and facts, and more ornate and *recherché,* than those of Demosthenes. The orator is more apparent—the common places of rhetoric and philosophy are more numerous. We seek in vain the exposition of that profound policy which Bossuet and Montesquieu have so admirably described, and by which Rome overmastered the universe. It was because this policy was not published among the people, it could not become the text of eloquence at the bar, it resided in the secret traditions of the senate. There, was studied the art of holding in subordination the tumultuous and reckless populace, of conducting it through the very ways it abominated, and of making it subserve the designs of which it had no suspicion. The government of the Roman state was in its origin a privilege and a mystery, concentrated in the hands of a few families, who united the exercise of all public offices, sacerdotal, senatorial, and judiciary. Though time had effected some breaches in this rampart, and many of the barriers which protected this potent aristocracy had been successively broken by ambitious individuals, it perpetually sought to reestablish itself. It fortified itself with its own concessions, and enriched itself by its own disbursements, embracing and penetrating with its maxims the great men whom the tide of popular favour carried to its bosom. To this mysterious corporation and confraternity, which connected all the members of the patrician families, succeeded an ambitious confederation of dignities, riches, and talents. With the monopoly of religious ceremonials, it so long retained its power, it still preserved the exclusive science of state interests, every day becoming more

complicated, more numerous, and more unintelligible to the multitude, by the very grandeur of national victories, and public enterprizes.

It was in vain that the people successively raised up all the supreme dignities, the consuls, and the prætors. The aristocracy of the senate, ever renewed, and always unchangeable, incorporated the consuls and the prætors of the people; and still pressed forward, without staying the course of its vast project, either domestic or foreign. Indefatigable and inflexible! at one time immolating the Gracchi, at another, taking shelter under the sword of Scylla the Proscriptor, and finally, rallying, to strike Cæsar, a force which was not to be found in the other Romans, and which rather resembled the despair of disinherited sovereigns, than the popular violence of ancient times.

A new man, but elevated by this powerful attraction of the aristocracy, Cicero naturally placed himself in the ranks of the senate, though he had devoted his earliest writings to the celebration of Marius. In the senate, he learnt the profound maxim of the Roman government; there he found his power for rescuing Rome from the hands of Cataline. To this, therefore, he for ever attached his glory and his genius. It was there that with the internal police, which sustained the senate against so many storms, he studied the traditions of that all–conquering dexterity which had subjugated and swayed so many kingdoms, so many people, called by the name of allies, and so many cities only nominally free. From thence he transmitted the rule of that stable administration, invincible but often odious, which extended over such distant countries, comprised such dissimilar nations, and so seldom experienced mutinies or rebellions.

By what art was it, that the Romans carried on such distant wars with such small armies? What was the system of their alliances? With what prudence respecting the religions and laws of the vanquished, did they leave to them all that did not oppose their conquest? How did the senate keep in their hands that municipal government with which it had invested Italy? This appears to us to constitute the Roman policy, and this is what Cicero does not even mention in his discourses to the people, and which cannot be found in his Treatise on the Commonwealth. These complete and public expositions of all the interests of the people were useful in the democracy of Athens, and explain the character of the orations of Demosthenes. But in the great Roman aristocracy, the discourses of Cicero in the forum were but artificially–composed speeches, to teach the people no more than it was necessary to reveal to them for the grandeur and the profit of the senate. It was in the cabinet of the senate itself, that Rome's true policy was discussed. Some letters in which Cicero informs his friend of these private debates, indicate this difference. In truth, the *science of politics,* properly so called, can never become popular, even in the freest governments. There is always much delusion in the idea that a people conducts its own affairs. The best form of government, is that which makes them fall into the hands of the wisest and the most experienced. Since so many discoveries have extended the reign of intelligence, if there is a nation that according to the difference of times, imitates the policy of the Romans in using commerce as they used conquest, do the secret counsels of those that conduct it, appear in their books and orations? Should we any where discover the mystery of that science of domination, which

sways the Continent of India—of that naval genius which holds under its protection all the facilities of commerce, and all the lines of navigation from Malta to Ceylon — of that ever–varying, yet ever consistent legislation which conveys to every part of Europe its alliances, its neutralities, and its armies. Should we therefore be surprized, that the works of antiquity leave us in ignorance concerning the ancients, when even contemporary writers do not instruct us in the events of the day?

But if this treatise of Cicero on the Commonwealth, such as we have it, offers few new details on the constitutional policy of Rome, is not the interest of this precious relic invalidated, and will not public curiosity experience some disappointment? To this we reply, that those general principles above mentioned still remain, which appear to present a direct and powerful bearing on the modern conditions of society. There survives, what is always inestimable—the thought and sentiment of a great man. There survives that eloquence of antiquity which, even when it does not apply to actual affairs, is in itself an object of study, erudition, and taste.

How many points of attraction will the eyes of the intelligent perceive in two hundred new pages of Cicero? To instance merely the literary beauties: with what emotion are we affected in reading the admirable opening of the First Book, in which Cicero presents himself, before he brings forward the actors of his oratorical drama: and where he discovers his whole soul with a sincerity of noble pride, a grandeur, an eloquence, with which his often–remembered consulate never so proudly inspired him in any other of his works! How many graceful delineations and characteristic traits do we find in the remarks which introduce the different personages of the dialogue! What dignity, what elevation, is there in the language of Scipio! We feel that there is not here a Greek sophist with his idle speculations, but Scipio or Cicero himself, discoursing of Rome. You discover few criticisms respecting the selection of historical facts, but you observe the devotion of these great men for the glory of their country. Their enthusiasm instructs and melts us; and the continued charm of dialogue distributed among so few interlocutors, which no man ever managed so well as Cicero—this truthfulness, this purity, this eloquence displayed in the whole conversation respecting the Commonwealth, are they not invaluable discoveries, by which imagination at least may be expanded and embellished?

We might say more, at the risk of being reproached for the mania of admiration apparent in most translators. Every digression in the Commonwealth, however unexciting in itself, seems by reflection to lend a remarkable interest to the rest of the discourse. Thus, in the First Book, the Dialogue commences by an astronomical controversy, apparently superfluous. Having noticed a parhelion, or mock sun, observed in the sky, they take occasion to discourse on the sun and its eclipses—on the planetary orbs—on a moveable sphere invented by Archimedes, and then make a transition to the main subject of the work, in these words: “Why talk we any further on what may happen in the heavens, when we are not sure of the events that happen within our own walls, and in our own country?” All that ignorant and erroneous astronomy may, doubtless, appear to the reader not very edifying; but, perhaps, it may attract a sentiment of respect when he recollects that noble characteristic of philosophic curiosity, and that taste for universal science which animated Cicero; and which, in the midst of a life agitated by so many labours, and in a state of civilization

so devoid of scientific discoveries, urged him to investigate with insatiable ardour every means of fresh information.

This man, who had so laboriously studied the art of eloquence, and every day practised it in the senate, the forum, and the courts—this unrivalled orator, who, even during his consulship, still pleaded private causes. In the midst of a life composed of glory, danger, and agitation, and through a series of inquietudes so vividly depicted in his numerous letters, he still studied every thing that it was possible to know in his age. He cultivated poetry; he introduced all the philosophies of Greece to the knowledge of the Romans, and collected the yet imperfect notices of the physical sciences and arts. We find by one of his letters that he employed himself in composing a technical treatise on Geography: just as Voltaire compiled a chronologic abridgment of the history of Germany." Such is the eloquent introduction which M. Villemain has prefixed to his edition of the Commonwealth.

In consequence of the publication of Professor Munnich of Cracow, above mentioned, in which he notices the Sarmatian copy of Cicero de Republica, and maintains that Gozliski made much use of it in his Accomplished Senator, it is necessary to add a few remarks on this subject.

This Gozliski, one of the most profound politicians that has ever appeared in Europe, was Chancellor and Prime Minister of Poland, under the reign of Sigismund the Second, who succeeded his father, Sigismund the Great, in the year 1548. Gozliski's book, De Senatore Perfecto, appeared about the year 1550, and made a great stir in Italy, Germany, France, and England. It is now become exceedingly scarce in the original Latin, and so is the English translation by Oldisworth, dated 1733.

Whether Gozliski, as Professor Munnich supposes, had discovered and studied some complete copy of Cicero's Commonwealth, then existing in Sarmatia, we know not. Certain it is, that Gozliski's political doctrines are exceedingly similar to those that appear in the Books of Cicero's Commonwealth, recently recovered by Maio. But yet there is an air of originality in Gozliski's work, which induces us to believe he was any thing but a plagiarist.

In order to confirm this statement, we shall take the liberty of quoting two or three passages from Gozliski's "Accomplished Senator;" one of the first and ablest of all the political treatises that have appeared in Modern Europe.

"Monarchy, or kingly government, (says Gozliski) is very aptly represented, according to Aristotle, by the power and authority which a father has over his children, whose office it is to be careful of, and watchful over them; to provide for their sustenance and welfare, and whenever they are disobedient and wicked, to reform, rather than to punish them.

"Plato subdivides this kingly government, and says there are two sorts of kings, one *limited* and bound down to the observation of known laws and statutes, the other *absolute,* and under no legal check or restraint. The government (says he) of a single

prince, well informed in the knowledge of wholesome laws, and duly restrained to the observation of them, is of all other political forms the best and most eligible."

"Some have been of opinion (continues Gozliski), that the best settled constitutions consist of three orders and degrees of men in power; and accordingly that the Lacedæmonian state was well formed and constituted, because all power therein was divided between a monarch or king, a senate, or body of nobles, and the people, represented by their ephori, who were elected by and out of their own body. Polybius extols the Roman government above all others whatsoever, because it consisted of a king, senate, and people. These powers, were so well tempered and mingled together that the king could not fly into tyrannic insolence for fear of the people, nor the people despise and insult their king for fear of the senate. This sort of government hath ever been reputed, and with very good reason, to be the best constituted and most excellent; for as it is in music, whether vocal or instrumental, where a multitude and variety of distinct and different notes are put together, in order to make just and true concord; so from an agreement between the upper, middle, and lower orders of mankind, arises (as Cicero speaks), that true political concord which answers to harmony in sounds, and which is cemented and held together by what it naturally produces—the common good and welfare of society."—(*Acc. Sen.* p. 35.)

But the resemblance between Cicero and Gozliski appears most strongly in that syncretic and coalitionary spirit which animated both. They were both of them Syncretists, Unionists, and Coalitionists, in the best sense of the terms; and they pleaded the cause of Syncretism with that intense fervour which could only result from a conviction that it was inseparably identified with the progress of all important truth and all social happiness. They saw that union was strength, and they ardently endeavoured, by a wholesome eclecticism and latitudinarianism, to harmonize and aggrandize all that was good, just, and beautiful. They knew that to harmonize truths is the only effectual method of expelling errors, and they knew that it was only by coalescing the pious and the intelligent of all sects and parties, that they could destroy the impiety and madness of schisms and factions.

Thus, while they sought for syncretism, harmony, coalition, and peace in all things, God gave them, as he gave to Solomon of old, largeness of heart, like the sand on the sea shore. For wisdom is synonymous with that enlargement of mind which reconciles all that is true in all sects and parties, by rejecting all that is erroneous.

It cannot be too clearly understood, that if there be a characteristic which distinguishes the sublime politics of Cicero and Gozliski from the spurious crudities of political charlatans; it mainly consists in the august and universal presence of that sublime spirit of syncretism which is every where diffused through their works. This spirit of syncretism, unionism, and coalition forms the very ideosyncracy of their immortal genius. It threw a divine elevation, a moral grandeur, and a sentimental beauty over their unparallelled writings; a concord of philanthropic love and all-embracing charity, pure as the radiance of heaven. And it was this very passion for universal peace and patriotic coalition, which urged them forward to fling the corruscating lightnings of their indignation on the mad and misanthropical leaders of

sects and parties, who, under the mask of hypocrisy and self delusion, scatter the seeds of discords, schisms, factions, and bloody hostilities wherever they tread.

With such glorious Syncretists we would take our stand. We would shew that the syncretic, the unionistic, and coalitionary policy, is the only one sanctioned by the authority of Christian revelation and attested by the experience of men. Wherever it has been adopted—wherever this catholic unity of the spirit has been maintained by the bond of peace, there public virtue, prosperity, and happiness have followed; and wherever the malice of hell hath augmented and multiplied the buffooneries of sect and party, "Hope withering fled, and Mercy sighed farewell." Internal dissentions, suspicions, and recriminations have saddened the fair aspect of social life; and abroad, war hath loosed its diabolical furies, and mingled the tears of desperation with the blood of licenced murder.

"Gozliski (says his translator) wrote at a time when the world was unacquainted with parties, which have since harassed and perplexed other estates and nations, beside our own. Nothing therefore, that he has said, can be suspected of the least tendency towards what himself hath condemned in general with so much zeal and rigour. When parties are silent is the time for him to be heard, not only patiently, but with regard and deference. If any fresh seeds of discord are now sown, or any new fires ready to be kindled, and if Party, our old inveterate enemy, is once more preparing to visit us under a new name, and in another shape, Gozliski's precepts and institutions, are an admirable prescription for preventing the rise and growth of such a public malady; and by fixing our minds on the one great fundamental principle, the *love of our country and the commongood,* will divert us from all disputes and debates, unless upon this one thing necessary, and which alone can justify us in our dissentions and disagreements with our fellow–subjects."

Such was the spirit of syncretism and coalition prevalent in the days of Gozliski. Such was the detestation entertained for all sects and parties, as the cause, either directly or indirectly, of the worst calamities of civil faction and foreign war.

Other authors, in after times, adopted the Syncretic policy of Cicero, and wrote professed Commentaries on his political works. In an historical sketch of this nature, it is necessary to mention them; we must, therefore, briefly notice the works of Bellendenus and Bernardi.

Among those who have sedulously studied the political works of Cicero, one of the earliest and best writers is William Bellenden, or Ballantine, a Scotchman, who spent the main part of his life at Paris. He was professor of the Belles Lettres in the University of Paris, in 1602, and remained long in that capital, even after he was made Master of the Pleas or Requests, by King James I., in England.

In 1616, appeared his celebrated work De Statu, comprising three treatises which he had before published separately, and which had procured him much fame in the literary world. These treatises were entitled: I. De Statu prisci orbis in religione, repolitica et literis. II. Ciceronis Princeps, sive de statu Principis et imperii. III.

Ciceronis, Consul, Senator, senatusque Romanus, sive de statu reipublicæ et urbis imperantis orbis.

This work of Bellendenus, comprehending the doctrines of Cicero respecting the history of ancient politics, his views of the office and duties of a prince, and his counsels to senators and lawyers, had become exceedingly scarce, when our learned fellow–countryman, the late Dr. Samuel Parr, republished it in 1787, with an elaborate Latin preface, and dedicated it to his political friends, North, Burke, and Fox.

Parr speaks in the highest terms of Bellendenus. "Litteris fuit iis ornatus (says he) eoque præditus ingenio ut de illo dici possit quod in ore eruditorum percrebuit de Buchanano ου Σκότος ην αλλα φοως Σκοτιης, he was rather to be called the light of Scotland, than a Scotchman." He next accuses Middleton of having plagiarized from Bellendenus in his Life of Cicero, in a very unconscionable style, without acknowledgment; and he then goes on with considerable ability to sketch the political characters and events of the period. This celebrated preface is, however, so highly spiced with the doctor's pedantry and petulancy, that it has often come under the lash of the critics.

Dr. Rees has made a very judicious remark on Bellendenus.—"He was an elegant writer," says the Cyclopædiast, "and a man of extensive knowledge and sound judgment. His Latin style is formed upon that of Cicero; and he embraces every opportunity of interweaving the most choice and proper phrasiology from the Roman Orator, even while he is expressing his own sentiments, so that it is not always easy to distinguish sentences cited from Cicero, from his own language."

As an instance of this, we will translate the second chapter of his Ciceronis Princeps, treating "of the excellence of the regal empire, and of the cause and origin of kings and laws."

Cicero, through his mouth–piece, Bellendenus, in this chapter, speaks as follows:—

"To kings and princes were all ancient nations obedient. The regal power was first conferred on the worthiest men, and it mainly prevailed in our own Commonwealth during the earlier form of the government. From these princes, it was delivered down to their descendants, so that to those also who now reign it belongs with the purple and the sceptre, and other insignia, which appertain to the regal authority.

"And it appears to me, that not only among the Medes, (as Herodotus says) but also among our ancestors, limited monarchs were constituted to promote the ends of justice, (fruendæ justiciæ causà videntur olim bene moderati Reges constituti.) For when the people began to be oppressed by those who had the greatest wealth, they naturally flew to some individual distinguished for his virtues, who adopted an equitable government, by which both rich and poor retained their appropriate rights. The same reason which led to the establishment of kings, obtained also with regard to laws; for equal justice must ever have been esteemed desirable; and if the people could find it administered by a just ruler, they would be content. Therefore were laws invented, which speak to all with one and the same voice. This then is plain, that those

were appointed to reign whose justice was illustrious, according to the opinion of the people; and when these rulers were wise and learned, there was nothing which men were not willing to concede to their authority."

In more recent times, a similar collection of Cicero's political doctrines was attempted by M. Bernardi, who, in 1798, published a work which he entitled "De la Republique ou du meilleur government ouvrage traduit de Cicero, et retabli d'apres' ses fragmens et ses autres ecrits, avec des notes historique."

This work, which he divides into six books, is therefore composed of the few fragments of the then known Republic of Cicero, with very large extracts from his Treatise on Laws, his Offices, Orations, and other works. The compilation is executed with a neatness and precision which do credit to the talents of its author.

The conclusion of Bernardi's elaborate preface is worth translating.—"Philosophy, (says he) was not with Cicero, as with many others, a contemptible hypocrisy, or a vain parade. All those, who, invested with authority, desire to devote it to its appropriate object, namely, the happiness of the people, should read with the deepest attention the letter in which Cicero relates to his brother Quintus, the rules which he ought to follow in the administration of his province. The glory, the wisdom, and the integrity, with which he himself governed Cilicia, prove, that to these precepts he added the force of his example."

"He was always (continues Bernardi,) a stranger to the factions which divided and tormented Rome, during almost the whole course of his life. He never acknowledged any party, but that of the Commonwealth. When he saw civil war ready to explode, and the mania of destruction overwhelming, not only the wicked, but the just and noble, what efforts did he not make to heal this phren zy of factions, which he detested as the worst of all? He balanced long, whether he should support any party at all. And if he at length adopted that of Pompey, because he believed it most likely to promote the interests of the Commonwealth, he did not blind himself to the abuses to which this general converted his victories. He saw that passions were equally inflamed in both parties, and he dreaded the consequences to the state.

"The principles of the philosophy he professed, less austere than those of Cato, permitted him to survive, without dishonour, the usurpation of Cæsar. When he had once adopted this line of conduct, he submitted with resignation to all the sacrifices which it entailed. To desire the best, to prevent evils, to support misfortunes; these were the grand aims of his wisdom. Thus, whatever impatience the loss of liberty might have occasioned him, he took care to keep it under restraint in his conduct with regard to Cæsar. "I suppose, (says he,) that I should be permitted to speak freely if I lived in a free constitution; but since this is lost, why should I annoy by protestations him who has all the power in his hands, and those who surround him? The wise man can only be responsible for his own acts: and though he sees what is just, he is not bound to contend with more than his match in order to attain it. He must know how to comply with circumstances, and imitate the example of the illustrious philosophers, who could tolerate tyranny at Athens and at Syracuse, and so retained a kind of personal freedom in the midst of their national servitude."—(*Ad famil.,* 9, 7.)

The Syncretic, Unionistic, and Coalitinary spirit which is the most striking and characteristic of Cicero's politics, has indirectly diffused itself for ages among the politicians of Europe. It is no wonder, therefore, that in the 15th century, the admirers of Cicero began to expound his Syncretic views in professed works on ecclesiastical and civil policy. Under the name of Catholic Unionists, Syncretists and Eclectics, they eloquently maintained that coalitinary policy was the only Christian and philanthropical policy in existence, and by it they sedulously endeavoured to harmonize the discords and contentions of all churches and states.

Among those who drank deepest into this Ciceronian syncretism and eclecticism, we would cite the names of Picus Mirandola, and Bessarion in Italy. Their philanthropical system was extended in Germany by Reuchlin the ever–wise, the ever–amiable, —a man who combined all that was true in the Papal aud Protestant Churches by rejecting the hallucinations of both. There was also Erasmus, whose Christian philosophy was too sublime and universal to be understood or appreciated by the quarrelsome partizans of his age. And Vives, whose immortal work, "de Concordia et Discordia," so nobly advocated the syncretic and coalitionary politics of the Ciceronians.

Their example was followed in the Papal Church by those noble and liberal writers, Cassander, Vicelius, Bossuet, Fenelon, Du'Pin, Coura yer, Cane, Ganganelli, Sir Thomas More, Huet, Burigni, Montesquieu, Voltaire, Geddes, Haywarden, Constant, O'Croly, Berresford, Murray, Doyle, Charles Butler, and Lingard.

Such were the Roman Catholic Syncretists, and Roman Catholic Reformers, who have escaped from the contemptible and ignorant bigotry of sectarianism into the glorious liberty of universal love.

Nor has the system of syncretic coalition, so eloquently recommended by Cicero, been less patronized by Protestant writers on ecclesiastical and civil policy. Such syncretists were Calixtus, Bacon, Grotius, Puffendorf, Leibnitz, Wolfius, Selden, (the most learned and exemplary of all the political lawyers that have arisen in Great Britain) Wake, Tillotson, Causabon, Fowler, Hale, Cudworth, More, (that noble band of Syncretists, and Coalitionists distinguished by the name of Latitudinarians,) Locke, Huntington, Whitby, Baxter, Burnet, Mason, Nightingale, Starck, Peel, Hallam, Miller, Noel, and many cotemporary gentlemen, whose minds are too noble to be debased to party, who will not confine to a sect the philantrophy which was meant for mankind, and who endeavour by all means in their power to mitigate that mania of schisms and factions, which is gradually and imperceptibly, but not the less surely and inevitably, undermining the prosperity of our empire.

There was a time which we should sometimes revive in the memory of our country, when great princes had the wisdom to chose a syncretic and coalitionary ministry, composed of the best and wisest men of all sects and parties. There was a time, when such a ministry, acting for the universal good, remained in office for long and illustrious periods, during which they perfected their political talents by sedulous experience, and consolidated, aggrandized, and reformed every department of our unrivalled constitution. In those days, the angel of Patriotism rose superior to the demon of Party; and if oppositions existed, they existed mainly to balance and

regulate the eccentricities of the transcendent power. Hence, a wholesome and beautiful harmony prevailed in the senate; action and reaction were equalized, and the people rejoicing in the approved wisdom of their statesmen, augmented social prosperity and individual happiness, without care, anxiety, or molestation.

But woe to a country, when a party ministry is formed for party interest, and factious purposes! By a policy incredibly insignificant, minute, and puerile, they always manage to gratify the few at the expense of the many; they flatter and pamper some sectarian and partial interests, at the expense of the catholic and universal prosperity of the empire. Hence, exactly in proportion as they extend favoritism to one party, they produce disgust in all the rest. And, hence, no sooner is a such a Ministry appointed, than a deadly opposition is organized to lacerate and destroy it; and this not for any patriotic purposes, but for the indulgence of their hostile passions, and the selfish acquisition of place, power, and corrupt emolument.

All this is so notorious, that it needs no notice here. But it is not so notorious, that this insane rivalry of sects, parties, schisms and factions, whatever name they may be called by, is accelerating the revolution and decline of our British empire. "Divide and Conquer," was the motto by which Rome subdued all nations. She allowed herself to be divided, as she was herself enslaved. It is no less certain in the political world, than it is in the physical, according to the memorable maxim of Selden, "*that union is strength, and division is weakness.*"

This may appear a very simple truth, but the oblivion of simple truths is the ruin of great empires. As the translator of Cicero, the unrivalled expounder of syncretic policy, who prophesied that the hostilities of parties and factions would prove the ruin of Rome, I would loudly forewarn my fellow countrymen:—as an admirer of Montesquieu, who predicted that this same curse of parties would produce revolution in France:—I protest against this licenced and popular delusion.

The chief reason why we have translated these political works of Cicero is, because they are calculated to impress our fellow–countrymen with the superiority of syncretic and coalitionary policy, and to inspire them with a vehement aversion to the vain sophistications of sects and parties. We know that in this design we shall carry all true Ciceronians along with us, and that they will do what they can collectively and severally to annihilate that demon of partizanship, which, if not destroyed by us, will assuredly bring us to shame.

We are acquainted with no British author who appears more perfectly to have understood and thoroughly relished the Syncretic or Ciceronian policy than the immortal Selden—the noblest and learnedest man that has ever illustrated our national laws. Dr. Wilkins, Dr. Aiken, and of late, Mr. Johnson, in their biographies of this admirable lawyer, have set him forth as one of the safest models that legislators and jurisconsults can follow in modern politics. Selden's name is assuming a just and potent influence over a large body of modern unionists and coalitionists. We, therefore, cannot better conclude our disquisition on Cicero's politics than by illustrating that form of development which they assumed in the mind of Selden.

Selden, who was, in fact a very religious man, and as Sir M. Hale assures us, "an earnest professor of the christian faith, and a resolved and serious christian:"—Selden saw at a glance, that the only policy which could possibly deserve the name of christian policy, was the catholic, syncretic, and coalitionary. For inasmuch as christianity is the religion of unity and love, which maintains the unity of the spirit in the bond of peace, every deviation into party spirit, properly so called, is indisputably anti–christian and diabolical.

Therefore, as Johnson well observes, Selden earnestly attached himself to the body of syncretists, unionists, coalitionists, and moderators, and endeavoured, so far as he could, to combine and harmonize the forces and the interests of those stirring and ever–conflicting parties, which may generally be classed under three divisions. 1st. The High Church, Tory, or Conservative. 2dly. The Low Church, Whigs, juste milieu men. 3dly. Dissenters, radicals, levellers, and revolutionists.

Selden appears to have seen, no less clearly than Filmer, that the patriarchal power was the greatest and earliest political power known among men, and it is the necessary foundation of political governments.

"The patriarchal authority (says he) which existed in Adam, Seth, Noah, Melchisedeck, Abraham, and other chief princes of that period, was extended to the judges and prefects, for they united the ecclesiastical and political power. Thus the authority of Moses was twofold; in one respect sacerdotal: in the other, royal, and absolute in public domination. Thus, under the theory of a pontifical sovereign, or sacerdotal prince, he executed sacred and civil functions, as was the case with the patriarchal pontiffs, who succeeded in the line of primogeniture. It is, therefore, acknowledged that Moses was priest and king, and such pontifical emperors were the judges or prefects that succeeded him." (*Vide de Synedris.)*

But while he maintained the dignity of patriarchs as a matter of acknowledged precedence, he was no less careful to assert the divine right and sacerdotal functions of kings, and their absolute superintendence over all ecclesiastical as well as civil powers within their own dominions.

Thus, says he, "Many things relating to the supreme ecclesiastical authority, the royal primacy, and the power of the pope and king occur in the books against Bellarmin, Tortus Beccanus, and Suarez, in the reign of James, and some written by himself, in which is powerfully discussed the right of ecclesiastical jurisdiction and excommunication by the ancient laws and customs of the kingdom of Britain, exercised according to the regulations of the king and the royal law, and no otherwise. This power of the keys, and the right of excommunication, they attribute to the king alone, as the sovereign ruler and governor, as the laws of this realm, as the courts of ecclesiastical jurisdiction acknowledge. All which is expressly asserted by that admirable, learned, and exemplary divine, Bishop Andrews, in his answer to Bellarmine."—(*De Synedris.)*

Thus Selden agreed with Andrews, Hooker, and Filmer, respecting the divine and sacred and ecclesiastical right of kings. In his Titles of Honour, he speaks as

follows:—"As the supremacy of princes and their government is delegate from the Highest, their judgments being also his, so in a general sense they are entitled Gods, even by God himself, because here on earth they should, for their power, be his imitators, and therefore, they may, in this sense, be entitled divine and sacred. Thus Contzen saith, kings may be called *divine and sacred,* because they are God's vicars on earth, and declare the sentence of the Deity."

But while he maintained the divine right as strongly as Filmer or Atterbury, he saw clearly enough that this divine right of kings was not always absolute and entire, but that it was necessarily modified according to the nature of the regency. He observed that "all things were held by the jus divinum, either immediately or mediately," and this very observation led him to conclude that this divine right might vary infinitely under different circumstances and predicaments.

He also saw that while kings were in one sense appointed by God, that in another sense they were appointed by man. He saw *that the divine right did not exclude the human right, but rather went hand in hand with it, and confirmed the voice of the people.*

Thus while he took somewhat higher ground than Hoadly, Paley, and Locke, he saw no less clearly than these writers, that kings were appointed on the express condition of protecting and promoting the interests of their people, and that when they broke this condition, they *ipso facto* forfeited their right of sovereignty.

Selden's view of the *essential condition* of all just sovereignty, is well explained by his last biographer, Johnson. "A king (says Selden) is a thing men make for their own sakes—for quietness sake. They grant him certain high privileges and powers; but it is upon the *condition* that he shall guard their liberties and administer their laws. The moment he neglects either, he has broken the condition, and his privileges are forfeited. *Ipso facto,* he is reduced to the liabilities of a subject. It matters little whether such a delinquent's crimes appear in the form of murder, rape, or general tyranny. He has disregarded the purposes for which he was raised to the throne, and no reason, either technical or moral, can convince the understanding that he has not degraded himself, or is not justly brought within the power of the law he has despised. If it be asked who should be his judges? it may be answered, without the fear of a rational objection, that having forfeited his prerogative, he might be arraigned before those to whose integrity he has confided the dispensation of justice.

"If it be asked who shall be his prosecutor? it may be answered, the power to whom the nation next confides the sovereignty, for to that power it delegates the administration of retributive, as well as preventive, justice. The dignity of the delinquent might claim a trial before a loftier tribunal, and the House of Commons might vindicate the rights of the people by impeaching him at the bar of the House of Lords. It would be absurd to admit as a good plea, that these tribunals have no jurisdiction over such an offender. From what has been suggested, it is clear that if the most high tribunal of the realm is assigned to administer to him justice, he can avail himself of no further appeal. The most hardy defender of absolute monarchy, will no longer dare to maintain that a king being once chosen, may violate the nation's laws,

and the laws of God, without the possibility of redress. What sympathy of our nature, or what dictate of our reason would it shock to see a John, a Richard the Third, or a Henry the Eighth, condemned by the laws which he had infracted? There is no writer on the law of nations, that does not acknowledge their right to depose their sovereigns who act in subversion of their laws and liberties. The right is confirmed by Puffendorff, Vattel, Locke, Sidney, Le Clerk, and even Barclay. This cannot, however, excuse the extreme injustice and violence exhibited by the English in their proceedings against Charles the First, or of the French in their bloody murder of Louis the Sixteenth.

Respecting the question whether kings are most properly hereditary or elective, it is the verdict of human experience that hereditary monarchs are generally preferable, on many accounts. The hereditary succession of kings is evidently countenanced by the patriarchal theory which pervaded the Jewish and all the Oriental nations, and from thence Lycurgus adopted it, as the best system, in his Spartan state. Yet occasions have occurred, in many nations, which have usually patronised the hereditary system, that have induced them to resort to the election in order to introduce a new dynasty.

Cicero, in some places, seems to speak highly of the old patriarchal principle of succession, as applied to kings and princes. But this wise preference did not always prevail in his mind, and his desire to eulogize the ancient practices of the Romans, perhaps, in this respect, rather warped his judgment. This is probably the reason why in two or three passages of his Commonwealth, he appears to give the elective system somewhat more praise than it deserves. His arguments, always plausible, ingenious, and ingenious even in a bad cause, have been eloquently discussed by Grotius, Montesquieu, and their followers.

In translating Cicero and the ancient classical writers, we often observe a propriety and correctness in the use of political terms, which we seek in vain in more modern authors. They almost invariably, as Selden has proved in his Titles of Honour, describe their kings, princes, and rulers as the *dominative power,* combining alike ecclesiastical and civil authority, and regulating alike the affairs of Church and State. They also describe the *legislative power,* as that of the senate; and the *judicial power,* as that of the courts of law. All these, according to the ancient authorities, were superior to the *executive power,* properly so called, inasmuch as counsel, deliberation, and design, are necessarily superior and precedent to the external powers which carry them into execution. The *executive power,* therefore, in their estimation, was the subservient force of the nation, whether civil or military, which executes the injunctions that are laid on it, as a servant, who has not to order or design, but to work and accomplish.

The *dominative power* of the crown is, therefore, as much above the legislative and judicial as they are above the executive and the military. But by some strange and mischievous confusion of terms, these words have been used by writers no less grave than Paley and Locke in a false and illegitimate sense.

By thus confounding the supreme *dominative power* of the crown, which is above the legislative, with the executive, which is below the legislative, they unwittingly

degraded dominative power below the legislative, as if the legislature might alter it or abolish it, just as they please. They did not perhaps see, that by this oversight, they gave an unfair advantage to the democratical party, who instantly seized it.

The purity of Locke's designs, as Mr. Patteson observes, remains at this day unquestioned and established, yet nothing appears more certain (as Heeren has lately proved) than that this great writer so far merged the principle of loyalty in that of liberalism, as to become the political father of the Voltaires, Rousseaus, D'Alemberts, &c., just as they were the parents of the Mirabeaus, La Fayettes, Baillys, Condorcets, and Tom Paines.

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INTRODUCTION To The FIRST BOOK OF CICERO'S COMMONWEALTH.

Cicero introduces his subject, by shewing that men were not born for the mere abstract study of philosophy, but that the study of philosophic truth should always be made as practical as possible, and applicable to the great interests of philantrophy and patriotism. Cicero endeavours to shew the benefit of mingling the contemplative or philosophic, with the political and active life, according to that maxim of Plato,—"Happy is the nation, whose philosophers are kings, and whose kings are philosophers."

This kind of introduction was the more necessary, because many of the ancient philosophers, too warmly attached to transcendental metaphysics, and sequestered speculations, had affirmed that true philosophers ought not to interest themselves in the management of public affairs. Thus, as M. Villemain observes, it was a maxim of the Epicureans, "sapiens ne accedat ad rempublicam,"—let no wise man meddle in national politics. The Pythagoreans had enforced the same principle with more gravity. Aristotle examines the question on both sides, and concludes in favour of active life. Among Aristotle's disciples, a writer singularly elegant and pure, had maintained the pre–eminence of the contemplative life over the political or active one, in a work which Cicero cites with admiration, and to which he seems to have applied for relief, whenever he felt harassed and discouraged in public business. But here, this great man was interested by the subject he discusses, and by the whole course of his experience and conduct, to refute the dogmas of that pusillanimous sophistry and selfish indulgence, by bringing forward the most glorious examples and achievements of patriotism. In this strain, he had doubtless commenced his exordium, and in this strain we find him continuing it, at the point in which the palimpsest becomes legible. He then proceeds to introduce his illustrious Interlocutors, and leads them at first to discourse on the astronomical laws that regulate the revolutions of our planet. From this, by a very graceful and beautiful transition, he passes on to the consideration of the best forms of political constitutions that had prevailed in different nations, and those modes of government which had produced the greatest benefits in the Commonwealths of antiquity.

This first book, is in fact, a splendid epitomy of all the political science extant in the age of Cicero; and probably the most eloquent plea in favour of mixed monarchy to be found in all literature.

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CICERO'S COMMONWEALTH.

BOOK I.

Without*the virtue of Patriotism,* neither Duelius, Regulus, nor Metellus, had delivered Rome by their courage, from the terror of Carthage—nor had the two Scipios, when the fire of the second Punic War was kindled, quenched it in their blood—nor when it revived in greater force, would Fabius have enervated it—nor would Marcellus have reduced it—nor when it was repulsed from the gates of our own city, would Scipio have confined it within the walls of our enemies. (*Note* I.)

Cato, at first a new and unknown man, whom all we who aspire to the same honours consider as our exemplar in the practice of virtue, was undoubtedly free to enjoy his repose at Tusculum, a most salubrious, and convenient retreat. But this great hero, (whom some, forsooth, suspect of madness) though no necessity compelled him, preferred casting himself into the tempestuous waves of politics, even in extreme old age, to living so luxuriously in that tranquillity and relaxation. I omit innumerable men who have devoted themselves to the protection of our Commonwealth; and those whose lives are within the memory of the present generation, I will not mention them, lest any one should complain that I had invidiously forgotten himself or his family. This only I insist on—so great is the necessity of this patriotism which nature has implanted in man, so great is the ambition to defend the safety of our country, that its energy has continually overcome all the blandishments of pleasure and repose.

Nor is it sufficient to possess this virtue as an art, unless we reduce it to practice. An art, indeed, though not exercised, may still be retained in knowledge; but all virtue consists in its proper use and action. Now the noblest use of virtue is the government of the Commonwealth, and the realization of all those patriotic theories which are discussed in the schools. For nothing is spoken by philosophers, so far as they speak wisely, which has not been discovered and confirmed by those who established the laws of states. For whence comes piety, or whence religion, or whence the law of nations, and the civil law?—whence comes justice, faith, equity?—whence modesty, continence, the horror of baseness, the emulation of praise and renown?—whence fortitude in labours and perils? doubtless, from those, who instilled some of these moral principles by education, and confirmed others by manners, and sanctioned others by laws.

It is reported of Xenocrates, one of the sublimest philosophers, when some one asked him what his disciples learned, that he replied, "they do that of their own accord, which they might be compelled to do by law." That citizen, therefore, who obliges all to those virtuous actions, by the authority of laws and penalties, to which the philosophers can scarcely persuade a few by the force of their eloquence, is certainly to be preferred to the sagest of the doctors, who spend their lives in discussions. Which of their exquisite orations is so admirable, as a well constituted government, public justice, and popular good manners? Without question, so far as magnificent

and imperious cities (to quote Ennius) excel castles and villages; so, I imagine, those who regulate their cities by their counsel and authority, those who are expert in all public business, surpass other men in useful knowledge. And since we are so strongly urged to augment the prosperity of the human race, let us endeavour by our counsels and exertions to render man's life safer and wealthier. And since we are incited to this blessing, by the spur of nature herself, let us prosecute this glorious enterprize, always so dear to the best men, nor listen for a moment to the seductions of those who sound a retreat so loudly, that they sometimes call back the aspirants who have made considerable advancement.

These reasons, so certain and so evident, are opposed by those, who, on the other side object,—the labours that must necessarily be sustained in maintaining the Commonwealth. These form but a slight impediment to the vigilant and industrious, and a contemptible obstacle not only in these grand affairs, but also in common studies, offices, and employments. They add, the peril of life, that base fear of death, which has ever been opposed by brave men, to whom it appears far more miserable to waste away in inglorious old age, than to embrace an occasion of gallantly sacrificing their lives to their country, which must otherwise be sacrificed to natural decay.

On this point, however, our antagonists esteem themselves copious and eloquent, when they collect all the calamities of heroic men, and the injuries inflicted on them by ungrateful states. Here they bring forward examples borrowed from the Greeks. They tell us that Miltiades, the vanquisher and exterminator of the Persians, with those unrecovered wounds which he had received in his renowned victory, only preserved his life from the weapons of his enemies to be cast into chains by the Athenian citizens. They cite Themistocles, expelled and proscribed by the country he had rescued, who could not find shelter in the Grecian ports he had defended; and was obliged to fly to the bosom of the barbarous power he had defeated. There is, indeed, no deficiency of examples to illustrate the levity and cruelty of the Athenians to their noblest citizens, — examples which originating and multiplying among them, are said at different times to have abounded in our own august empire. Such were the exile of Camillus, the disgrace of Ahala, the unpopularity of Nasica, the expulsion of Lænas, the condemnation of Opimius, the flight of Metellus, the cruel destruction of Marius, the massacre of our chieftains, and the many atrocious crimes which followed. — My own history is by no means free from such calamities, and I imagine, that when they recollect, that by my counsel and perils they were preserved in life and liberty, they will more deeply and tenderly bewail my misfortunes. But I cannot tell why those who sail over the seas for the sake of knowledge and experience, *should wonder at seeing still greater hazards braved in the service of the Commonwealth.*

Since, on my quitting the consulship, I affirmed in the assembly of the Roman people, who reechoed my words, that I had saved the Commonwealth, I console myself with this remembrance, for all my cares, troubles, and injuries. Indeed, my dismission had more of honour than misfortune, and more of glory than disaster; and I derive greater pleasure from the regrets of good men than sorrow from the exultation of the reprobate. But if it had happened otherwise, why should I complain? Nothing befel me unforseen, or more painful than I expected, as a return for my illustrious actions. I was one, who on occasion, could derive more profit from leisure than most men, on

account of the diversified sweetness of my studies, in which I have lived from boyhood. And if any public calamity had happened, I might have borne no more than an equal share in the misfortune. Yet I hesitated not to oppose myself almost alone to the tempests and torrents of sedition, for the sake of preserving the state; and by my own danger, to secure the safety of my fellow–countrymen. For our country did not beget and educate us gratuitously, or without the expectation of receiving our support. She does not afford us so many blessings for nothing, and supply us with a secure refuge for useless idleness and self–indulgence; but rather that she may turn to her own advantage the nobler portion of our genius, heart, and counsel; and give us back for our private service, only what she can spare from her public interests.

Those apologies, therefore, which undertake to furnish us with an easy excuse for living in selfish inactivity, are certainly not worth hearing. They tell us that to meddle with public affairs and popular demagogues, incapable of all goodness, with whom it is disgraceful to mix; and to struggle with the passions of the insensate multitude, is a most miserable and hazardous life. On which account, no wise man will take the reins, since he cannot restrain the insane and unregulated movements of the lower orders. Nor is it acting like a gentleman (say they) thus to contend with antagonists so unwashed and so unrefined (impuris atque immanibus adversariis) or subject yourself to the lashings of contumely, of which the wisest will always have most to bear. As if to virtuous, brave, and magnanimous men, there could be a juster reason for seeking the government than this, that we should not be subjected to scoundrels, nor suffer the commonwealth to be distracted by them, lest we should discover, too late, when we desire to save her, that we are without the power.

But this restriction who can approve, which would interdict the wise man from taking any share in the government, at least if the necessity of circumstances does not compel him to it? Surely no greater necessity can happen to any man than happened to me. In this, how could I have acted if I had not been a Consul? And how could I have been a Consul, unless I had maintained that course of life, even from childhood, which raised me from the order of knights, in which I was born, to the very highest station. You cannot produce *extempore,* and just when you please, the power of corroborating a commonwealth, whatever be its dangers, unless you have attained the position which enables you to act effectively. And what most surprises me in the discourses of our philosophers, is to hear the same men who confess themselves incapable of steering the vessel of the state in smooth seas, (which indeed they never learnt, and never cared to know,) profess themselves ready to assume the helm amid the fiercest tempests. It is a subject on which they like to talk in an elevated style, and to indulge in a large share of boasting, but they never inquired, nor can they explain the means which conduce to the establishment and the stability of states; and they look on this practical science as foreign to the meditations of sages and philosophers, and leave it to those men, who have made it their especial study. Is it reasonable for men who are so totally devoid of experience, to promise their assistance to the state, when they shall be compelled to it by necessity, while unequal to a much easier task, they know not how to govern, when the state is free from all such perils. Indeed, admitting that the wise man loves not to thrust himself as a matter of choice into the administration of public affairs, but that, if circumstances oblige him to it, he will not refuse the office; yet I think this science of civil legislation should in nowise be

neglected by the philosopher, that all those resources may be ready to his hand, which he knows not how soon he may be called on to use.

I have spoken thus at large, for this reason, because this work is a discussion which I have prosecuted on the government of the state; and in order to render it useful, I had first of all to refute this pusillanimous hesitation to negociate public affairs. If there be any, therefore, who are too much influenced by the authority of the philosophers, let them principally attend to those whose glory and wisdom are greatest among learned men. These, I affirm, though they have not personally governed the state, are worthy of our consideration, because by their investigations and writings, they exercised a kind of political magistracy. As to those whom the Greeks entitle "the seven sages," I find them almost all conversant with public business. Nor indeed is there anything in which human virtue can more closely resemble the divine powers, than by establishing new states, or in preserving those already established.

In these affairs, since it has been our good fortune to achieve something worthy of memorial in the government of our country, and to acquire some facility of explaining the powers and resources of politics, we can treat of this subject with the weight of personal experience, and the habit of instruction and illustration. Whereas before us many skilful in the theory, have not been able to illustrate it by practice; and many practical statesmen have been unfamiliar with the arts of literary exposition. It is not at all our intention to establish a new and self–invented system of government. I wish only to revive the discussion of the most illustrious men of their age in our commonwealth, which you and I, in our youth, when at Smyrna, heard mentioned by Rutilius, who reported to us a conference of many days, in which in my opinion, there was nothing omitted that could throw light on political affairs.

In the year of the consulship of Tuditanus and Aquilius, Scipio Africanus, the son of Paulus Æmilius, formed the project of spending the Latin holidays in his gardens, where his most intimate friends had promised him frequent visits during this season of relaxation. In the morning of the first holiday, his nephew, Quintus Tubero, made his appearance. When Scipio had greeted him heartily, and embraced him,—"How is it my dear Tubero (said he) that I see you so early? These holidays must afford you a capital opportunity of pursuing your favourite studies." "Ah! (replied Tubero) I can study my books at any time, for they are always disengaged; but it is a great privilege, my Scipio, to find you at leisure, especially in this restless period of public affairs." "To speak truth (replied Scipio) I am rather relaxing from business than from study." "Nay, (said Tubero) you must try to relax from your studies too; here are several of us, as we have appointed, all ready, if it suits your convenience, to spend our vacation as sociably as possible." I am very willing to consent (answered Scipio), and we may be able to compare notes respecting the several topics that interest us."

"Be it so (said Tubero); and since you invite me to discussion, and present the opportunity, let us first examine, before our friends arrive, what can be the nature of the parhelion, or double sun, which was mentioned in the senate. Those that affirm they witnessed this prodigy, are neither few nor unrespectable, so that there is more reason for investigation than incredulity." (*Note* II.)

"Ah! (said Scipio) I wish we had our friend Panœtius with us, who, in the researches of his speculative genius, is beyond measure delighted with these celestial miracles. As for my opinion, Tubero, for I always tell you just what I think, I hardly agree in these subjects with our friend aforesaid, since respecting things of which we can scarcely form a conjecture, he is as positive as if he had seen them with his own eyes, and felt them with his own hands. And I cannot but the more admire the wisdom of Socrates, who disposed of all anxiety respecting things of this kind, and who affirmed that these inquiries concerning the secrets of nature, were either above the efforts of human reason, or of little consequence to human life."

"But, my Africanus, (replied Tubero) of what credit is this tradition which states that Socrates rejected all these physical investigations, and confined his whole attention to men and manners? In this respect, what better authority can we cite than Plato's? And in many passages of his works, Socrates speaks in a very different manner, and even in his discussions respecting morals, and virtues, and politics, he endeavours to interweave, after the fashion of Pythagoras, the doctrines of arithmetic, geometry, and harmonic proportions."

"That is true, replied Scipio; but you are aware, I believe, that Plato, after the death of Socrates, was induced to visit Egypt, by his love of science, and next Italy and Sicily, by his desire of understanding the Pythagorean dogmas; that he conversed much with Archytas of Tarentum, and Timæus of Locris; that he collected the works of Philolaus; and that finding in these places the renown of Pythagoras flourishing, he addicted himself exceedingly to these Pythagoreans and their studies; yet as he loved Socrates with his whole heart, and wished to attribute all great discoveries to him, he interwove the Socratic elegance and subtlety of eloquence, with somewhat of the obscurity of Pythagoras, and the gravity of his diversified arts."

When Scipio had spoken thus, he saw Furius approaching, and saluting him, and embracing him most affectionately, he gave him a seat at his side. He then observed Rutilius, the worthy reporter of the conference to us, and when he had saluted him, he placed him by the side of Tubero. "Pray do not let us disturb you (said Furius), I am afraid our entrance has interrupted your conversation." "By no means (said Scipio), for you are yourself a studious truth–searcher in the subjects on which Tubero was making some inquiries; and our friend Rutilius, at the siege of Numantia, used to converse with me on the same questions." "What then was the subject of your discussion (said Philus)." "We were talking (said Scipio) of the double suns that recently appeared, and I wish, my Philus, to hear what you think of them."

Just as he was speaking, a boy announced that Lælius was coming to call on him, and that he had already left his house. Scipio, putting on his sandals and robes, immediately quitted his seat, and had hardly passed the portico, when he met Lælius, and welcomed him and those that accompanied him. They were Spurius, Mummius, an intimate friend of Scipio; C. Fannius, and Quintus Scavola, sons–in–law of Lælius, two very intelligent young men, twenty–five years of age.

When he had saluted them all, he returned through the portico, placing Lælius in the middle, for there was in their friendship a law of reciprocal courtesy. In the camp,

Lælius paid Scipio almost divine honours, on account of his African conquests; and in private life, Scipio reverenced Lælius, even as a father, in regard of his advanced age.

After they had exchanged a few words, as they walked up and down, Scipio, to whom their visit was extremely agreeable, wished to assemble them in a sunny corner of the gardens, for the weather was still rather wintry. When they had agreed to this, there came in another friend, a learned and gentlemanly man, beloved by all of them, M. Manilius. After being most warmly welcomed by Scipio and the rest, he seated himself next to Lælius.

Then Philus commencing the conversation,—"It does not appear to me (said he) that the presence of our new guests, need alter the subject of our discussion, but should only induce us to treat it more philosophically, and in a manner more worthy of our increased audience." "What do you allude to?" said Lælius. "What was the discussion we broke in upon?" "Scipio was asking me (replied Philus), what I thought of the parhelion, or mock sun, whose recent apparition was so strongly attested."

LŒLIUS.

—An interesting question, no doubt, my Philus; but have we sufficiently examined the affairs of our own Commonwealth and our own families, that we begin to investigate these celestial mysteries?

PHILUS.

—Do you think, then, that our friends are not concerned in the events that happen in that vast home, which is not included in walls of human fabrication, but which embraces the entire universe—a home which the gods share with us, as the common country of all intelligent beings? We cannot be ignorant of these things, without renouncing many great practical truths which result from them, and which bear directly on the welfare of our race. And here I can speak for myself, as well as for you, Lælius, and all men of intellect, ambitious of wisdom, that the knowledge and consideration of these grand mysteries of nature are unspeakably delightful.

LŒLIUS.

—I have no objection to the discussion, especially as it is holiday time with us. Cannot we have the pleasure of hearing you resume it, or are we come too late?

PHILUS.

—We have hardly yet commenced the discussion, and the question remains entire and unbroken; and I shall have the greatest pleasure, my Lælius, in handing over the argument to you.

LÆLIUS.

—No, I had much rather hear you, unless, indeed, Manilius thinks himself able to compromise the suit between the two suns, that they may possess heaven as joint sovereigns, without intruding on each others' empire.

MANILIUS.

—Ah, Lælius, I am afraid you will never cease to ridicule a science in which I once thought myself skilful; and without which no one can distinguish his own from another's. But to return to the point.—Let us now hear Philus, who seems to me to have started a greater question than any of those that have engaged either Mucius or myself.

PHILUS.

—I can offer you, I fear, no new light, for I have made no fresh discoveries in the question at issue. But I will tell you what I have heard from Sulpicius Gallus, who was a man of profound learning, as you are aware. Listening one day to the recital of a similar prodigy, in the house of Marcellus, who had been his colleague in the consulship; he asked to see a celestial globe, which Marcellus's grandfather had saved after the capture of Syracuse, from this magnificent and opulent city, without bringing home any other memorial of so great a victory. I had often heard this celestial globe or sphere mentioned on account of the great fame of Archimedes. Its appearance, however, did not seem to me particularly striking. There is another, more elegant in form, and more generally known, moulded by the same Archimedes, and deposited by the same Marcellus, in the Temple of Virtue at Rome. But as soon as Gallus had began to explain, by his sublime science, the composition of this machine, I felt that the Sicilian geometrician must have possessed a genius superior to any thing we usually conceive to belong to our nature. Gallus assured us, that the solid and compact globe, was a very ancient invention, and that the first model of it had been presented by Thales of Miletus. That afterwards Eudoxus of Cnidus, a disciple of Plato, had traced on its surface the stars that appear in the sky, and that many years subsequent, borrowing from Eudoxus this beautiful design and representation, Aratus had illustrated them in his verses, not by any science of astronomy, but the ornament of poetic description. He added, that the figure of the sphere, which displayed the motions of the sun and moon, and the five planets, or wandering stars, could not be represented by the primitive solid globe. And that in this, the invention of Archimedes was admirable, because he had calculated how a single revolution should maintain unequal and diversified progressions in dissimilar motions (quod excogitasset quemadmodum in dissimillis motibus, inæquales et varios cursus servaret una conversio.) In fact, when Gallus moved this sphere or planetarium, we observed the moon distanced the sun as many degrees by a turn of the wheel in the machine, as she does in so many days in the heavens. From whence it resulted, that the progress of the sun was marked as in the heavens, and that the moon touched the point where she is obscured by the earth's shadow at the instant the sun appears above the horizon. (*Note* III.)

SCIPIO.

—I had myself a great affection for this Gallus, and I know he stood very high in the estimation of my father Paulus. I recollect in my early youth, when my father, as consul, commanded in Macedonia, and we were in the camp, our army was seized with a pious terror, because that suddenly, in a clear night, the bright and full moon became eclipsed. Gallus, who was then our lieutenant, the year before that in which he was declared consul, hesitated not, next morning, to state in the camp that it was no prodigy, and that the phenomenon which had then appeared would always appear at certain periods, when the sun was so placed that he could not affect the moon with his light.

TUBERO.

—Did he succeed in conveying his philosophic doctrine to the rude soldiery? Did he venture to say as much to men so uninstructed, and so fierce?

SCIPIO.

—He did,—and with great credit too; for his opinion was no result of insolent ostentation, nor was his declaration unbecoming the dignity of so learned a man,—indeed, he achieved a very noble action in thus freeing his countrymen from the terrors of an idle superstition. They relate in a similar way, that in the great war, in which the Athenians and Lacedæmonians contended with such violent resentment, the famous Pericles, the first man of his country, in credit, eloquence, and political genius, observing the Athenians overwhelmed with an excessive alarm, during an eclipse of the sun, which cast a universal shadow, told them what he had learned in the school of Anaxagoras, that these phenomena necessarily happened at precise and regular periods when the body of the moon was interposed between the sun and the earth, and that if they happened not before every new moon, it was because they could only happen when the new moons fell at certain specific periods. Having evinced this truth by his reasonings, he freed the people from their alarms. At that period, indeed, the doctrine was new and unfamiliar, respecting the eclipse of the sun by the interposition of the moon. They say that Thales of Miletus, was the first to discover it. Afterwards our Ennius appears to have been acquainted with the same theory, for he wrote in the 350th year of Rome's foundation, that in the nones of June, Soli luna obstitit et nox—"the sun was covered by the moon and night." The calculations of astronomic art have attained such perfection, indeed, in this respect, that from that day, thus described to us by Ennius, and the pontifical registers, the anterior eclipses of the sun have been computed as far back as the nones of July in the reign of Romulus, when that eclipse took place, in whose portentous obscurity, it was affirmed that Virtue bore Romulus to heaven, in spite of the perishable nature, which urged him to the common fate of humanity.

TUBERO.

—Don't you think then, Scipio, that this astronomic science, which every day proves so useful, is worthy of being taught in our schools?

SCIPIO.

—No doubt. This study may furnish philosophers with sublime ideas. So sublime indeed, that to him who penetrates this starry empire of the gods, the affairs of man may seem almost despicable. Can the things of time appear durable to him who estimates the nature of eternity? What earthly glory can interest him who is aware of the insignificance of the planet we call ours, even in its whole extent, and especially in the portion which men inhabit! and when we consider that almost imperceptible point which we ourselves occupy, unknown to the majority of nations, can we hope that our name and reputation can be widely circulated? And then our estates and edifices, our cattle, and the enormous treasures of our gold and silver, can they be esteemed or denominated as desirable goods by him, who observes their perishable profit, and their contemptible use and their uncertain domination, often falling into the possession of the very worst men? We should then esteem none so happy as the man, who, not by the law of the Romans, but by the privilege of philosophers, could enjoy all things as his own; not by any civil bond, but by the common right of nature, which denies that property can really be possessed by any but him who understands its true nature and service—the man who reckons our dictatorships and consulships rather in the rank of necessary offices than desirable employments, and thinks they must be endured rather as acquittances of our debt to our country, than sought for the sake of glory and emolument—the man, in short, who can assume to himself the sentence which Cato tells us, my ancestor Africanus loved to repeat, "that he was never so busy as when he did nothing, and never less solitary than when alone."

Who can believe that Dionysius, when after a thousand efforts he ravished from his fellow citizens their liberty, had performed a nobler work than Archimedes, when, without pretence or apparent exertion, he manufactured the planetarium we were just describing. Surely those are more solitary, who, in the midst of a croud, find no one with whom they can converse congenially, than those, who, without witnesses, hold communion with themselves, and enter into the secret counsels of the sagest philosophers, while they delight themselves in their writings and discoveries. Who can be esteemed richer than the man who wants nothing which nature requires, or more powerful than he who attains all she desiderates; or happier than he who is free from all mental perturbation; or more secure in future than he who carries all his property in himself which is thus secured from shipwreck? And what power, what magistracy, what royalty can be preferred to a wisdom, which, looking down on all terrestrial objects as low and transitory things, incessantly directs its attention to eternal and immutable verities, and which is persuaded that though others are called men, none are really so but those who have cultivated the appropriate acts of humanity?

In this sense an expression of Plato, or some other philosopher, appears to me exceedingly elegant. A tempest having driven his ship on an unknown country and a desolate shore, during the alarms with which their ignorance of the region inspired his companions, he observed (they say) geometrical figures traced in the sand, on which he immediately told them to be of good cheer, for he had observed the indications of Man. A conjecture he deduced, not from the cultivation of the soil, but from the

symbols of science. For this reason, Tubero, learning and learned men, and these your favourite studies, have always particularly pleased me.

LÆLIUS.

—I cannot venture, Scipio, to reply to your arguments, or to maintain the discussion either against you, Philus, or Manilius. We had a friend in Tubero's family, who in these respects may serve him as a model.

"Sextus so wise, and ever on his guard."

Wise and cautious indeed he was, as Ennius justly describes him—not that he searched for what he could never find, but because he knew how to answer those who prayed for deliverance from cares and difficulties. It is he who, reasoning against the astronomical studies of Gallus, frequently repeated these words of Achilles in the Iphigenia.

> "They note the astrologic signs of heaven,
> Whene'er the goats or scorpions of great Jove,
> Or other monstrous names of brutal forms
> Rise in the Zodiac; but not one regards
> The sensible facts of earth, on which we tread,
> While gazing on these starry prodigies."

He used, however, to say (and I have often listened to him with pleasure) that we should avoid extreme opinions on this as on every other subject; and that for his part he thought that Zethus, in the piece of Pacuvius, was too inimical to learning. He much preferred the Neoptolemus of Ennius, who professes himself desirous of philosophizing, provided it be in moderation, so as to leave us tolerably free for practical affairs. Though the studies of the Greeks have so many charms for you, there are others, perhaps, nobler and more extensive, which we may be better able to apply to the service of real life, and even to political affairs. As to these abstract sciences, their utility, if they possess any, lies principally in exciting and stimulating the abilities of youth, so that they more easily acquire more important accomplishments.

TUBERO.

—I do not mean to question your principle, Lælius; but pray, what do you call more important studies?

LÆLIUS.

—I will tell you, frankly, though perhaps you will think lightly of my opinion, since you appeared so eager in interrogating Scipio respecting the celestial phenomena; and I happen to think that those things which are every day before our eyes, are more particularly deserving of our attention. Why should the child of Paulus Æmilius, the nephew of Æmilius, the descendant of such a noble family, and so glorious a Republic, inquire how there could be two suns in heaven, and not inquire how there

can be two senates in one Commonwealth, and as it were, two distinct peoples? For you see the death of Tiberius Gracchus, and the whole system of his tribuneship divided one people into two parties. The slanderers and the enemies of Scipio, encouraged by P. Crassus and Appius Claudius, maintained, after the death of these two chiefs, a division of nearly half the senate, under the influence of Metellus and Mucius. Nor would they permit the man who alone could be of service to help us out of our difficulties during the movement of the Latins and their allies towards rebellion, violating all our treaties in the presence of factious triumvirs, and creating every day some fresh intrigue, to the disturbance of the worthier and wealthier citizens. This is the reason, young men, if you will listen to me, why you should regard this new sun with less alarm; for, whether it does exist, or whether it does not exist, it is as you see, quite harmless to us. As to the manner of its existence, we can know little or nothing; and even if we obtained the most perfect understanding of it, this knowledge would make us but little wiser or happier. But whether there should exist a *united people* and a *united senate,* this is a question within the compass of our powers. Now it is not an imaginary but a real trouble, if this political union exists not—and that it does not we are aware; and we see that if it can be effected, our lives will be both better and happier. (Senatum vero, et populum ut unum habeamus, et fieri potest; et permolestum est nisi fit; et secus esse scimus, et videmus si id effectum sit, et melius nos esse victuros et beatius.)

MUCIUS.

—What, then, do you consider, my Lælius, should be our best arguments, in endeavouring to bring about the object of your wishes?

LŒLIUS.

—Those sciences and arts which teach us how we may be most useful to the state; for it is, methinks, the most glorious benefit of wisdom, and the noblest testimony of virtue, to achieve the triumphs of patriotism. Let us, therefore, consecrate these holidays to conversations which may be profitable to the Commonwealth, and beg Scipio to explain to us what in his estimation appears to be the best form of government. (Optimum statum civitatis.) Then let us pass on to other points, the knowledge of which may lead us to sound political views, and unfold the causes of the dangers which now threaten us.

When Philus, Manilius, and Mummius had all expressed their approbation of this idea, Lælius added—"I have ventured to open our discussion in this way, because it is but just that on state politics the first governor of the state should speak before the rest; and besides, I recollect that you, Scipio, were formerly in the habit of conversing with Panætius and Polybius, two Greeks, exceedingly learned in these political questions, and that you can collect and expound what the best condition of that government is which our ancestors have handed down to us. If you, therefore, familiar as you are with this subject, will explain to us your views respecting the policy of the state (I speak for my friends as well as myself), we shall feel exceedingly obliged to you.

SCIPIO.

—I must acknowledge that there is no subject of meditation to which my mind naturally turns with more ardour and intensity, than this which Lælius has proposed to us. And indeed since, in every profession, every artist who would distinguish himself, studies and toils to gain perfection in his art, I whose main business, according to the example of my father and my ancestors, is the advancement and right administration of government, would not be more indolent than common mechanics, and this must be the case, if I bestowed on this noblest of sciences less attention and labour than they devote to their vulgar craftships. In this science of politics, however, I am not quite satisfied with the decisions which the greatest and wisest men of Greece have left us; nor, on the other hand, do I venture to prefer my own opinions to theirs. Therefore, I must request you not to consider me either entirely ignorant of the Grecian literature, nor yet disposed, especially in political questions, to yield it the pre–eminence over our own; rather regard me as a true–born Roman, not illiberally instructed by the diligence of my noble ancestry, kindled with the desire of knowledge, even from my boyhood, yet more familiar with domestic precepts and practices than the literature of books.

PHILUS.

—I believe, my Scipio, that few excel you in natural genius, and that you are surpassed by none in the practical experience of national government. We are also acquainted with the extensive course of your studies; and if, as you say, you have given so much attention to this science and art of politics, we cannot be too much obliged to Lælius for introducing the subject; and I trust that your ideas on the management of public affairs will be far more useful and available than any thing the Greeks have written for us.

SCIPIO.

—You are drawing a most critical attention upon my discourse, and that expectation of something admirable, which is sometimes rather oppressive to a man who is required to discuss grave subjects so little capable of ornament.

PHILUS.

—Whatever be the difficulty, my Scipio, you will be sure to conquer it, since you have formed such a habit of victory. You, of all men, need fear no deficiency of eloquence, when you speak on the affairs of our Commonwealth.

SCIPIO.

—I will do what you wish, as far as I can; and I shall enter into the discussion under favour of that rule, which should be used by all in disputations of this kind, if they wish to avoid being misunderstood. When men have agreed respecting the proper name of the matter under discussion, it should be stated what that name exactly means, and what it legitimately includes. Thus our minds become fixed on the precise

point of definition, and embrace the whole subject of investigation. It is impossible, without understanding the nature of the question at issue, to comprehend its scope and its diversified bearings. Since then, our investigations relate to the Commonwealth, we must first examine what this name properly signifies.

Lælius made a sign of approbation, and Scipio continued. I shall not adopt (said he) in so clear and simple a matter that system of discussion which goes back to first origins. This, indeed, is the ordinary practice of our philosophers, who, after they have informed us of the primitive institution and relation of the two sexes, pass on to the first birth and formation of the first family, describing as they proceed the essences and the modes of every noun–substantive they employ. Speaking to cultivated men who have acted with the greatest glory in the Commonwealth, both in peace and war, I will not suppose that the subject under discussion can be made clearer by my explanation. Nor have I entered on it with any design of examining its minuter points, like a pedagogue, nor will I promise you in the following discourse not to omit many insignificant particulars.

LÆLIUS.

—For my part, I am impatient for the exact kind of disquisition you promise us.

SCIPIO.

—Well then,—*A commonwealth is a constitution of the entire people.*—The *people,* however, is not every association of men, however congregated, but the association of the entire number, bound together by the compact of justice, and the communication of utility. The first cause of this association is not so much the weakness of man, as the spirit of association which naturally belongs to him—For the human race, is not a race of isolated individuals, wandering and solitary; but it is so constituted for sociality, that even in the affluence of all things, *and without any need of reciprocal assistance, it spontaneously seeks society.*

It is necessary to pre–suppose these original germs of sociality, since we cannot discover any primal convention or compact, which gave rise to constitutional patriotism, any more than the other virtues. These unions, formed by the principle I have mentioned, established their head quarters in certain central positions, for the convenience of the whole population, and having fortified them by natural and artificial means, they called this collection of houses, a city or town, distinguished by temples and public courts. Every people, therefore, which consists, as I have said, of the association of the entire multitude;—every city, which consists of an assemblage of the people,—and every Commonwealth, which embraces every member of these associations, must be regulated by a certain authority, in order to be permanent.

This intelligent authority should always refer itself to that grand first principle which constituted the Commonwealth. It must be deposited in the hands of one monarch; be entrusted to the administration of certain delegated rulers; or be undertaken by the whole multitude. When the direction of all depends on one monarch, we call this individual a king, and this form of political constitution, a kingdom. When it is in the

power of privileged delegates, the state is said to be ruled by an aristocracy; and when the people are all in all, they call it a democracy, or popular constitution. If the tie of social affection, which originally united men in political associations for the sake of public interest, maintains its force, each of these forms of government is, I will not say perfect, nor, in my opinion, essentially good, but tolerable and susceptible of preference. For whether it be a just and wise king, or a selection of the most eminent citizens, or even the mixed populace; (though this is the least commendable) either may, saving the interference of crime and cupidity, form a constitution sufficiently secure.

In a monarchy, the other members of the state are often too much deprived of public counsel and jurisdiction; and under the rule of an aristocracy, the multitude can hardly possess its due share of liberty, since it is allowed no public deliberation or influence. And when all things are carried by a democracy, although it be just and moderate, its very equality is a culpable levelling, since it allows no gradations of dignity. Therefore, if Cyrus, that most righteous and wise king of the Persians, was our own monarch, I should insist on the interest of the people (properly so called)—for this is the same as the public welfare, and this, methinks, cannot be very effectually promoted, when all things depend on the beck and nod of one individual. And though at present the people of Marseilles, our clients, are governed with the greatest justice by some of the principal aristocrats, there is always in this condition of the people a certain appearance of servitude; and when the Athenians, at a certain period, having demolished their Areopagus or senate, conducted all public affairs by the acts and decrees of the democracy, their state no longer containing a distinguished gradation of dignities, lost its fairest ornament.

I have reasoned thus on the three forms of government, not looking on them in their disorganized and confused conditions, but in their proper and regular administration. These three particular forms, however, contained in themselves from the first, the faults and defects I have mentioned, but they have still more dangerous vices, for there is not one of these three forms of government, which has not a precipitous and slippery passage down to some proximate abuse. For after that king, whom I have called most admirable, or if you please most endurable—after the amiable Cyrus, we behold the barbarous Phalaris, that model of tyranny, to which the monarchical authority is easily abused by a facile and natural inclination. Alongside of the wise aristocracy of Marseilles, we might exhibit the oligarchical faction of the thirty despots, which once existed at Athens. And among the same Athenians, we can shew you, that when unlimited power was cast into the hands of the people, it inflamed the fury of the multitude, and aggravated that universal licence which ruined their state.

The worst condition of things sometimes results from a confusion of those factious tyrannies, into which kings, aristocrats, and democrats, are apt to degenerate. For thus, from these diverse elements, there occasionally arises a new kind of government. And wonderful indeed are the concatenations and periodical returns in natural constitutions of such revolutions and vicissitudes. It is the part of the wise politican to investigate these with the closest attention. But to calculate their approach, and to join to this foresight the skill which moderates the course of events, and retains in a steady hand the reins of that authority which safely conducts the people through all the dangers to

which they expose themselves, is the work of the most illustrious citizen, or a man of almost divine genius.

There is a fourth kind of government, therefore, which, in my opinion is preferable to all these; it is that *mixed and moderated government,* which is composed of the three particular forms I have before noticed. (Itaque quartum quoddam genus reipublicæ maxime probandum esse sentio, quod est ex his, quæ prima dixi, *moderatum* et *permixtum* tribus.)

LÆLIUS.

—I am not ignorant, Scipio, that such is your preference, for I have often heard you say so. But I do not the less desire, since we may not be able to attain this mixed government, if it is not giving you too much trouble, to hear your opinion as to the comparative value of the three particular forms of political constitutions.

SCIPIO.

—Why, as to that, the value of each form of government must be measured, partly by its own nature, partly by the will of the power which sways it. The advocates of democracy tell us, that no other constitution than that in which the people exercise sovereign power, can be the abode of liberty, which is certainly a most desirable blessing. Now that cannot be liberty, which is not equally established for all. And how can there be this character of equality, say they, under that monarchy where slavery is open and undisguised, or even in those constitutions in which the people seem free, but actually are so in words only? They give their suffrages indeed, they delegate authorities, they dispose of magistracies; but yet they only grant those things which, *nolens volens,* they are obliged to grant; things that are not really in their free power, and which it is vain to expect from them. For they are not themselves admitted to the government, to the exercise of public authority, or to offices of magistrates, which are permitted to those only of ancient families and large fortunes. But in a democratical constitution, where all is free, as among the Rhodians and Athenians, every citizen may compass every thing.

According to these advocates of democracy, no sooner is one man, or several, elevated by wealth and power, which produce pomp and pride, than the idle and the timid give way, and bow down to the arrogance of riches. They add, on the contrary, that if the people knew how to maintain its rights, nothing could be more glorious and prosperous than democracy. They themselves would be the sovereign dispensers of laws, judgments, war, peace, public treaties, and finally, the fortune and life of each individual citizen; and this condition of things is the only one which, in their opinion, can be called a Commonwealth, that is to say, a constitution of the people. It is by this principle that, according to them, a people sometimes vindicates its liberty from the domination of kings and nobles, for kings are not requisite to free peoples, nor the power and wealth of aristocracies. They deny, moreover, that it is fair to reject this general constitution of freemen, on account of the vices of the unbridled populace. They say that if this democracy be united, and directs all its efforts to the safety and freedom of the community, nothing can be stronger or more durable. They assert that

this necessary union is easily obtained in a republic so constituted as to promote the same interest for all; while the conflicting interests that prevail in other constitutions, inevitably produce factions. Thus, say they, when the senate had the ascendency, the republic had no stability; and when kings possess the power, this blessing is still more rare, as Ennius expresses it—

"In kingdoms there's no faith, and little love."

Now, since the law is the bond of civil society, and the justice of the law equal, by what rule can the association of citizens be held together, if it be not by the equal condition of the citizens? If the fortunes of men cannot be reduced to this equality — if genius cannot be equally the property of all — rights at least should be equal, among those who are citizens of the same republic. For what is a republic, but an association of rights?

As to the other political constitutions, these democratical advocates do not think they are worthy of being distinguished by the names they bear. For why, say they, should we apply the name of king, the title of Jupiter the Beneficent, to a man ambitious of sole authority and power, lording it over a degraded multitude. No, let us rather call him a tyrant, for a tyrant is sometimes as merciful as a king is sometimes oppressive. The whole question for the people to consider is, whether they shall serve an indulgent master, or a cruel one, if serve some one they must. How could Sparta, at the period of the boasted superiority of her political institution, obtain just and virtuous kings, when they necessarily received an hereditary monarch, good, bad, or indifferent, because he happened to be of the blood royal. As to aristocrats, Who will endure, say they, that men should distinguish themselves by such a title, and that not by the voice of the people, but by their own votes? Who indeed shall judge, who is the aristocrat, or best authority either in learning, sciences, or arts?

These democratical pleaders do not understand the nature or importance of a well–constituted aristocracy. If the state chooses its ruler by haphazard, it will be as easily upset as a vessel, if you chose a pilot by lots from the passengers. If a people is free, it will choose those on whom it can rely, not by the accident of a die, but by the conviction of experience; and if it desires its own preservation, it will always choose the noblest. It is in the counsel of the aristocracy that the safety of the state consists, especially as nature has not only appointed that these superior men should excel the weaker sort in high virtue and courage, but has inspired the people also with the desire of obedience towards these, their natural lords. But they say this aristocratical state is destroyed by the depraved opinions of men, who through ignorance of virtue, (which, as it belongs to few, can be discerned and appreciated by few,) imagine that rich and powerful men, because they are nobly born, are necessarily the best. When, through this popular error, the power, not the virtue of certain men, has taken possession of the state, these men obstinately retain the title of nobles though they want the essence of nobility. For riches, fame, and power, without wisdom, and a just method of regulating ourselves and commanding others, are full of discredit and insolent arrogance; nor is there any kind of government more deformed than that in which the wealthiest are regarded as the noblest.

But (say the advocates of kings and monarchies) when virtue governs the Commonwealth what can be more glorious? When he who commands the rest is himself enslaved by no lust or passion—when he himself exhibits all the merits to which he incites and educates the citizens—such a man imposes no law on the people which he does not himself observe, but he presents his life as a living law to his fellow–countrymen. If a single individual could thus suffice for all, there would be no need of more; and if the community could find a chief ruler thus worthy of all their suffrages, none would require delegated authorities.

The difficulty of conducting politics, transferred the government from a king into the hands of noblemen. The error and temerity of the people likewise transferred it from the hands of the many into those of the few. Thus, between the weakness of the monarch, and the rashness of the multitude, the aristocrats have occupied the middle place, than which nothing can be better arranged; and while they superintend the public interest, the people necessarily enjoy the greatest possible prosperity, being free from all care and anxiety, having entrusted their security to others, who ought sedulously to defend it, and not allow the people to suspect that their advantages are neglected by their rulers.

As to that equality of rights which democracies so loudly boast of, it can never be maintained; for the people themselves, so dissolute and so unbridled, are always inclined to flatter a number of demagogues; and there is in them a very great partiality for certain men and dignities, so that their pretended equality becomes most unfair and iniquitous. For if the same honour is rendered to the most noble and the most infamous, the equity they eulogize becomes most inequitable,—an evil which can never happen in those states which are governed by aristocracies. These reasonings, my Lælius, and some others of the same kind, are usually brought forward by those that so highly extol this form of political constitution.

LÆLIUS.

—But you have not told us, Scipio, which of these three forms of government you yourself most approve.

SCIPIO.

—It is vain to ask me which of the three I most approve, for there is not one of them which I approve at all by itself, since, as I told you, I prefer that government which is *mixed and composed* of all these forms, to any one of them taken separately. But if I must confine myself to one of these particular forms simply and exclusively, I must confess I prefer the royal or monarchical, and extol it as the first and best. In this, which I here choose to call the primitive form of government, I find the title of *father* attached to that of king, to express that he watches over the citizens as over his children, and endeavours rather to preserve them in freedom than reduce them to slavery. Hence the little and the weak are in a manner sustained by this protecting superintendence of a monarch so great and so beneficent. But here we meet the noblemen who profess that they can do all this in much better style, for they say there is much more wisdom in many than in one, and at least as much faith and equity. And,

last of all, come the people, who cry with a loud voice, that they will render obedience neither to the one nor the few; that even to brute beasts nothing is so dear as liberty; and that whether they serve kings or nobles, men are deprived of it. Thus, the kings attract us by affection, the nobles by talent, the people by liberty; and in the comparison it is hard to choose the best.

LŒLIUS.

—I think so too, but yet it is impossible to despatch the other branches of the question, if you leave this primary point undetermined.

SCIPIO.

—We must then, I suppose, imitate Aratus, who, when he prepared himself to treat of great things, thought himself in duty bound to begin with Jupiter.

LÆLIUS.

—Wherefore Jupiter? and what has our discourse to do with the poem of Aratus?

SCIPIO.

—Why it serves to teach us that we cannot better commence our investigations than by invoking Him, whom, with one voice, both learned and unlearned extol as the king universal of gods and mortals.

LÆLIUS.

—Why do you notice this so earnestly?

SCIPIO.

—Because it bears directly on our present political discussion. If the legislators of states have thus enforced, for the benefit of society, the belief that there exists a Universal Monarch in heaven, at whose nod, (as Homer expresses) all Olympus trembles—and who is both king and father of all creatures—you may observe how great is this authority, and how multitudinous the witnesses which attest that nations have unanimously recognized, by the decrees of their chiefs, that *nothing is better than a king,* since all the gods consent to be governed by a monarchical deity. And lest we should suspect that this opinion rests on the error of the ignorant, and should be classed among the fables, let us hear those universal testimonies of erudite men, who have seen with their eyes those things which we can hardly attain by report.

LŒLIUS.

—What men do you mean?

SCIPIO.

—Those who, by the investigation of nature, have arrived at the opinion that the whole universe is animated by a single Mind. But if you please, my Lælius, I will bring forward those evidences, which are neither too ancient, nor too far–fetched.

LŒLIUS.

—These are the ones I want.

SCIPIO.

—You are aware, that scarcely four centuries have elapsed, since our own city Rome lost her kings.

LŒLIUS.

—You are correct, it is scarcely four centuries.

SCIPIO.

—Well then, what are four centuries in the age of a state or city—is it a long duration?

LÆLIUS.

—It hardly amounts to the age of maturity.

SCIPIO.

—You say truly, and yet not four centuries have elapsed since there was a king in Rome.

LÆLIUS.

—Aye, but that was Tarquinius Superbus, the infamous.

SCIPIO.

—But who was his predecessor?

LÆLIUS.

—He was Servius Tullius, who was admirably just, and, indeed, we must bestow the same praise on all his predecessors, even to our founder Romulus, who reigned about six centuries ago.

SCIPIO.

—Even he is not very ancient.

LŒLIUS.

—No, he reigned, when Greece was already ageing.

SCIPIO.

—Agreed. But was not Romulus, think you, a king of a barbarous people?

LŒLIUS.

—Why, as to that, if we were to follow the example of the Greeks, who say that all peoples are either Grecianized or barbarous, we must confess that he was a king of barbarians; but if this name belongs rather to manners than to languages, I believe the Greeks were just as barbarous as the Romans.

SCIPIO.

—The testimony, however, we most require in the present argument, is rather that of enlightened minds than popular prejudices; and if intelligent men, at a period so little remote, desired the government of kings, you will confess I have found authorities that are neither antiquated, rude, nor insignificant.

LÆLIUS.

—I see, Scipio, that you have no lack of authorities; but with me, as with every fair judge, authorities are worth less than arguments.

SCIPIO.

—Then, Lælius, I shall make use of an argument derived from yourself and your own experience.

LÆLIUS.

—What experience do you allude to?

SCIPIO.

—The experience you prove when you happen to feel angry with any one.

LÆLIUS.

—That happens rather oftener than I could wish.

SCIPIO.

—Well, then, when you are angry, do you permit your anger to triumph over your judgment?

LŒLIUS.

—No, by Hercules! I imitate that Archytas of Tarentum, who, when he came to his villa, and found all its arrangements were contrary to his orders, he said to his steward—"Ah, you unlucky scoundrel, I would flog you to death, if it was not that I am in a rage with you."

SCIPIO.

—Capital—thus Archytas regarded unreasonable anger as a kind of sedition and rebellion of nature, which he sought to appease by reflection. And so, if we examine avarice, the ambition of power and glory, or the lusts of concupiscence and licentiousness, we shall find a certain *conscience* in the mind of man, which, like a king sways by the force of counsel all the inferior faculties and propensities; and this, in truth, is the noblest portion of our nature, for when conscience reigns, it allows no resting place to lust, violence, or temerity.

LŒLIUS.

—You have spoken the truth.

SCIPIO.

—Well then, does a mind thus governed and regulated, meet your approbation?

LŒLIUS.

—More than any thing upon earth.

SCIPIO.

—Then you do not approve that the evil passions, which are innumerable, should expel conscience, and that lusts and animal propensities should assume the ascendency over us?

LŒLIUS.

—For my part, I can conceive nothing more wretched than a mind thus degraded, and the man animated by a soul so licentious.

SCIPIO.

—You desire, then, that all the faculties of the mind should submit to a ruling power, and that conscience should reign over them all?

LŒLIUS.

—Certainly, that is my wish.

SCIPIO.

—How then can you doubt that the monarchical form of government is superior to the aristocratic and the democratic, since the immediate consequence of throwing the affairs of state into many hands, is the want of one presiding authority? for if power is not united, it soon comes to nothing—(intelligi jam licet, nullum fore quod præsit imperium, quod quidem nisi unum sit, esse nullum protest).

LÆLIUS.

—But, which would you prefer, the one or the many, if justice were equally found in the plurality?

SCIPIO.

—Since I see, my Lælius, that the authorities I have adduced have no great influence on you, I must continue to employ you yourself as my witness in proof of what I say.

LÆLIUS.

—In what way are you going to make me again support your argument?

SCIPIO.

—Why thus.—I recollect when we were lately at Fermiæ, that you told your servants repeatedly not to obey the orders of more than one master.

LÆLIUS.

—To be sure, my own steward.

SCIPIO.

—And at Rome, do you commit your affairs to the hands of many?

LÆLIUS.

—No, I trust them to myself alone.

SCIPIO.

—What, in your whole establishment, is there no other master but yourself?

LŒLIUS.

—Not one.

SCIPIO.

—Then I think you must grant me that as respects the state, the government of monarchs, provided they are just, is superior to any other.

LÆLIUS.

—You have conducted me to this conclusion, and I entertain pretty nearly the same opinion.

SCIPIO.

—You would still further agree with me, my Lælius, if, omitting the common observation, that one pilot is better fitted to steer a ship, and one physician to treat an invalid, than many could be, I should come at once to more illustrious examples.

LŒLIUS.

—What examples do you mean?

SCIPIO.

—Don’t you observe that it was the cruelty and pride of Tarquin, a single individual, only, that made the title of king unpopular among the Romans?

LÆLIUS.

—Yes, I acknowledge that.

SCIPIO.

—You are also aware, as I shall demonstrate in the course of our discussion, that the people, on expulsion of their King Tarquin, was transported by a wonderful excess of liberalism. Then, unjust banishments, the pillage of many estates, annual consulships, public authorities overawed by mobs, popular appeals in all cases imaginable; then the secession of the lower orders; and lastly, those proceedings which tended to place all powers in the hands of the populace.

LÆLIUS.

—I must confess this is all too true.

SCIPIO.

—All these things happened during the periods of peace and tranquillity, for licence is wont to prevail when there is little to fear, as in a calm navigation, or a trifling disease. But as we observe, the voyager and the invalid implore the aid of some one competent director, as soon as the sea grows stormy, and the disease alarming, so our nation in peace and security, commanded, threatened, annulled, repealed, and insulted their magistrates, but in war obeyed them as strictly as they had done their kings, for public safety is after all rather more valuable than popular licence. In the most serious war, we should also notice, our Romans seemed to rally back to their monarchical notions, for they resolved that the entire command should be deposited in the hands of some single chief, without being divided and mutilated by the rival authority of a colleague. In fact, the very name of this chief indicates the absolute character of his power. For though the appellation of Dictator is evidently derived from the *ipse dixit,* or decision of the consul, yet do we still observe him, my Lælius, in our sacred books entitled "Magister Populi," the master of the people.

LÆLIUS.

—This is certainly the case.

SCIPIO.

—Our ancestors, therefore, acted wisely in extolling the inestimable value of a just king to the Commonwealth. For when the people is deprived of a just king, as Ennius says, after the death of one of the best of monarchs,

> "They hold his memory dear, and in the warmth
> Of their discourse, they cry—O Romulus!
> O prince divine, sprung from the might of Mars
> To be thy country's guardian! O our Sire!
> Be our protector still, O heaven–begot!"

Our Romans, indeed, conceived no title too magnificent for their patriotic monarchs. Not heroes, nor lords alone, did they call those whom they lawfully obeyed; nor merely as kings did they proclaim them; but they pronounced them their country's guardians, their fathers, and their gods. Nor indeed without cause, for they added—

"Thou Prince, hast brought us to the gates of light."

And truly they believed that life and honour had arisen to them from the justice of the king they loved. The same good–will would doubtless have remained in their descendants, if the same virtues had been preserved on the throne, but as you see, by injustice, the monarchical government of our state fell into ruin.

LÆLIUS.

—I see it indeed, and I long to know the history of these political revolutions in our own Commonwealth, and in many others.

SCIPIO.

—When I shall have explained my opinion respecting the form of government which I prefer, I shall be able to speak to you more accurately respecting the revolutions of states, though I think there is little danger of them in the mixed form of government which I recommend. With respect, however, to absolute monarchy, it presents an inherent and invincible tendency to revolution. No sooner does a king begin to be unjust, than this entire form of government is demolished, for the best absolute monarchy is close to tyranny, which is the worst of all governments. If this state falls into the hands of the nobles, it becomes an aristocracy, or the second of the three kinds of constitutions I have described. This consists of a council of the chief fathers consulting for the public benefit. Or if the people have expelled or demolished a tyrant, it may establish a democratic, or government of its wisest and ablest members, and sometimes flourish in its enterprizes, and endeavour to defend the policy it has constituted. But if ever the people should raise its forces against a just king, and rob him of his throne, or, as hath frequently happened, should taste the blood of its legitimate nobles, and subject the whole commonwealth to its own licence, you can imagine no flood or conflagration so terrible, or any whose violence is harder to appease, than this unbridled insolence of the populace.

Then we see realized that which Plato so vividly describes, if I could but express it in our language. It is by no means easy to do it justice in translation: however I will try. (*Note* IV.)

"When (says Plato) the insatiate jaws of the populace are fired with the thirst of liberalism, and urged on by evil ministers, they drain the cup, not of tempered liberty, but unmitigated licence; then their magistrates and chiefs, if they are not quite subservient and remiss, and do not largely promote the popular licentiousness, are pursued, incriminated, accused, and cried down under the title of despots and tyrants." I dare say you recollect the passage.

LÆLIUS.

—Yes, it is very familiar to me.

SCIPIO.

—Plato thus proceeds: "Then those who feel in duty bound to obey the chiefs of the state, are persecuted by the insensate populace, who call them voluntary slaves. But those in the magistracies who flatter the popular equality, and the demagogues who plead the levelling system, and endeavour to abolish all distinctions between nobles and commoners, these they stun with acclamations and overwhelm with honours. It inevitably happens in a commonwealth thus revolutionized, that liberalism

superabounds in all directions, due authority is found wanting even in private families, and misrule seems to extend even to the animals that witness it. Then the father fears the son, and the son neglects the father. All modesty is banished; they become far too liberal for that. No difference is made between the citizen and the alien; the master dreads and cajoles his scholars, and they despise their masters. The conceited striplings assume the gravity of sages, and sages must stoop to the follies of children, lest they should be hated and oppressed. The very slaves hold themselves as high as their lords; wives boast the same rights as their husbands; dogs, horses, and asses, are emancipated in this outrageous excess of freedom, and run about so violently that they frighten the passengers from the road. At length this infinite licentiousness produces such a morbid self–sufficiency, such fastidious and effeminate sentiments get possession of the people, that when they observe even the slightest exertion of magisterial authority, they grow angry and seditious, and thus the laws are necessarily infringed, because there is no ruler that dares to execute them."

LÆLIAS.

—You have very accurately expressed the sentiments of Plato.

SCIPIO.

—Now to return to the argument of my discourse. It appears that this extreme license, which is the only liberty in the eyes of the vulgar, is according to Plato, the natural foster–mother of tyranny. For as the excessive power of an aristocracy occasions the destruction of the nobles, so this excessive liberalism of democracies induces the servility of the people, and betrays them into the hands of despots. Thus we find in the weather, the soil, and the animal constitution, the most favourable conditions are sometimes suddenly converted by their excess, into the most injurious. This fact is especially observable in political governments. This excessive liberty soon brings the people, collectively and individually, to an excessive servitude. For, as I said, this extreme liberty easily introduces the reign of tyranny, the severest of all unjust slaveries. In fact, from the midst of this indomitable and capricious populace, they elect some one as a leader in opposition to their afflicted and expelled nobles; some new chief, forsooth, audacious and impure, insolently prosecuting those of the best desert in the state, and ready to gratify the populace at his neighbour's expence as well as his own. Then since the private condition is naturally exposed to fears and alarms, the people invest him with many powers, and these are continued in his hands. Such men, like Pisistratus of Athens, will soon find an excuse for surrounding themselves with body guards, and they will conclude by becoming tyrants over the very fools that raised them to dignity. If such despots perish by the vengence of the better citizens, as is generally the case, the constitution is re–established. If they fall by the hands of demagogues, they are succeeded by a faction, which is another species of tyranny. We observe the same revolution arising from the fair system of aristocracy, when corruption has betrayed the nobles from the path of rectitude. Thus the power is like a ball, which is flung from hand to hand; it passes from kings to tyrants, from tyrants to aristocracies, from them to democracies, and from these back again to tyrants and to factions; and thus the same kind of government is seldom long maintained.

Since these are the facts of experience, royalty is, in my opinion, very far preferable to the three other kinds of political constitutions. But it is itself inferior to that which is composed of an *equal mixture* of the three best forms of government, united, and modified by one another. I wish to establish in a Commonwealth, a royal and pre–eminent chief. Another portion of power should be deposited in the hands of the aristocracy, and certain things should be reserved to the judgment and wish of the multitude. This constitution, in the first place, possesses that great equality, without which men cannot long maintain their freedom,—then it offers a great stability, while the particular separate and isolated forms, easily fall into their contraries; so that a king is succeeded by a despot,—an aristocracy by a faction,—a democracy by a mob and a hubbub; and all these forms are frequently sacrificed to new revolutions. In this *united and mixed constitution,* however, which I take the liberty of recommending, similar disasters cannot happen without the greatest vices in public men. For there can be little to occasion revolution in a state, in which every person is firmly established in his appropriate rank, and there are but few modes of corruption into which he can fall.

But I fear, Lælius, and you, my amiable and learned friends, if I were to dwell any longer on this argument, that my words would seem rather like the lessons of a master, and not like the free conversation of a brother truth–searcher. I shall therefore pass on to those things which are familliar to all, and which I have long studied. And in these matters I believe, I feel, and I affirm, that of all governments, there is none which, either in its entire constitution, or the distribution of its parts, or in the discipline of its manners, is comparable to that which our fathers received from our earliest ancestors, and which they have handed down to us. And since you wish to hear from me a developement of this constitution with which you are all acquainted, I shall endeavour to explain its true character and excellence. Thus keeping my eye fixed on the model of our Roman Commonwealth, I shall endeavour to accommodate to it, all that I have to say on the best form of government. By treating the subject in this way, I think I shall be able to accomplish with most satisfaction the task which Lælius has imposed on me.

LŒLIUS.

—It is a task most properly and peculiarly you own, my Scipio; for who can speak so well as you on the institutions of our ancestors, from the noblest of whom you are yourself descended? Or who can so well discuss the best state of our Commonwealth, as you, to whom it ows its preservation? Or who so well provide for the emerging fortunes of our country, as you, who having dispelled two mighty perils from our city, can look forward with hope to the future destinies of Rome?

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FRAGMENTS.

As our country is the source of the greatest benefits, and as she is the venerable parent that gave us life, we owe her still warmer gratitude than belongs to our human relations.

Carthage would not have continued to flourish during six centuries without admirable politics and institutions.

The reasonings of speculative philosophers may open abundant fountains of science and virtue; but if we compare them with the philanthropical achievements of great statesmen, they will seem to have conduced less to the utilities of industry than the pleasures of idleness.

end of the first book.

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INTRODUCTION To The SECOND BOOK OF CICERO'S COMMONWEALTH.

In this second Book of his Commonwealth, Cicero gives us a spirited and eloquent review of the history and successive developments of the Roman constitution. He bestows the warmest praises on its early kings—points out the great advantages which had resulted from its primitive monarchical system, and explains how that system had been gradually broken up. In order to prove the importance of reviving it, he gives a glowing picture of the evils and disasters that had befallen the Roman State in consequence of that overcharge of democratic folly and violence, which had gradually gained an alarming preponderence, and describes, with a kind of prophetic sagacity, thefruit of his political experience, the subsequent revolutions of the Roman State, which such a state of things would necessarily bring about.

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CICERO'S COMMONWEALTH.

BOOK II.

When he observed all his friends kindled with the desire of hearing him, Scipio thus opened the discussion. "I will commence (said Scipio) with a sentiment of old Cato, whom, as you know, I singularly loved and exceedingly admired, and to whom, both by the judgment of my parents and by my own desire, I was entirely devoted during my youth. Of his discourse, indeed, I could never have enough. He possessed so much experience as a statesman respecting the government which he had so long conducted, both in peace and war with so much success. There was also an admirable propriety in his style of conversation, in which wit was tempered with gravity; a wonderful aptitude for acquiring, and at the same time communicating information,—and all his words were illustrated by his life.

Such was Cato. And he used to say that the government of Rome was superior to that of other states; because in them the great men were mere isolated individuals, who regulated their constitutions according to their own *ipse dixits,* their own laws, and their own ordinances. Such was Minos in Crete, Lycurgus in Sparta; and in Athens, which experienced so many revolutions, first Theseus, then Draco, then Solon, then Clisthenes, afterwards many others; and lastly, to support the Athenian state in its exhaustion and prostration, that great and wise man, Demetrius Phalereus.

Our Roman constitution, on the contrary, did not spring from the genius of an individual, but of many; and it was established, not in the lifetime of a man, but in the course of ages and centuries. For (added he) there never yet existed a genius so vast and comprehensive as to allow nothing to escape its attention, and all the geniuses in the world united in a single mind, could never, within the limits of a single life, exert a foresight sufficiently extensive to embrace and harmonize all, without the aid of experience and practice.

Thus, according to Cato's usual habit, I now ascend in my discourse to the "*Origin of the Roman Commonwealth,*" for I like, when I can, to imitate the style of Cato. I shall also more easily execute my task, if I thus exhibit to you our political constitution in its infancy, progress, and maturity, now so firm and fully established, than if, after the example of Socrates in the books of Plato, I were to delineate a mere imaginary republic.

When all had signified their approbation, Scipio resumed:—What commencement of a political constitution can we conceive more brilliant, or more generally accredited than the foundation of Rome by the hand of Romulus the son of Mars? Let us, therefore, still venerate a tradition, at once so antique and so gravely maintained by our ancestors, that those who have done great service to communities, may enjoy the reputation of having received from the gods, not only their genius, but their very birth.

They relate that soon after the birth of Romulus and his brother Remus, Amulius, King of Alba, fearing that they might one day undermine his authority, ordered that they should be exposed on the banks of the Tiber. That in this situation, the infant Romulus was suckled by a wild beast; that he was afterwards educated by the shepherds, and inured to the hardy labours of the field; and that he acquired, when he grew up, such superiority over the rest by the vigour of his body, and the courage of his soul, that all the people who cultivated the plains in the midst of which Rome now stands, unanimously submitted to his rule and government. It is moreover reported, to come from fables to facts, that when he was placed at the head of these bands, he besieged Alba, then a potent and strong city, and slew its king, Amulius.

Having thus acquired glory, he conceived the design (as they tell us) of founding a new city and constituting a new state. As respected the site of his new constitution, a point which requires the greatest foresight in him who would lay the foundation of a durable Commonwealth, he chose the most convenient possible position for his chief city, Rome. For he did not advance too near the sea, which he might easily have done with the forces under his command, either by entering the territory of the Rutuli and Aborigenes; or by founding his citadel on the embouchure of the Tiber, where many years after, Ancus Martius built Ostia for his colony. But Romulus, with admirable genius and foresight, observed and calculated that sites very near the sea are not the most favourable positions for cities which would attain a durable prosperity. And this, first, because maritime cities are always exposed, not only to many attacks, but to many perils they cannot foresee or provide against. The solid land betrays, by many indications, the regular approaches, and the stolen marches of the enemy. It announces its natural foes by re–echoing the sound of their invasion. There is no adversary who, on an inland territory, can arrive so swiftly, but we may know his approach, and who he is, and where he comes from. But a marine and naval enemy can fall upon a sea coast town before any one suspects his coming; and when he comes, nothing exterior indicates who he is, or whence he comes, or what he wishes; nor can it even be determined on all occasions whether he is a friend or a foe. (*Note* I.)

Maritime cities are likewise exposed to corrupt influences, and revolutions of manners. Their civilization is more or less adulterated by new languages and customs, and they import not only foreign merchandize, but foreign fashions, which allow no fixation or consolidation in the institution of such cities. Those who inhabit these maritime towns do not remain in their native place, but are urged afar from their homes by winged hope and speculation. And even when they do not desert their country in person, their minds are always expatiating and voyaging round the world.

There was no cause which more deeply undermined Corinth and Carthage, and at last overthrew them both, than this wandering and dispersion of their citizens, whom the passion of commerce and navigation had induced to abandon their agricultural and military interests.

The proximity of the sea likewise administers to maritime cities a multitude of pernicious incentives to luxury, which are acquired by victory or imported by commerce; and the very agreeableness of their position nourishes the expensive and deceitful gratifications of the passions. And what I have spoken of Corinth may be

applied, for aught I know, without incorrectness to the whole of Greece. For almost the entire Peloponesus is surrounded by the sea; nor, beside the Phliasians, are there any whose lands do not approach the sea—and beyond the Peloponesus, the Enianes, the Dorians, and the Dolopes, are the only inland peoples. Why should I speak of the Grecian islands, which, girded by the waves, seem as if they were all afloat, together with the institutions and manners of their cities. And these things I have before noticed do not respect ancient Greece only; for all its colonies likewise are washed by the sea, which have expatriated from Greece into Asia, Thracia, Italy, Sicily, and Africa, with the single exception of Magnesia. Thus it seems, as if fragments of the Grecian coasts had been appended to the shores of the barbarians. For among the barbarians themselves none were heretofore maritime, or inclined to navigation, if we except the Carthaginians and Etruscans; one for the sake of commerce, the other of pillage. Here then is one evident reason of the calamities and revolutions of Greece, because she became infected, as I before observed, with the vices which belong to maritime cities. But yet, notwithstanding these vices, they have one great advantage; it is, that all the commodities of foreign nations are thus concentrated in the cities of the sea, and that the inhabitants are enabled in return to export and send abroad the produce of their native lands to any nation they please, which offers them a market for their goods.

Romulus was admirably successful in achieving all the benefits that could belong to maritime cities, without incurring the dangers to which they are exposed. He built Rome on the bank of an inexhaustible river, whose equal current discharges itself into the sea by a vast embouchure, so that our city can receive all it wants from the sea, and discharge its superabundant commodities by the same channel. It finds, in the same river, a communication by which it receives from the sea all the productions necessary to the conveniences and elegancies of life, and possesses an inland territory beside, which furnishes it with an exuberant supply of provisions. I, therefore, think that Romulus must have divined and anticipated that Rome would one day become the centre and focus of a potent and opulent empire. For, situated in any other part of Italy, no city could maintain so wide a dominion.

As to the natural fortifications of Rome, who is so negligent and unobservant as not to have them depicted and stampt on his memory? Such is the plan and direction of the walls, which, by the prudence of Romulus and his royal successors are supported on all sides by steep and rugged hills. And the only aperture between the Esquiline and Quirinal mountains is enclosed by an immense rampart, and surrounded by a tremendous foss. And as for our fortified citadel, it is so secured by a precipitous barrier and inclosure of rocks, that in that horrible attack and invasion of the Gauls, it remained impregnable and inviolable. The site he selected had also an abundance of fountains, and was sufficiently salubrious, though it was in the midst of a pestilental region; for there are hills which at once create a current of fresh air, and fling an agreeable shade over the vallies. (Locum delegit et fontibus abundantem, et in regione pestilenti salubrem; colles enim sunt, qui cum perflantur ipsi, tum adferunt umbram vallibus.)

These things he effected with wonderful rapidity, and thus established the city, which, from his own name Romulus, he determined to call Rome. And in order to

corroborate his new city, he conceived a design singular enough, and even a little barbarous, yet worthy of a great man, and a genius which discerned far away in futurity the means of strengthening his power and his people. The young Sabine females of the best birth, who came to Rome, attracted by the public games and spectacles which Romulus celebrated in the circus during the first anniversary, were suddenly carried off by his orders, and were associated in marriages to the best families in Rome. This cause having brought on Rome the Sabine armies, and the issue of the battle being doubtful and undecided, Romulus made an alliance with Tatius, king of the Sabines, at the intercession of the matrons who had been so abducted. By this compact, he admitted the Sabines into the city, communicated with their religious ceremonies, and divided his power with their king.

After the death of Tatius, the entire government was again vested in the hands of Romulus. This monarch had, however, even during the lifetime of Tatius, formed a royal council or senate of the chief noblemen, who were entitled by the affection of the people Patres, or Patricians. He also formed Comitia, or a house of Commons, by dividing the people into three tribes, nominated after the name of Tatius, his own name, and that of Lucumon his friend, who had fallen in the Sabine war. He likewise made another division of the people into thirty Curiæ, designated by the names of those Sabine virgins, who after being carried off at the festivals, generously offered themselves as the mediators of peace and coalition.

But though these orders were established in the life of Tatius, yet after his death, Romulus reigned in double power by the council and authority of the senate. In this respect, he approved and adopted the principle which Lycurgus, but little before, had applied to the government of Lacedæmon. The principle I allude to, is this, that the monarchical authority, and the royal power, operate best in the government of states, when to this supreme authority is joined the legislative influence of the aristocratic citizens. (*Note* II.)

Thus supported and corroborated by this council or senate, Romulus conducted many wars with the neighbouring peoples, in a most successful manner, and while he refused to take any portion of the booty to his own palace, he did not hesitate to enrich the citizens. Romulus also cherished the greatest respect for that institution of hierarchical and ecclesiastical ordinances, which we still retain to the great benefit of the Commonwealth; for in the very commencement of his government, he founded the city with religious rites, and in the institution of all public establishments, he was equally careful in attending to these sacred ceremonials, and associated with himself on these solemn occasions, priests that were selected from each of the tribes. He also enacted that the nobles should act as patrons and protectors to the inferior citizens, their natural clients and dependants, in their respective districts; a measure whose utility I shall afterwards notice. The judicial punishments, were mostly fines of sheep and oxen, for the property of the people at that time consisted in their fields and cattle, and this circumstance has given rise to the expressions which still designate real and personal wealth. Thus the people were kept in order, rather by mulctations than by bodily inflictions.

After Romulus had thus reigned thirty–seven years, and established these two great supports of government, the hierarchy and the senate, having disappeared in a sudden eclipse of the sun, he was thought worthy of being added to the number of the gods,—an honour which no mortal man can deserve, but by the glorious pre–eminence of virtue. The Apotheosis of Romulus was the more illustrious, because most of the great men that have been deified, were so exalted to celestial dignities by the people, in periods very little enlightened, when fiction was easy, and ignorance went hand in hand with credulity. But with respect to Romulus, we know that he lived less than six centuries ago, at a time when science and literature were already advanced, and had got rid of many of the ancient errors that had prevailed among less civilized peoples. In fact, if, as we consider proved by the Grecian annals, Rome was founded in the seventh Olympiad, the life of Romulus was contemporary with that period in which Greece already abounded in poets and musicians,—an age when fables, except those handed down from antiquity, received little credit.

This is the more evident, because it was one hundred and eight years after the promulgation of the laws of Lycurgus, that the first Olympiad was established, which indeed, through a mistake of names, some authors have supposed constituted by Lycurgus likewise. And Homer himself, according to the best computation, lived at least thirty years before the time of Lycurgus. We must conclude, therefore, that Homer flourished very many years before the date of Romulus. The information, therefore, of men, and the progress of arts and sciences in the days of our first monarch, could have left mere fictions little chance of success. Antiquity indeed has received fables that are sufficiently improbable; but this epoch, so considerably cultivated, would most likely have rejected every fiction that wanted the evidence of testimonies.

We may, therefore, perhaps attach some credit to this story of Romulus’s immortality, since human life was at that time experienced, cultivated, and instructed. And doubtless there was in him such energy of genius and virtue, that it is not altogether impossible to believe the report of Proculus Julius, the husbandman, of that glorification having befallen Romulus, which for many ages, we have denied to less illustrious men. At all events, Proculus is reported to have stated in the council, at the instigation of the senators, who wished to free themselves from all suspicion of having been accessories to the death of Romulus, that he had seen him on that hill which is now called the Quirinal, and that he had commanded him to inform the people, that they should build him a temple on that same hill, and offer him sacrifices, under the name of Quirinus.

You see, therefore, that the genius of this great man did not merely establish the constitution of a new people, and then leave them crying in their cradle, but he still continued to superintend their education till they had arrived at an adult, and well nigh a mature age.

LÆLIUS.

—We now see, my Scipio, what you meant when you said that you would adopt a new method of discussing the science of government, different from any found in the

writings of the Greeks. For that prime master of philosophy, whom none ever surpassed in eloquence, I allude to Plato, chose an open plain to build an imaginary city after his own taste, a city admirably conceived, as none can deny, but remote enough from the real life and manners of men. Others, without proposing to themselves any model or type of government whatever, have argued on the constitutions and forms of states. You, on the contrary, appear to unite these two methods, for as far as you have gone, you seem to prefer attributing to others your discoveries, rather than start new theories under your own name and authority, as Socrates has done in the writings of Plato. Thus, in speaking of the site of Rome, you refer to a systematical policy, the acts in the history of Romulus, which were many of them the result of necessity or chance, and you do not allow your discourse to run riot over many states, but you fix and concentrate it on our own commonwealth; proceed then in the course you have adopted, for I see that you intend to examine our other kings, and thus to delineate to us the perfection of our political constitution.

SCIPIO.

—The senate of Romulus which was composed of nobles, whom the king himself respected so highly that he designated them patres or fathers, and their children patricians, attempted after the death of Romulus, to conduct the government without a king. But this the people would not suffer, and in their regret for Romulus, desisted not from demanding a fresh monarch. The nobles then prudently resolved to establish an interregnum, a new political form, almost unknown to other nations. It was not without its use, however, since during the interval which elapsed before the definitive nomination of the new king, the state was not left without an interrex, nor subjected too long to the same interrex, nor exposed to the fear lest some one by the prolonged exercise of power, should refuse to be deposed from his regency, or collect forces to secure it. Thus, our early Romans discovered a political provision which had escaped the Spartan Lycurgus, who conceived that the monarch ought not to be elective, so far as his opinion went, but that it was better for the Lacedæmonians to acknowledge as their sovereign, the next heir of the race of Hercules, whoever he might be. In fact, our Romans, rude as they were, saw the importance of appointing a king, not for his family, but for his virtue and experience.

Fame having recognized these eminent qualities in Numa Pompilius, the Roman people, without partiality for their own citizens, committed itself by the counsel of the senators, to a king of foreign origin, and summoned this Sabine from the city of Cures to Rome, that he might reign over them. Numa, although the people had proclaimed him king in their Comitia Curiata, or House of Commons, past a law through the Commons respecting his authority; and observing that the institutions of Romulus had too much excited the military propensities of the people, he judged it expedient to recall them from this habit of warfare by other employments.

And first, he divided severally among the citizens, the lands which Romulus had conquered, and taught them that even without the aid of war and pillage, they could by the cultivation of their own territories, procure themselves all kinds of commodities. Thus he inspired them with the love of peace and tranquillity, in which faith and justice are likeliest to flourish, and extended the most powerful protection to

the people in the cultivation of their fields, and the fruition of their produce. Pompilius likewise, having created hierarchial institutions of the highest class, added two hierarchs to the old number. He intrusted the superintendence of the sacred rites to five pontiffs, selected from the body of the nobles; and by those laws which we still preserve on our monuments, he mitigated by religious ceremonials the minds that had been too long enflamed by military enthusiasm and enterprize.

He also established the Flaminian and Salian orders of priests and the Vestal Virgins, and regulated all departments of our ecclesiastical policy with the most pious care. In the ordinance of sacrifices, he wished that the ceremonial should be very arduous, and the expenditure very light. He thus appointed many observances, whose knowledge is extremely important, and whose expense far from burdensome. Thus in religious worship he added devotion, and removed costliness. Numa was also the first to introduce markets, games, and the other usual methods of assembling and socializing men. By these establishments, he inclined to benevolence and amiability, spirits whom the passion for war had rendered savage and ferocious. Having thus reigned in the greatest peace and concord thirty–nine years (for in dates we mainly follow our Polybius, who gave the greatest attention to chronological periods), he departed this life, having corroborated the two grand principles of political stability,—religion and clemency, (duabus præclarissimis ad diuturnitatem reipublicæ rebus confirmatis, religione atque clementiâ.)

When Scipio had concluded these remarks,—What think you (said Manilius) of the current tradition that our King Numa was a disciple of Pythagoras, or that at least he was a Pythagorean in his doctrines. This I have often heard from our old men, and we know that it is the popular opinion; but it does not seem to be clearly proved by the testimony of our public annals.

SCIPIO.

—The supposition is false, my Manilius; it is not merely a fiction, but a fiction of the grossest absurdity, and we should not tolerate those statements, even in fiction, relating to facts which not only did not happen, but which never could have happened. It was not till the fourth year of the reign of Tarquinius Superbus, that Pythagoras came to Sybaris, Crotona, and this part of Italy. The 62d Olympiad is the common date of the elevation of Tarquin to the throne, and of the visit of Pythagoras. Whence it appears, when we calculate the duration of the reigns, that about 140 years must have elapsed after the death of Numa, before Pythagoras first arrived in Italy. And this fact in the minds of men who have carefully studied the annals of time, has never been at all doubted.

MANILIUS.

—Immortal gods! how deep and how inveterate is error in the minds of men! However, it costs me no effort to concede that our Roman sciences were not imported from beyond the seas, but that they sprung from our own indigenous and domestic virtues.

SCIPIO.

—You will become still more convinced of this fact, when tracing the progress of our Commonwealth, as it gradually developed to its best and maturest condition. And you will find yet further occasion to admire the wisdom of our ancestors, since you will perceive that even those things which they borrowed from foreigners received a much higher improvement among us than they possesed in their native source and original residence; and you will learn that the Roman people was aggrandized, not by chance or hazard, but rather by counsel and discipline, to which fortune indeed, was by no means unfavourable.

After the death of Numa, the people, on the proposal of an interregnum, chose Tullus Hostilius for their king, in the Comitia Curiata, or House of Commons; and Tullus, after Numa's example, consulted the deputies of the people respecting the measures of his government. His excellence chiefly appeared in his military glory and great achievements in war. He likewise constructed the House of Comitia, or Commons, and the Senate House, and decorated them with the triumphal spoils. He also settled the rights of war, and proclamations of hostilities, and he consecrated their equitable administration by the religious sanction of the Fecial priesthood, so that every war which was not duly announced and declared, might be adjudged illegitimate, unjust, and impious. And observe how wisely our kings at that time respected the rights of the people, of which we shall hereafter discourse. Tullus did not assume the ensigns of royalty without the approbation of the people, and when he appointed twelve lictors with their axes to go before him, it was not without the consent of the citizens.

MANILIUS.

—This Commonwealth of Rome you are so eloquently describing, did not creep toward perfection: it rather flew at once to the maturity of its grandeur.

SCIPIO.

—After Tullus, Ancus Martius, a descendant of Numa by his daughter, was appointed king by the people. He also passed a law through the Commons respecting his government. This king having conquered the Latins, admitted them to the rights of citizens of Rome. He attached to the city, the Aventine and Cælian hills. He distributed the lands he had taken in war; he bestowed on the public all the maritime forests he had acquired, and he built the city Ostia, at the mouth of the Tiber, and colonized it. When he had thus reigned twenty–three years, he died.

LÆLIUS.

— Doubtless this king deserves our praises, but the Roman history is obscure. We possess indeed the name of this monarch's mother, but we know nothing of his father.

SCIPIO.

—It is so; but in those ages, little more than the names of the kings were recorded.

For the first time at this period, Rome appears to have become studious of foreign literature. It was no longer a little rivulet, flowing from Greece towards the walls of our city; but an overflowing river of Grecian sciences and arts. This is attributed by many to Demaratus, a Corinthian, the first man of his country in reputation, honour, and wealth, who not being able to bear the despotism of Cypselus, tyrant of Corinth, fled with his accumulated treasures, and arrived at Tarquinii, a flourishing city in Etruria. There, understanding that the domination of Cypselus was becoming more and more severe, like a free and bold–hearted man, he renounced his enslaved country, and was admitted into the number of the citizens of Tarquinii, and fixed his residence at this town. Here, having married a woman of the city, he instructed his two sons, according to the method of Greek education, in all kinds of sciences and arts.

One of these sons was hospitably received at Rome, and by the politeness of his conversation and manners he became a favourite of our king Ancus, so that he was thought to be a participator in all his counsels, and well nigh his associate in the government. He besides possessed wonderful affability, and was profuse in his offers of assistance, protection, and pecuniary largesses.

When, therefore, Ancus died, the people by their suffrages, chose for their king, this Lucius Tarquinius Priscus, (for he had thus transformed the Greek name of his family, that he might seem in all respects to imitate the modes of his adopted citizens). Lucius, when he had passed a law respecting his authority, commenced his reign by doubling the original number of the senators. The ancient senators, he called Patricians of the major families (patres majorum gentium) who had the right to the first judgment. And those new senators whom he added, he entitled, Patricians of minor families. After having settled this scale of major and minor nobility, he established the order of knighthood, on the plan which we maintain to this day. He would not, however, change the denomination of the Tatian, Rhamnensian, and Lucerian orders, though he wished to do so, because Attus Nævius, an augur of the highest reputation, would not sanction it. We cannot be surprized, at the care of Lucius for the order of knighthood, for the Corinthians were remarkably attentive to provide for the maintenance and promotion of their cavalry, by taxes levied on the inheritance of widows and orphans. To the first equestrian orders, Lucius also added new ones, composing a body of three hundred knights. And this number he doubled, after having conquered the Æquicoli, a large and ferocious people, and dangerous enemies of the Roman state. Having likewise repulsed from our walls an invasion of the Sabines, he routed them by the aid of his cavalry, and subdued them. Lucius also first instituted the grand games, which are now called the Roman games. He fulfilled his vow to build a temple to Jupiter, the best and greatest, in the capitol—a vow which he made during a battle in the Sabine war, and died after a reign of thirty–eight years.

LŒLIUS.

—All that you have been relating corroborates the saying of Cato, that the constitution of the Roman Commonwealth is not the work of one man, or one age, for we can clearly see that the progress of excellent and useful discoveries, was continued through a succession of many reigns. But we are now arrived at the reign of a

monarch, who appears to me to have had grander views of political government than any of the rest.

SCIPIO.

—So it appears to me; for after Tarquinius Priscus, comes Servius Tullius Sulpicius, who reigned without an order from the people. He is supposed to have been the son of a female slave at Tarquinii, by one of the soldiers or clients of king Priscus. Educated among the servants of this prince, and waiting on him at table, the king soon observed the fire of his genius, which shone forth even from his childhood, so skilful was he in all his words and actions. Priscus, therefore, whose own children were then very young, so loved Servius, that he was generally esteemed as his son, and he instructed him with the greatest care in all the sciences with which he was acquainted, according to the most exact discipline of the Greeks.

When Tarquinius Priscus perished by the plots of the sons of Ancus, Servius (as I have said) began to reign, not by the order, but yet with the good–will and consent of the citizens. It being falsely reported that Priscus was recovering from his wounds, Servius in the royal robes, delivered judgment, freed the debtors at his own expense, and exhibiting the greatest affability, announced that he delivered judgment at the command of Priscus, without committing himself to the senate. But when Priscus was buried, he consulted the people respecting his authority, and being thus authorized to assume the dominion, he passed a law through the Commons, confirming his government.

He then, in the first place, avenged the injuries of the Etruscans by arms. He appointed eighteen centuries of knights of the first order. Afterwards having created a great number of knights, separate from the common mass of the people, he divided the rest of the people into five classes, distinguishing between the seniors and the juniors. These he so constituted as to place the suffrages, not in the hands of the multitude, but in the power of the men of property. And he took care to make it a rule of our government, that *the greatest number, should not have the greatest weight, (ne plurimum valeant plurimi).* You are well acquainted with this institution, otherwise I would explain it to you; but you are familiar with the whole system. The former centuries of knights, with six suffrages, and the first class, comprizing eighty centuries, besides one century of artificers, on account of their utility, produce eighty–nine centuries. Add thereto eight superior centuries, taken from the one hundred and four centuries which remain, you have one hundred and ninety three centuries, the entire force of the state. The far more numerous multitude, which is distributed through the ninety–six last centuries, is not deprived of a right of suffrage by a haughty exclusion, nor yet on the other hand, permitted to exert a dangerous preponderance in the government.

In this arrangement Servius was very cautious in his choice of terms and denominations. He called the rich, the *assiduous* classes, because they afforded pecuniary succour to the state. As to those whose fortune did not exceed 1500 pence, or those who had nothing but their labour, he called them the *proletarious* classes, as if the state should expect from them a hardy progeny and population.

Even a single one of the ninety–six last centuries contained numerically more citizens than the entire first class. Thus no one was excluded from his right of voting, yet the preponderance of votes was secured to them who had the deepest stake in the welfare of the state.

A similar institution prevailed at Carthage which was sixty–five years more ancient than Rome, since it was founded thirty–nine years before the first Olympiad. Lycurgus likewise established the same political constitution in Lacedæmon. Thus this system of regular subordination, and this mixture of the three principal forms of government, appear to me common alike to us and them. But there is a peculiar advantage in our commonwealth, than which nothing can be more excellent, which I shall endeavour to describe as acurately as possible, because nothing analogous can be discovered in ancient states. The political elements I have noticed were at first united in the constitutions of Rome, of Sparta, and of Carthage, without being counterbalanced by any modifying power. For in a state in which one man is invested with a perpetual domination, especially of the monarchical character, although there be a senate in it, as in Rome under her kings; and in Sparta, by the laws of Lycurgus, or even where the people exercise a sort of jurisdiction, as they used in the days of our monarchy; the title of King must still be pre–eminent, nor can such a state avoid being, and being called a kingdom. And this kind of government is subject to frequent revolutions, because the fault of a single individual is sufficient to precipitate it into the most pernicious disasters.

In itself, however, royalty is not only not a reprehensible form of government, but I should conceive far preferable to all other simple constitutions, if I approved of any simple constitution whatever. But this preference applies to royalty so long only as it maintains its appropriate character; and this character provides that a monarch's perpetual power and justice, and universal experience, should regulate the safety, equality, and tranquillity of the whole people. But many privileges must be wanting to communities that live under a king of a different character; and in the first place, liberty, which does not consist in slavery to a just master, but in slavery to no master at all

Let us now pass on to the reign of the seventh and last king of Rome, Tarquinius Superbus. This unjust and cruel master had good fortune for his companion for some time in all his enterprizes. He subdued all Latium; he captured Pometia, a powerful and wealthy city, and possest of an immense spoil of gold and silver, he accomplished his ancestor's vow by the edification of the Capitol. He formed colonies, and, faithful to the institutions of those from whom he sprung, he sent magnificent presents as tokens of gratitude for his victories, to Apollo at Delphi.

Here begins the revolution of our political system of government, and I must beg your attention to its natural course and progression. For the grand point of political science, the object of our discourses, is to know the march and the deviations of governments, that when we are acquainted with the particular inclinations and proclivities of constitutions, we may be able to restrain them from their fatal tendencies, and oppose appropriate obstacles to their decline and fall.

This Tarquinius Superbus, of whom I am speaking, being, even before the commencement of his reign, stained with the blood of his admirable predecessor on the throne, could not be a man of sound conscience and mind; and fearing himself the severest punishment for his enormous crime, he sought his protection in making himself feared. Thus in the glory of his victories and his treasures, he exulted in insolent pride, and could neither regulate his own manners nor the passions of his courtiers.

When, therefore, his eldest son, having offered violence to Lucretia, daughter of Tricipitinus and wife of Collatinus; and this chaste and noble lady having stabbed herself to death on account of the injury she could not survive—a man eminent for his genius and virtue, Lucius Junius Brutus dashed from his fellow–citizens this unjust yoke of an odious servitude. Born of royal ancestry, though a private man, he sustained the government of the entire Commonwealth, and was the first that maintained in Rome that no one should be a private man when the preservation of our liberties was concerned. Beneath his authority and command our city rose against tyranny, and, stirred by the recent grief of the father and relatives of Lucretia, and with the recollections of Tarquin's cruelty, and the numberless crimes of himself and his sons, they pronounced sentence of banishment against him and his children, and the whole race of the Tarquins.

You may here remark how the king sometimes degenerates into the despot, and how, by the fault of a monarch, a form of government originally good, is abused to the worst of purposes. Here is a specimen of that despot over the people, whom the Greeks denominate a tyrant. For, according to them, a king is he who, like a father, consults the interests of his people, and who preserves those whom he is set over in the very best condition of life. (Regem illum volunt esse qui consulit ut parens populo, conservatque eos quibus est præpositus quam optimâ in conditione vivendi.) This indeed is, as I have said, an excellent form of government, yet still inclined, and as it were, biassed, to a pernicious abuse. For as soon as a king assumes an unjust and despotic power, he instantly becomes a tyrant, than which there can be nothing baser, fouler—no imaginable animal can be more detestable to gods or men—for though in form a man, he surpasses the most savage monsters in infernal cruelty. Who indeed can justly call him human, who admits not between himself and his fellow–countrymen, between himself and the whole human race, any communication of justice,—any association of kindness? But we shall find some fitter occasion of speaking of the evils of tyranny, when the subject itself prompts us to declare against them, who, even in a state already liberated, have affected these despotic insolencies.

Such is the first origin and rise of tyranny. By this name, tyrant, the Greeks intended to designate a wicked king; and by the title king, our Romans understand every man who exercises over the people a perpetual and undivided domination. Thus Spurius, Cassius, Manlius, and Mælius are said to have sought the investiture of royalty, and Tiberius Gracchus incurred the same accusation.

Lycurgus in Sparta, formed under the name of Geronts, or Senators, a small council consisting of twenty eight members only; to these he allotted the highest *legislative authority,* while the king held the highest *dominative authority.* Our Romans,

emulating his example, and translating his terms, entitled those whom he had called Geronts, senators, which, as we have said, was done by Romulus in reference to the elect patricians. In this constitution, however, the power, the influence, and name of the king, will still be pre–eminent. You may distribute indeed, some show of power to the people, but you inflame them with the thirst of liberty by allowing them even the slightest taste of its sweetness, and still their hearts will be overcast with alarm, lest their king, as often happens, should become unjust. The prosperity of the people, therefore, can be little better than fragile, when placed at the disposal of any absolute monarch whatever, and subjected to his will and caprices.

Thus the first example, prototype, and original of tyranny may be clearly illustrated by the history of our own Roman state, so religiously founded by Romulus, without applying to the theoretical Commonwealth which, according to Plato's recital, Socrates was accustomed to describe in his peripatetic dialogues. We have observed Tarquin, not by the usurpation of any new power, but by the unjust abuse of the power he already possessed, overturn the whole system of our monarchical constitution.

Let us oppose to this example of the tyrant that of the virtuous king—wise, experienced, and well informed respecting the true interest and dignity of the citizens—a tutor and superintendent of the Commonwealth, as every ruler and governor of a state ought to be. This man it behoves us to seek for and promote to dignity, for he is the man who, by counsel and exertion, can best protect the nation. As the name of this man has not yet been mentioned in our discourse, and as the character of such a man must be often alluded to in our future conversations, I shall take an early opportunity of describing it.

Plato has chosen to suppose a territory and establishments of citizens, whose fortunes were precisely equal. His city, rather to be desired than expected, he imagines built within narrow boundaries. He has described a political government, not such as could actually be carried into execution, but such as afforded a theoretical model of what he conceived to be the best civil constitution. But for me, if I can in any way accomplish it, while I adopt the same general principles as Plato, I seek to reduce them to experience and practice, not in the shadow and picture of a state, but in a real and actual Commonwealth, of unrivalled amplitude and power. It is here, I would seek to point out, with the most graphic precision, the causes of every political good and social evil.

After Rome had flourished more than 240 years under her kings and interreges, and Tarquin was sent into banishment, the Roman people conceived as much detestation of the name of king as they had once experienced regret at the death, or rather disappearance, of Romulus. As in the first instance, they could hardly bear the idea of losing a king; so in the latter, after the expulsion of Tarquin, they could not endure the notion of restoring a king, and thus the monarchical constitution of Rome was thrown into ruin.

In this humour, our ancestors banished Collatinus, in spite of his innocence, because of the suspicion that attached to his family, and the hatred of the people for the rest of the Tarquins. In the same humour, Valerius Publicola was the first to lower the fasces

before the people when he spoke in public. He also had the materials of his house conveyed to the foot of Mount Velia, having observed that the commencement of his edifice on the summit of this hill, where King Tullius had once dwelt, excited the suspicions of the people.

It was the same man who, in this respect preeminently deserved the name of Publicola, who carried in favour of the people, the first law received in the Comitia Centuriata, or Commons of Deputies, that no magistrate should sentence to death or stripes, a Roman citizen who appealed from his authority to the people. The pontifical books attest indeed that the right of appeal had existed, even against the decision of the kings. Our augural books affirm the same thing. And the Twelve Tables evince, by a multitude of laws, that there was a right of appeal from every judgment and penalty. Besides, the historical fact that the Decemviri who compiled the laws were created with the privilege of judging without appeal, sufficiently proves that the other magistrates had not the same power. Lucius Valerius and Marcus Horatius—men justly popular for promoting union and concord—sanctioned a law under their consulship, that no magistrate should thenceforth be appointed with authority to judge without appeal; and the Portian laws, the work of three citizens of the name of Portius, as you are aware, added nothing new to this edict but a penal sanction.

Publicola having promulgated this law in favour of appeal to the people, immediately ordered the axes to be removed from the fasces, which the lictors carried before the consuls, and the next day appointed Spurius Lucretius for his colleague. The new consul being the oldest of the two, Publicola sent him his lictors, and he was the first to establish the rule that each of the consuls should be preceded by the lictors in alternate months, that there should be no greater appearance of imperial insignia among the free people than they had witnessed in the days of their kings. Thus, in my opinion, he proved himself no ordinary man, when, by so granting the people a moderate degree of liberty, he more easily maintained the authority of the nobles.

I would not, without cause, have related to you these antique and almost obsolete events. I hasten to treat of more illustrious persons and times, and those notices of men and measures to which the rest of my discourse directs me.

At that period, then, the senate preserved the Commonwealth in such a condition that though the people were really free, yet few acts were passed by the people, but almost all, on the contrary, by the authority, customs, and traditions of the senate. And over all the consuls exercised a power, in time, indeed, only annual, but in nature and prerogative truly royal. (Genere ipso ac jure regiam.)

The consuls maintained, with the greatest energy, that rule which so much conduces to the power of our nobles and great men, that the acts of the Commons of the people shall not be binding, unless the authority of the patricians has approved them. (Populi Comitia ne essent rata, nisi ea patrum approbavisset auctoritas.) About the same period, and scarcely ten years after the first consuls, we find the appointment of the Dictator in the person of Titus Lartius, a. u. 253. And this new kind of power, namely, the dictatorship, appears exceedingly similar to a reproduction of the monarchical royalty. All his power, however, was vested in the supreme authority of the senate, to

which the people deferred; and in these times the greatest exploits were performed in war by brave men invested with supreme domination, whether dictators or consuls.

But as the nature of things necessarily induced that the people, once freed from its kings, should arrogate to itself more and more authority, we observe in a short interval, only sixteen years after, under the consulship of Cominius and Spurius Cassius, they attained their object. They could probably give no reason for this proceeding, but the nature of political agitations pretty often gives reason the lie. For you recollect what I said in commencing our discourse, if there exists not in the state a just distribution and subordination of rights, offices, and prerogatives, so as to give sufficient domination to the chiefs, sufficient authority to the counsel of the senators, and sufficient liberty to the people, the form of the government cannot be durable.

Thus among us Romans, the excessive debts of the citizens having thrown the state into disorder, the people first retired to Mount Sacer, and next occupied Mount Aventine. The rigid discipline of Lycurgus did not restrain the commotions of the Greeks. In Sparta itself, under the reign of Theopompus, the five magistrates whom they term Ephori; and in Crete, ten whom they entitle Cosmi, were established in opposition to the royal power, just as tribunes were added among us to counterbalance the consular authority.

There might have been a method indeed by which our ancestors could have relieved the pressure of the public debt, a method which Solon was acquainted with at no very remote period, and which our senate did not neglect when, in the indignation which the odious avarice of a financier excited, all the bonds of the citizens were cancelled, and the right of arrest for a while suspended. In the same way, when the plebæans were oppressed by the weight of the expences occasioned by public misfortunes, a cure and remedy were sought for the sake of public security. The senate, however, having forgot their former decision, gave an advantage to the democracy; for, by the creation of two tribunes to appease the sedition of the people, the power of the senate was diminished. Still, however it remained dignified and august, it was still composed of the wisest and bravest men, who protected their country in peace and war. Still, their authority was strong and flourishing, because in honour they were as superior to their fellow–citizens, as they were inferior in luxuriousness and extravagant expenditure. Their public virtues were the more agreeable to the people, because even in private interests they were ready to serve every citizen by their exertions and counsels.

Such was the situation of the Commonwealth when Spurius Cassius, emboldened by the excessive favour of the people, endeavoured to restore the monarchy and occupy the royalty. The quæstor accused him, and as you are aware, his father himself, when he found his son proved guilty of this design, condemned him to death at the instance of the people. About 54 years after the first consulate, Tarpeius and Aternius very much gratified the people by proposing in the Commons the substitution of fines, instead of corporal punishments. Twenty years afterwards, Papirius and Pinarius, the censors, having by a strict levy of the fines confiscated to the state the entire flocks and herds of many private individuals, a light tax on the cattle was substituted for the law of fines in the consulship of Julius and Papirius.

But, some years previous to this, at a period when the senate possessed great influence, and the people were submissive and obedient, a new system was adopted. At that time both the consuls and tribunes of the people abdicated their magistracies, and the decemviri were appointed, who were invested with great and unappealable authority, so as to exercise the chief domination, and to compile the laws. After having composed, with much wisdom and equity, the Ten Tables of laws, they nominated as their successors in the ensuing year other decemviri, whose integrity and justice do not deserve equal praise. One member of this college, however, merits our highest commendation. I allude to Julius, who declared respecting the nobleman Sestius, in whose chamber a dead body had been exhumed under his own eyes, that though as decemvir he held the highest power without appeal, he required further bail, because he was unwilling to neglect that admirable law whieh permitted no court but the Comitia Centuriata, to pronounce final sentence on the life of a Roman citizen.

A third year followed under the authority of the same decemvirs, and still they were not disposed to appoint their successors. In a situation of the Commonwealth like this, which, as I have often repeated, could not be durable, because there was no regular subordination among the citizens, the whole public power was lodged in the hands of the chiefs and decemvirs of the highest nobility, without the counterbalancing authority of the tribunes of the people, without the sanction of any other magistracies, and without appeal to the people from the infliction of death and stripes.

Thus the injustice of these men suddenly produced a great revolution, and changed the entire condition of the government. They added two tables of very tyrannical laws, and though matrimonial alliances had always been permitted, even with foreigners, they forbad, by the most abominable and inhuman edict, that any marriages should take place between the nobles and the commons, an order which was afterwards abrogated by the decree of Canuleius. Besides, they introduced into all their political measures, corruption, cruelty, and avarice. And indeed the story is well known, and celebrated in many literary compositions, that a certain Decimus Virginius was obliged, on account of the libidinous violence of one of these decemvirs, to stab his virgin daughter in the midst of the Forum. Then in his desperation, having fled to the Roman army which was encamped on Mount Algidum, the soldiers abandoned the war in which they were engaged, and took possession of Mount Sacer, as they had done before on a similar occasion, and next invested Mount Aventine with their arms. Thus, methinks our ancestors knew how to prove all political experiments, and wisely they retained what they found most excellent. (Majores nostros et probavisse maxime, et retinuisse sapientissime judico.)

Scipio having thus spoken, all his friends awaited in silence the rest of his discourse. Then said Tubero:—Since my seniors are so mute, my Scipio, and make no fresh demands on you, I shall take the liberty to tell you what I particularly wish you would explain in your subsequent remarks.

SCIPIO.

—With the greatest pleasure, I will try to obey you.

TUBERO.

—You appear to me to have spoken a panegyric on our Commonwealth of Rome exclusively, though Lælius requested your views not only of the government of our own state, but of the policy of states in general. I have not, therefore, yet sufficiently learned from your discourse, with respect to that mixed form of government you most approve, by what discipline, moral and legal, it may be best constituted and maintained.

SCIPIO.

—I think we shall soon find an occasion better adapted to the discussion you have proposed respecting the constitution and conservatism of states. As to the best form of government, I think on this point I have sufficiently answered the question of Lælius. For in answering him, I specifically noticed the three simple forms of government—monarchy, aristocracy, and democracy—and the three mal–constitutions into which they often degenerate. I said that none of these forms, taken separately, was absolutely good; and I described as preferable to either of them that *mixed government* which shall be composed of a proper amalgamation of these simple ingredients. If I have since depicted our own Roman constitution as an example, it was not in order to define the very best form of government, for that may be understood without an example. But I wished, in the exhibition of our mighty Commonwealth, to render distinct and visible, what reason and discourse would vainly attempt to display without the assistance of experimental illustration: yet, if you still require me to describe the best form of government, independent of all particular examples, we must consult that exactly proportioned and graduated image of government which nature herself presents to her investigators. This is the true model of the commonwealth you are seeking, a model which I also am searching after, and earnestly desire to attain.

LŒLIUS.

—You mean the model that would be approved by the truly accomplished politician?

SCIPIO.

—The same.

LÆLIUS.

—You have plenty of fair patterns even now before you, if you would but begin to pourtray them.

SCIPIO.

—I wish I could find even one such, even in the entire senate. For the politician should resemble the man, who, as we have often seen in Africa, seated on a huge and

unsightly elephant, can guide and rule the monster, and turn him whichever way he likes by a mere sign, without any violence.

LÆLIUS.

—I recollect, when I was your lieutenant, I often saw one of these drivers.

SCIPIO.

—Thus an Indian or Carthaginian regulates one of these huge animals, and renders him docile and familiar with human manners. But the genius which resides in the mind of man, by whatever name it may be called, is required to rein and tame a monster far more multiform and intractable, whenever it can accomplish it, which indeed is seldom. It is necessary to hold in with a strong hand that ferocious beast denominated the mob, which thirsts after blood, and exults in all kinds of cruelty, and rages insatiably after the most hideous massacres of men.

LŒLIUS.

—I now see the sort of politician you require, on whom you would impose the office and task of government.

SCIPIO.

—He must be a very choice and distinguished individual, for the task I set him comprises all others. He must never cease from cultivating and studying himself, that he may excite others to imitate him, and become, through the splendor of his talents and enterprizes, a living mirror to his countrymen. For even in flutes and harps, and in all vocal performances, a certain consent and harmony must be preserved amid the distinctive tones, which cannot be broken or violated without offending practical ears; and this concord and delicious harmony is produced by the exact gradation and modulation of dissimilar notes. Even so, from the just apportionment of the highest, middle, and lower classes, the state is maintained in concord and peace by the harmonic subordination of its discordant elements. And thus, that which is by musicians called harmony in song, answers and corresponds to what we call concord in the state:—Concord, the strongest and loveliest bond of security in every Commonwealth, being always accompanied by Justice and Equity. (*Note* III.)

LŒLIUS.

—Is it necessary that absolute justice and strict equity should be maintained in all political affairs?

SCIPIO.

—I certainly think so. And I declare to you, that I consider that all I have spoken respecting the government of the state is worth nothing, and that it will be useless to

proceed further, unless I can prove that it is a false assertion that political business cannot be conducted without injustice and corruption; and, on the other hand, evince as a most indisputable fact, that honesty is the best policy, and that without the strictest justice, no government whatever can last long.

But with your permission, I would hint that we have had discussion enough for the day. The rest, and much remains for our consideration, we will defer till to–morrow. When they had all agreed to this, the debate of the day was closed.

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FRAGMENTS.

The passions resemble so many rapid curricles. In order to direct them safely, the first duty of the driver is to become well acquainted with the right road. If he knows this thoroughly and keeps it, he may drive as fast as he pleases without hurting himself; but if he once misses his track, though he goes ever so slowly and carefully, he will be sure to get on rough ground, perhaps break his neck over a precipice, or at any rate, deviate into tracks which lead to mischief.

end of the second book.

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INTRODUCTION To The THIRD BOOK OF CICERO'S COMMONWEALTH.

Cicero here enters on the grand question of Political Justice, and endeavours to evince throughout the absolute verity of that inestimable proverb—"Honesty is the best policy"—in all public, as well as in all private affairs. St. Augustin, in his City of God," has given the following analysis of this magnificent disquisition:—

"In the Third Book of Cicero's Commonwealth (says he) the question of Political Justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who think that political government cannot be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself, yet in order to exhibit the truth more vividly through the force of contrast, he pleads with the utmost ingenuity the cause of injustice against justice; and endeavours to show by plausible examples and specious dialectics that injustice is as useful to a statesman, as justice would be injurious. Then Lælius, at the general request, takes up the plea for justice, and maintains with all his eloquence that nothing could be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration. This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of a Commonwealth, that it consisted in the welfare of the entire people, by which word "people" he does not mean the mob, but the community—bound together by the sense of common rights and mutual benefits. He notices how important such just definitions are in all debates whatever, and draws this conclusion from the preceding arguments, that the Commonwealth is the common welfare, whenever it is swayed with justice and wisdom, whether it be subordinated to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant, and the aristocracy unjust, which makes them a faction, or the democrats unjust, and so degenerate into Revolutionists and Destructives—then not only the Commonwealth is corrupted, but in fact annihilated. For it can be no longer the common welfare, when a tyrant or a faction abuse it; and the people itself is no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility, according to the definition."—(*Augustin Civ. Dei.* 3—21.)

This Book is of the utmost importance to statesmen, as it serves to neutralize the sophistries of Machiavel, which are still repeated in many cabinets.

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CICERO'S COMMONWEALTH.

BOOK III.

Nature has treated man less like a mother than a step–dame. She has cast him into mortal life with a body naked, fragile, and infirm; and with a mind agitated by troubles, depressed by fears, broken by labours, and exposed to passions. In this mind, however, there lies hid, and as it were buried, a certain divine spark of genius and intellect; and the soul should impute much of its present infirmity to the dulness contracted from its earthly vehicle.

This intelligence, when it had taught men to utter the elementary and confused sounds of unpolished expression, articulated and distinguished them into their proper classes, and, as their appropriate signs, attached certain words to certain things, and thus associated by the beautiful bond of speech, the once divided races of men.

Thanks to this same intelligence, the inflections of the voice, which appeared infinite, by the discovery of a few alphabetic characters, are all designated and expressed. By these we maintain converse with our absent friends, and, using them as symbols of our ideas and monuments of past events. Then came the use of numbers—a thing so necessary to human life, and singularly immutable and eternal. This science first urged us to penetrate into heaven, and not in vain to investigate the motions of the stars, and the distribution of days and nights.

Then appeared the sages of philosophy, whose minds took a higher flight, and conceived and executed designs worthy of the gifts of the gods. Thus those who have left us sublime counsels on the conduct of human life, must be regarded as great men — for indeed they are so. Such were these sages, these masters of verity and virtue.

Among these we should especially honour the chief fathers of political wisdom, and the government of the people, as discovered by men familiar with all the acts of legislation, and as developed by philosophic truth–searchers in literary leisure. This political science often attains a wonderful perfection in first–rate minds, as we have not unfrequently seen, and elicits an incredible and almost divine virtue. And when to these high faculties of soul, received from nature, and expanded by social institutions, a politician adds learning and extensive information concerning things in general, like those illustrious personages who conduct the dialogue in the present treatise, none will refuse to confess the superiority of political sages over all others.

In fact, what can be more admirable than the study and practice of the grand affairs of state, united to a literary taste and a familiarity with the liberal arts! What can we imagine more perfect than a Scipio, a Lælius, or a Philus, who, combining all the glorious qualities of the greatest men, joined to the examples of our ancestors and the traditions of our countrymen, the foreign philosophy of Socrates!

Thus to study and attain these two grand desiderata, learning and experience, so as to build securely on the univeral consent of the philosophers of all nations, and the tried institutions of our native land, appears to me the very highest glory and honour. But if we cannot combine both, and are compelled to select one of these two paths of wisdom, though we may suppose the tranquil life spent in the research of literature and arts the most happy and delectable; yet, doubtless, the science of politics is more laudible and illustrious, for in this political field of exertion our greatest men have reaped their honours, like the invincible Curius—

"Whom neither gold nor iron could subdue."

There exists this general difference between these two classes of great men, namely philosophers and politicians, that among the former, the development of the principles of nature is the subject of their study and eloquence; and among the latter, national laws and institutions form the principal topics of investigation.

In honour of our country we may assert that she has produced within herself a great number, I will not say, of sages, (since philosophy is so jealous of this name) but of men worthy of the highest celebrity, because by them the precepts and discoveries of the sages have been carried out into actual practice.

If you consider that there have existed and still exist, many great and glorious empires, and if you acknowledge that the noblest master–piece of genius in the world is the establishment of a durable state and commonwealth, reckoning but a single legislator for each empire, the number of these political legislators will appear very numerous. To be convinced of this, we have only to turn our eyes on Italy, Latium, the Sabines, the Volscians, the Samnites, the Etrurians, and then direct our attention to the Greeks, Assyrians, Persians, and Carthaginians.

Scipio and his friends having again assembled, Scipio spoke as follows: — In our last conversation I promised to prove that honesty is the best policy in all states and commonwealths whatsoever. But if I am to plead in favour of strict honesty and justice in all public affairs, no less than in private, I must request Philus, or some one else, to take up the advocacy of the other side; the truth will then become more manifest, from the collision of opposite arguments, as we see every day exemplified at the Bar.

PHILUS.

—In good truth you have allotted me a marvellous creditable cause. So you wish me to plead for vice, do you?

LÆLIUS.

—Perhaps you are afraid, lest in reproducing the ordinary objections made to justice in politics, you should seem to express your own sentiments. But this caution is ridiculous in you, my Philus; you, who are so universally respected as an almost unique example of the ancient probity and good faith; you, who are so familiar with

the legal habit of disputing on both sides of a question, because you think this is the best way of getting at the truth. (*Note* I.)

PHILUS.

—Very well; I obey you, and wilfully with my eyes open, I will undertake this dirty business. Since those who seek for gold do not flinch at the sight of the mud, we, who search for justice, which is far more precious than gold, must overcome all dainty scruples. I will therefore, make use of the antagonist arguments of a foreigner, and assume his character in using them. The pleas, therefore, now to be delivered by Philus are those once employed by the Greek Carneades, accustomed to express whatever served his turn. Let it be understood, therefore, that I by no means express my own sentiments, but those of Carneades, in order that you may refute this philosopher, who was wont to turn the best causes into joke, through the mere wantonness of wit.

When Philus had thus spoken, he took a general review of the leading arguments that Carneades had brought forward to prove that justice was neither eternal, immutable, nor universal. Having put these sophistical arguments into their most specious and plausible form, he thus continued his ingenious pleadings. (*Note* II.)

Aristotle has treated this question concerning justice, and filled four large volumes with it. As to Chrysippus, I expected nothing grand or magnificent in him, for, after his usual fashion, he examines everything rather by the signification of words, than the reality of things. But it was surely worthy of those heroes of philosophy to ennoble by their genius a virtue so eminently beneficent and liberal, which every where exalts the social interests above the selfish, and teaches to love others rather than ourselves. It was worthy of their genius, we say, to elevate this virtue to a divine throne, close to that of Wisdom. Certainly they wanted not the intention to accomplish this. What else could be the cause of their writing on the subject, or what could have been their design? Nor could they have wanted genius, in which they excelled all men. But the weakness of their cause was too great for their intention and their eloquence to make it popular. In fact, this justice on which we reason may be a civil right, but no natural one; for if it were natural and universal, then justice and injustice would be recognized similarly by all men, just as the elements of heat and cold, sweet and bitter.

Now if any one, carried in the chariot of winged serpents, of which the poet Pacuvius makes mention, could take his flight over all nations and cities, and accurately observe their proceedings, he would see that the sense of justice and right varies in different regions. In the first place he would behold among the unchangeable people of Egypt, which preserves in its archives the memory of so many ages and events, a bull adored as a deity, under the name of Apis, and a multitude of other monsters, and all kinds of animals admitted by the natives into the number of the gods.

The Persians, on the other hand, regard all these forms of idolatry as impious, and it is affirmed that the sole motive of Xerxes for commanding the conflagration of the Athenian temples, was the belief that it was a superstitious sacrilege to keep confined

within narrow walls the gods, whose proper home was the entire universe. Afterwards Philip, in his hostile projects against the Persians, and Alexander, in his expedition, alleged this plea for war, that it was necessary to avenge the temples of Greece. And the Greeks thought proper never to rebuild these fanes, that this monument of the impiety of the Persians might always remain before the eyes of their posterity.

How many, such as the inhabitants of Taurica along the Euxine Sea—as the King of Egypt Busiris—as the Gauls and the Carthaginians—have thought it exceedingly pious and agreeable to the gods to sacrifice men. Besides these religious discrepancies, the rules of life are so contradictory that the Cretans and Ætolians regard robbery as honourable. And the Lacedæmonians say that their territory extends to all places which they can touch with a lance. The Athenians had a custom of swearing by a public proclamation, that all the lands which produced olives and corn were their own. The Gauls consider it a base employment to raise corn by agricultural labour, and go with arms in their hands, and mow down the harvests of neighbouring peoples. And our Romans, the most equitable of all nations, in order to raise the value of our vines and olives, do not permit the races beyond the Alps to cultivate either vineyards or oliveyards. In this respect, it is said, we act with prudence, but not with justice. You see then that wisdom and policy are not always the same as equity. Lycurgus, the inventor of a most admirable jurisprudence, and most wholesome laws, gave the lands of the rich to be cultivated by the common people, who were reduced to slavery.

If I were to describe the diverse kinds of laws, institutions, manners, and customs, not only as they vary in the numerous nations, but as they vary likewise in single cities, as Rome for example, I should prove that they have had a thousand revolutions. For instance, that eminent expositor of our laws who sits in the present company, I mean Malilius, if you were to consult him relative to the legacies and inheritances of women, he would tell you that the present law is quite different from that he was accustomed to plead in his youth, before the Voconian enactment came into force—an edict which was passed in favour of the interests of the men, but which is evidently full of injustice with regard to women. For why should a woman be disabled from inheriting property? Why can a vestal virgin become an heir, while her mother cannot? And why, admitting that it is necessary to set some limit to the wealth of women, should Crassus' daughter, if she be his only child, inherit thousands without offending the law, while my daughter can only receive a small share in a bequest?

If this justice were natural, innate, and universal, all men would admit the same law and right, and the same men would not enact different laws at different times. If a just man and a virtuous man is bound to obey the laws, I ask what laws do you mean? Do you intend all the laws indifferently? Virtue does not permit this inconstancy in moral obligation—such a variation is not compatible with natural conscience. The laws are, therefore, based not on our sense of justice, but on our fear of punishment. There is, therefore, no natural justice, and hence it follows that men cannot be just by nature. (*Note* III.)

If you were to grant me, that variation indeed exists among the laws, but that men who are virtuous through natural conscience follow that which is really justice, and

not a mere semblance and disguise, and that it is the distinguishing characteristic of the truly just and virtuous man to render every one his due rights; I should ask you this question, what then should we render to animals, and what are the rights of animals? For not only men of more moderate abilities, but even first–rate sages and philosophers, as Pythagoras and Empedocles, declare that all kinds of living creatures have a right to the same justice. They declare that inexpiable penalties impend over those who have done violence to any animal whatsoever. It is, therefore, a crime to injure an animal, and the perpetrator of such crime must bear his punishment. (Non enim mediocres viri, sed maximi et docti, Pythagoras et Empedocles, unam omnium animantium conditionem juris esse denuntiant. Clamantque inexpiabiles pœnas impendere iis, a quibus violatum sit animal. Scelus est igiter nocere bestiæ quod scelus qui velit, &c.)

When Alexander inquired of a pirate by what right he dared to infest the sea with his little brigantine: “By the same right (he replied) which is your warrant for conquering the world.” This pirate was, forsooth, something of a philosopher in his way, for worldly wisdom and prudence instructs by all means to increase our power, riches, and estates. This same Alexander, this mighty general, who extended his empire over all Asia, how could he, without violating the property of other men, acquire such universal dominion, enjoy so many pleasures, and reign without bound or limit.

Now if Justice, as you assert, commands us to have mercy upon all; to exercise universal philanthropy; to consult the interests of the whole human race; to give every one his due, and to injure no sacred, public, or foreign rights—how shall we reconcile this vast and all–embracing justice with worldly wisdom and policy, which teach us how to gain wealth, power, riches, honours provinces, and kingdoms from all classes, peoples, and nations?

However, as we are discussing the interests of the state, let us notice a few illustrious examples of justice and policy, presented by the history of our own Commonwealth. And since the question between justice and policy applies equally to private and public affairs, I will speak of the policy of the more public kind. I will not, however, mention other nations, but come at once to our own Roman people, whom Scipio in his discourse yesterday traced from the cradle, and whose empire now embraces the whole world. And concerning these Romans, I frankly enquire whether it was most by justice or policy that they have attained such unbounded domination?

Now we think that policy will be found to have been our leading principle, though our political characters have always endeavoured to dignify it by the name of justice. Thus all those who have usurped the right of life and death over the people are in fact tyrants; but they prefer being called by the title of king, which best belongs to Jupiter the Beneficent. When certain men, by favour of wealth, birth, or any other means, get possession of the entire government, it is a faction; but they choose to denominate themselves an aristocracy. If the people get the upper–hand, and rule every thing after its capricious will, they call it liberty, but it is in fact licence. And when every man is a guard upon his neighbour, and every class is a guard upon every other class, then because each demands the aid of the rest, a kind of compact is formed between the great folk and the little folk, from whence arises that mixed kind of government which

Scipio has been commending. Thus Justice, according to these facts, is not the daughter of Nature or Conscience, but of Human Imbecility. When it becomes necessary to choose between these three predicaments, either to do wrong without retribution, or to do wrong with retribution, or to do no wrong at all, it is best to do wrong with impunity; next, neither to do wrong, nor to suffer for it; but nothing is more wretched than to struggle incessantly between the wrong we inflict and that we receive.

If we were to examine the conduct of states by the test of justice, as you propose, we should probably make this astounding discovery, that very few nations, if they restored what they have usurped, would possess any country at all,—with the exception, perhaps, of the Arcadians and Athenians, who, I presume, dreading that this great act of retribution might one day arrive, pretend that they were sprung from the earth like so many of our field mice.

SCIPIO.

—These arguments we may refute by the experience of those who are least sophistical in their discourse, and in this question have, therefore, the greater weight of authority. For when we enquire who is best entitled to the character of a good, simple, and open–hearted man, we have little need of captious casuists, quibblers, and slanderers. Your philosophers, then, assert that the wise man does not seek virtue because of the personal gratification which the practice of justice and beneficence procures him, but rather because the life of the good man is free from fear, care, solicitude, and peril; while on the other hand, the wicked always feel in their souls a certain suspicion, and always behold before their eyes images of judgment and punishment. They suppose, therefore, that no benefit can be gained by injustice, precious enough to counterbalance the constant pressure of remorse, and the haunting consciousness that retribution awaits the sinner and hangs over his devoted head.

Our philosophers, therefore, put a case which is worth reporting. Suppose, say they, two men,—the first is an excellent and admirable person, of high honour and remarkable integrity; the latter is distinguished by nothing but his vice and audacity. Suppose that their city has so mistaken their characters, as to imagine the good man a scandalous and impious imposter, and to esteem the wicked man, on the contrary, as a pattern of probity and fidelity. On account of this error of their fellow–citizens, the good man is arrested and tormented,—his hands are cut off, his eyes are plucked out,—he is condemned, bound, burnt, and exterminated, and to the last appears, in the best judgment of the people, the most miserable of men. On the other hand, the flagitious wretch is exalted, worshipped, loved by all, and honours, offices, riches, and emoluments, are all conferred on him, and he shall be reckoned by his fellow–citizens the best and worthiest of mortals, and in the highest degree worthy of all manner of prosperity. Yet for all this, who is so mad, as to doubt which of these two men he would rather be?

PHILUS.

— I allow that you have quoted a strong case in your own favour, but still I assert that policy receives greater confirmation by the actual conduct and practice of men than your justice can boast of. It is so, both among individuals and among nations. What state is so absurd and ridiculous, as not to prefer unjust dominion to just subordination? I need not go far for examples. During my own consulship, when you were my fellow–counsellers, we consulted respecting the treaty of Numantia. No one was ignorant that Pompey had signed this treaty, and that Mancinus had done the same. Mancinus, a virtuous man, supported the proposition which I laid before the people, after the decree of the senate. Pompey, on the other side, opposed it vehemently. If modesty, probity, or faith had been regarded, Mancinus would have carried his point; but in reason, counsel and prudence, Pompey surpast him.

If a gentleman should have a faithless slave, or an unwholesome house, with whose defect he alone was acquainted, and he advertised them for sale, would he state the fact that his servant was infected with knavery, and his house with malaria, or would he conceal these objections from the buyer? If he stated those facts, he would be honest, no doubt, because he would deceive nobody; but still he would be thought a fool, because he would get either little or nothing for his property. By concealing these defects, on the other hand, he will be called a shrewd and discreet man; but he will be a rogue notwithstanding, because he deceives his neighbours. Again, let us suppose that a man meets another, who sells gold and silver, conceiving them to be copper or lead: shall he hold his peace, that he may make a capital bargain or correct the mistake, and purchase at a fair rate. He would evidently be a fool in the world's opinion if he preferred the latter.

It is justice, beyond all question, neither to commit murder nor robbery. What then would your just man do, if in a case of shipwreck he saw a weaker man than himself get possession of a plank? Would he thrust him off, get hold of the timber himself, and escape by his exertions, especially as no human witness could be present in the mid–sea. If he acted like a wise man of the world, he would certainly do so; for to act in any other way would cost him his life. If on the other hand he prefers death to inflicting unjustifiable injury on his neighbour, he will be an eminently honourable and just man, but not the less a fool, because he saved another's life at the expense of his own. Again, if in case of a defeat and rout, when the enemy were pressing in the rear, this just man should find a wounded comrade mounted on a horse, shall he respect his right, at the chance of being killed himself, or shall be fling him from the horse in order to preserve his own life from the pursuers? If he does so, he is a worldly wiseman, but not the less a scoundrel; if he does not, he is admirably just, but a great blockhead.

SCIPIO.

—I might reply at great length to these sophistical objections of Philus, if it were not, my Lælius, that all our friends are no less anxious than myself to hear you take a leading part in the present debate. You promised yesterday that you would plead at

large on my side of the argument. If you cannot spare time for this, at any rate do not desert us,—we all ask it of you.

LŒLIUS.

—This Carneades ought not to be even listened to by our young men. I think all the while I hear him, that he must be a very impure person; if he be not, as I would fain believe, his discourse is not less pernicious.

There is a true law, a right reason, conformable to nature, universal, unchangeable, eternal, whose commands urge us to duty, and whose prohibitions restrain us from evil. Whether it enjoins or forbids, the good respect its injunctions, and the wicked treat them with indifference. This law cannot be contradicted by any other law, and is not liable either to derogation or abrogation. Neither the senate nor the people can give us any dispensation for not obeying this universal law of justice. It needs no other expositor and interpreter than our own conscience. It is not one thing at Rome and another at Athens; one thing to–day and another to–morrow; but in all times and nations this universal law must for ever reign, eternal and imperishable. It is the sovereign master and emperor of all beings. God himself is its author,—its promulgator,—its enforcer. He who obeys it not, flies from himself, and does violence to the very nature of man. For his crime he must endure the severest penalties hereafter, even if he avoid the usual misfortunes of the present life.

The virtue which obeys this law, nobly aspires to glory, which is virtue's sure and appropriate reward,—a prize she can accept without insolence, or forego without repining. When a man is inspired by virtue such as this, what bribes can you offer him, — what treasures, — what thrones, — what empires? He considers these but mortal goods, and esteems his own, divine. And if the ingratitude of the people, and the envy of his competitors, or the violence of powerful enemies, despoil his virtue of its earthly recompense, he still enjoys a thousand consolations in the approbation of conscience, and sustains himself by contemplating the beauty of moral rectitude.

This virtue, in order to be true, must be universal. Tiberius Gracchus continued faithful to his fellow–citizens, but he violated the rights and treaties guaranteed to our allies and the Latin peoples. If this habit of arbitrary violence extends and associates our authority, not with equity, but force, so that those who had voluntarily obeyed us, are only restrained by fear; then, although we, during our days, may escape the peril, yet am I solicitous respecting the safety of our posterity, and the immortality of the Commonwealth itself, which, doubtless, might become perpetual and invincible, if our people would maintain their ancient institutions and manners.—(Quæ si consuetudo ac licentia manare cæperit latius, imperiumque nostrum ad vim a jure traduxerit, ut qui adhuc voluntate nobis obediunt, terrore teneantur. Etsi nobis qui id ætatis sumus, evilgilatum fere est, tamen de posteris nostris, et de illa immortalitate Republicæ sollicitor, quæ poterat esse perpetua si patriis viveretur institutis et moribus).

When Lælius had ceased to speak, all those that were present expressed the extreme pleasure they found in his discourse. But Scipio, more affected than the rest, and

ravished with the delight of sympathy, exclaimed:—You have pleaded, my Lælius, many causes with an eloquence superior to that of Servius Galba, our colleague, whom you used, during his life, to prefer to all others, even the Attic orators; and never did I hear you speak with more energy than to–day, while pleading the cause of justice.

This justice (continued Scipio) is the very foundation of lawful government in political constitutions. Can we call the state of Agrigentum a Commonwealth, where all men are oppressed by the cruelty of a single tyrant?—where there is no universal bond of right, nor social consent and fellowship, which should belong to every people, properly so named. It is the same in Syracuse,—that illustrious city which Timæus calls the greatest of the Grecian towns. It was indeed a most beautiful city; and its admirable citadel, its canals distributed through all its districts, its broad streets, its porticoes, its temples, and its walls, gave Syracuse the appearance of a most flourishing state. But while Dionysus its tyrant reigned there, nothing of all its wealth belonged to the people, and the people were nothing better than the slaves of an impious despot. Thus wherever I behold a tyrant, I know that the social constitution must be, not merely vicious and corrupt, as I stated yesterday, but in strict truth, no social constitution at all.

LŒLIUS.

—You have spoken admirably, my Scipio, and I see the point of your observations.

SCIPIO.

—You grant, then, that a state which is entirely in the power of a faction, cannot justly be entitled a political community.

LŒLIUS.

—That is evident to us all.

SCIPIO.

—You judge most correctly. For what was the state of Athens, when during the great Peloponessian war, she fell under the unjust domination of the thirty tyrants? The antique glory of that city, the imposing aspect of its edifices, its theatre, its gymnasium, its porticos, its temples, its citadel, the admirable sculptures of Phidias, and the magnificent harbour of Piræus, did they constitute it a commonwealth?

LŒLIUS.

—Certainly not; because these did not constitute the real welfare of the community.

SCIPIO.

—And at Rome, when the decemviri ruled without appeal from their decisions in the third year of their power, had not liberty lost all its securities and all its blessings?

LÆLIUS.

—Yes, the welfare of the community was no longer consulted, and the people soon roused themselves, and recovered their appropriate rights.

SCIPIO.

—I now come to the democratical form of government, in which a considerable difficulty presents itself, because all things are there said to lie at the disposition of the people, and are carried into execution just as they please. Here the populace inflict punishments at their pleasure, and act, and seize, and keep possession, and distribute property, without let or hindrance, Can you deny, my Lælius, that this is a fair definition of a democracy, where the people are all in all, and where the people constitute the state?

LŒLIUS.

—There is no political constitution to which I more absolutely deny the name of a *Commonwealth,* than that in which all things lie in the power of the multitude (nullam quidem citius negaverim esse Rempublicam, quam quæ tota sit in multitudinis protestate). If a Commonwealth, which implies the welfare of the entire community, could not exist in Agrigentum, Syracuse, or Athens, when tyrants reigned over them,—if it could not exist in Rome, when under the oligarchy of the decemvirs,—neither do I see how this sacred name of Commonwealth can be applied to a democracy, and the sway of the mob.

In this statement, my Scipio, I build on your own admirable definition, that there can be no community, properly so called, unless it be regulated by a combination of rights. And by this definition it appears that a multitude of men may be just as tyrannical as a single despot; and indeed this is the most odious of all tyrannies, since no monster can be more barbarous than the mob, which assumes the name and mask of the people. Nor is it at all reasonable, since the laws place the property of madmen in the hands of their sane relations, that we should do the very reverse in politics, and throw the property of the sane into the hands of the mad multitude.

It is far more rational to assert that a wise and virtuous aristocratical government deserves the title of a Commonwealth, as it approaches to the nature of a kingdom.

MUMMIUS.

—In my opinion, an aristocratical government, properly so called, is entitled to our just esteem. The unity of power often exposes a king to become a despot; but when an aristocracy, consisting of many virtuous men, exercise power, it is a most fortunate

circumstance for any state. However this be, I much prefer royalty to democracy; and I think, my Scipio, you have something more to add with respect to this most vicious of all political governments.

SCIPIO.

—I am well acquainted, my Mummius, with your decided antipathy to the democratical system. And, although we may speak of it with rather more indulgence than you are accustomed to accord it, I must certainly agree with you, that of all the three particular forms of government, none is less commendable than democracy.

I do not agree with you, however, when you would imply that aristocracy is preferable to royalty. If you suppose that wisdom governs the state, is it not as well that this wisdom should reside in one monarch, as in many nobles?

But a sophistication of words and terms is apt to abuse our understanding in a discussion like the present. When we pronounce the word "aristocracy," which, in Greek, signifies the government of the best men, imagination, leaning rather to philology than fact, can hardly conceive any thing more excellent—for what can be thought better than the best? When, on the other hand, the title, king, is mentioned, owing to the hallucination of our fancies, we Romans begin to imagine a tyrant, as if a king must be necessarily unjust. For my part, I always think of a just king, and not a shameless despot, when I examine the true nature of royal authority. To this name of king, do but attach the idea of a Romulus, a Numa, a Tullus, and perhaps you will be less severe to the monarchical form of constitution.

MUMMIUS.

—Have you then no commendation at all for any kind of democratical government?

SCIPIO.

—Why, I think some democratical forms less objectionable than others; and by way of illustration, I will ask you what you thought of the government in the Isle of Rhodes, where we were lately together; did it appear to you a legitimate and rational constitution?

MUMMIUS.

—It did, and not much liable to abuse.

SCIPIO.

—You say truly. But if you recollect, it was a very extraordinary experiment. All the inhabitants were alternately senators and citizens. Some months they spent in their senatorial functions, and some months they spent in their civil employments. In both they exercised judicial powers; and in the theatre and the court, the same men judged all causes, capital and not capital. So much for democracies.

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FRAGMENTS.

There is in every man a certain passion (turbulentum), which exults in gratification, and is broken by care.—*Nonius.*

The Phœnicians were the first who, with their commerce and merchandize, imported into Greece avarice, luxury, and an inexhaustible passion for all kinds of pleasures.—*Nonius.*

No war can be undertaken by a just and wise state, unless for faith or self–defence. This self–defence of the state is enough to ensure its perpetuity, and this perpetuity is what all patriots desire. Those afflictions which even the hardiest spirits smart under—poverty, exile, prison, and torment—private individuals seek to escape from by an instantaneous death. But for states, the greatest calamity of all is that death, which to individuals appears a refuge. A state should be so constituted as to live for ever. For a commonwealth, there is no natural dissolution, as there is for a man, to whom death not only becomes necessary, but often desirable. And when a state once decays and falls, it is so utterly revolutionized, that if we may compare great things with small, it resembles the final wreck of the universe.

All wars, undertaken without a proper motive, are unjust. And no war can be reputed just, unless it be duly announced and proclaimed, and if it be not preceded by a rational demand for restitution.

Our Roman Commonwealth, by defending its allies, has got possession of the world.

end of the third book.

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INTRODUCTION To The FOURTH BOOK OF CICERO'S COMMONWEALTH.

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.

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CICERO'S COMMONWEALTH.

BOOK IV.

FRAGMENTS.

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.

You cannot too deeply consider the political precautions so wisely adopted, in order to secure to the citizens the benefits of an honest and happy life, which is, indeed, the grand object of all political association, and which every government should endeavour to procure for the people by its laws and institutions. (*Note* I.)

I think that we have, perhaps, been hitherto too inattentive to the national education of the people. As respects the custom of liberal education, to promote which the Greeks have often laboured in vain, it is the only point on which Polybius accuses the negligence of our institutions. For the Romans have thought that education ought not to be fixed, nor regulated by laws, nor be given publicly and uniformly to all classes of society.

In our ancient laws, young men were prohibited from appearing naked in the public baths—so highly were the principles of modesty esteemed 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 labours and hazards of war! what indecent spectacles, what impure and licentious amours are permitted! I do not speak only of the Elei 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 licence to their young men, save that of violation, come exceedingly close on the very exception they insist on, besides other crimes which I will not mention.

LÆLIUS.

—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 playing the critic on your favourite Plato, whose name you have avoided citing.

The drama is an excellent institution, when it is maintained in its original purity, as the teacher of morals by examples. I should love the stage, if the custom of our public manners had not authorized, or at least tolerated, the most scandalous exhibitions in the theatres. Here 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.

For all this, the Greek stage was continually abused and corrupted, to gratify and flatter the hallucinations of the mob. 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. So far, so good; 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 Nevius had attempted to malign Scipio or 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 dishonour and infamy 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. (*Note* II.)

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. (Non enim facile valenti populo resistitur, si aut nihil impertias juris, aut parum.)

end of the fourth book.

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INTRODUCTION To The FIFTH BOOK OF CICERO'S COMMONWEALTH.

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.

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CICERO'S COMMONWEALTH.

BOOK V.

FRAGMENTS.

Ennius has told us

> "Moribus antiquis res stat Romana virisque."
> "Rome's Commonwealth in men and manners stands."

This verse, both for its precision and its verity, appears to me as if it had issued from an oracle. He justly couples men and manners together, for neither the men, unless the state had adopted certain manners, nor the manners, unless illustrated by the men, could ever have established or maintained, for so many ages, so vast a dominion.

Thus, long before our own times, the force of hereditary manners moulded our greatest men, and the most eminent citizens, in return, gave new weight to the venerable customs of our ancestry.

Our age, on the contrary, receiving the Commonwealth as a finished picture of another century, already evanescent through the lapse of years—not only has neglected to renew the colours of the original painting, but has not even cared to preserve its general form and prominent lineaments. (*Note* I.)

Alas! what now remains of those antique manners, on which the poet based our Commonwealth? They are now so superannuated, so obsolete, that they are not only not cultivated, but not even mentioned. As to the men, what shall I say? The manners would never have thus perished, but through a scarcity of patriotic worthies, who should support them. Of which great defect, we are not only called to give an account, but even, as in capital offences, to implore absolution. Thanks to our vices, rather than our misfortunes, we retain our glorious commonwealth in name only, when we have long since lost the reality.

There is no employment so essentially royal as the exposition of equity, which comprises the true meaning of all laws. This justice, subjects generally 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 labour on their part; that no anxiety on account of their personal interests might distract their attention from the welfare of the state. No private man was allowed to be the judge or arbitrator in any suit: all disputes terminated in the royal sentence.

Of all our Roman monarchs, Numa appears to me to have best preserved this ancient custom of the kings of Greece. The others, though theyalso discharged this duty, were, for the main part, employed in examining the rights of war, and in conducting

military enterprises. But the long peace of Numa's reign was the mother of religion and justice in Rome. He was himself the author of those admirable laws respecting our political economy, which, as you are aware, are still extant. This legislative genius is precisely the characteristic of the great man we require as our governor.

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 he should give his whole time to the study of agriculture?

MANILIUS.

—No, for then his fields would be unfruitful, for want of agricultural labour.

SCIPIO.

—Therefore, as the farmer knows agriculture, and the scribe knows penmanship, and both seek in their respective sciences, not mere amusement only, but practical utility; so our statesmen should be familiar with the science of jurisprudence and legislation, even in their profoundest principles. But he should not embarrass himself in debating, arguing, and lecturing and scribbling. He should rather employ himself in the actual administration of government, as a skilful superintendent, and become a farmer of the revenue, so as to make the state as flourishing as posible by a wholesome political economy. He will, indeed, be perfectly conversant with the principles of universal law and equity,—without which no man can be just,—nor will he be unfamiliar with the civil law of states; but he will use them for practical purposes, even as a pilot uses astronomy, and a physician natural philosophy. Both of these bring their theoretical science to bear on the practice of their arts: a statesman should do the same with the science of politics, and make it subservient to the actual interests of philanthropy and patriotism. (*Note* II.)

In all states, good men desire glory and approbation, and shun disgrace and ignominy. Such men are less alarmed by the threats and penalties of the law, than by that sentiment of honour with which nature has endowed man, which is nothing else than an antipathy to all deserved censure. The wise director of a government 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 honour and modesty 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.

As respects the private life and the manners of the citizens, they are intimately connected with the laws that constitute just marriages and legitimate progenies, 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.

Fortitude is that virtue which comprizes magnanimity, and the contempt of pain and death.

end of the fifth book.

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INTRODUCTION To The SIXTH BOOK OF CICERO'S COMMONWEALTH.

In this last book of his Commonwealth, Cicero labours to shew that truly pious philantrophical 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 Olivet'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.

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CICERO'S COMMONWEALTH.

BOOK VI.

FRAGMENTS.

SCIPIO.

—To the wise, the consciousness of good deeds is the noblest reward of virtue. This divine virtue desires not statues with leaden supporters, (statuas plumbo inhærentes), nor triumphs, with their fading laurels; but a far more enduring recompence of ever verdant glories.

LŒLIUS.

—What glories do you mean?

SCIPIO.

—Allow me, since it is the third day of our vacation, to relate to you a remarkable dream, which is connected with the history of our family. (*Note* I.)

When I arrived in Africa, where I was, as you are aware, tribune in the fourth legion under the Consul Manilius, my most earnest desire was to see King Masinissa, who, for very just reasons, had been always the especial friend of the Scipios. When I was introduced to him, the old man embraced me, shed tears, and then looking up to heaven, exclaimed—"I thank thee, O supreme Sun, and ye other celestials, that before I depart from this life I behold in my kingdom and my palace, Publius Cornelius Scipio. His very name seems to re–animate me; for, from my soul, never escapes the memorial of that best and bravest of men, Africanus, your ancestor.

After this, I inquired of him concerning the affairs of his kingdom. He, on the other hand, questioned me about the condition of our Commonwealth, and in this kind of conversation we past the whole day. Towards evening, being entertained in a manner worthy the magnificence of a king, we carried on our discourse for a considerable part of the night. All this time, the good old monarch spoke of nothing but Scipio Africanus, whose actions, and even remarkable sayings, he remembered distinctly. At last, when we retired to bed, I fell into a more profound sleep than usual, both on account of my journey and because I had sat up the greatest part of the night.

Here I had the following dream, occasioned, as I verily believe, by our preceding conversation—for it commonly happens that the meditation and discourse which employ us in the day time, produce in our sleep an effect somewhat similar to that which Ennius writes happened to him about Homer, of whom in his waking hours he used frequently to think and speak.

My ancestor Africanus, I thought, appeared to me in a shape, with which I was better acquainted from his picture, than from any personal knowledge of him. When I perceived it was he, I confess I trembled with consternation—but he addressed me, saying, take courage, my Scipio, be not afraid, and carefully remember what I shall say to you.

Do you see that city Carthage, which though brought under the Roman yoke by me, is now renewing former wars, and cannot live in peace? He pointed to Carthage, from a lofty region of the firmament, where I conceived myself transported with him into a sphere, all glittering with refulgent constellations.

It is to attack that city (continued he,) that you are this day arrived in a station not much superior to that of a private soldier. Before two years however are elapsed, you shall be consul, and complete its overthrow; whence you shall obtain by your own merit the surname of Africanus, which, as yet, belongs to you no otherwise than as derived from me.

After the destruction of Carthage, you shall receive the honour of a triumph; be advanced to the censorship, and in quality of ambassador, visit Egypt, Syria, Asia, and Greece. You shall be elected second time consul in your absence, and by utterly destroying Numantia, put an end to a most dangerous war.

But in entering the Capitol in your triumphal car, you shall find the Roman Commonwealth all in a ferment, through the intrigues of my grandson Tiberius Gracchus. 'Tis on this occasion, my dear Africanus, that you must show your country the greatness of your understanding, capacity, and prudence.

The destiny however, of that time appears uncertain, which way it shall turn. For when your age shall have accomplished seven times eight revolutions of the sun, and your fatal hours shall be marked out by the natural product of these two numbers, each of which is esteemed a perfect one, but for different reasons,—then shall the whole city have recourse to you alone, and place its hopes in your auspicious name. On you the senate, all good citizens, the allies, the people of Latium, shall cast their eyes; on you the preservation of the state shall entirely depend. In a word, *if you escape the impious machinations of your relatives,* you will, in quality of dictator, establish order and tranquillity in the Commonwealth. (*Note* II.)

Here Lælius wept bitterly, and the rest of the company gave vent to their sorrow by deep groans. On which Scipio, with a gentle smile, said, "Pray, gentleman, don't wake me out of my dream, have patience, and hear the rest."

Now in order to encourage you, my dear Africanus (continued the shade of my ancestor), to defend the state with the greater cheerfulness,—be assured that for all those who have any way conduced to the preservation, defence, and enlargement of their native country, there is a certain place in heaven, where they shall enjoy an eternity of happiness. For nothing on earth is more agreeable to God, the Supreme Governor of the Universe, than the assemblies and societies of men united together by

laws, which are called States. It is from heaven their rulers and preservers came, and thither they return.

Though at these words I was extremely troubled, not so much at the fear of death, as at the perfidy of my own relations,—yet I recollected myself enough to enquire, whether he himself, my father Paulus, and others whom are looked upon as dead, really enjoyed life.

Yes, truly, (replied he), they all enjoy life, who have escaped from the body as from a prison. But as to what you call life on earth, 'tis no more than one form of death. But see, here comes your father Paulus toward you!

As soon as I observed him, my eyes burst out into a flood of tears, but he took me in his arms, embraced me, and bade me not weep. When my first transports subsided, and I regained the liberty of speech, I addressed my father thus:—"Thou best and most venerable of parents, since this, as I am informed by Africanus, is the only substantial life, why do I linger on earth, and not rather haste to come hither where you are?

That (replied he) is impossible: for unless the God whose Temple is all that vast expanse you behold, shall free you from the fetters of the body, you can have no admission into this place. Mankind have received their being on this very condition, that they should labour for the preservation of that globe, which is situated as you see, in the midst of this temple, and is called earth.

Men are likewise endowed with a soul, which is a portion of the eternal fires, which you call stars and constellations; and which being round spherical bodies, animated by divine intelligences, perform their revolutions with amazing rapidity. 'Tis therefore your duty, my Publius, and that of all who have any veneration for the gods, to preserve this wonderful union of soul and body; nor without the express command of him who gave you a soul, should the least thought be entertained of quitting human life, lest you seem to desert the post assigned you by God himself. (*Note* III.)

Follow the examples of your grandfather here, and of me, your father, in paying a strict regard to justice and piety; the influence of which, towards parents and relations is great indeed, but that to our country greatest of all. Such a life as this is the true way to heaven, and to the company of those, who, after having lived on earth and escaped from the body, inhabit the place you now behold.

This was the shining circle or zone whose remarkable brightness distinguishes it among the constellations, and which after the Greeks you call the Milky Way.

From thence, as I took a view of the universe, every thing appeared beautiful and admirable,—For there, not only those stars are to be seen that are never visible from our globe; but all of them appear of such magnitude as we could not have imagined. The least of all the stars was that removed farthest from heaven, and situate next to the earth; I mean our moon, which shines with a borrowed light. Now the globes of the stars far surpass the magnitude of our earth, which at that distance, appeared so

exceedingly small, that I could not but be sensibly affected on seeing our whole empire no larger than if we touched the earth as it were at a single point.

As I continued to observe the earth with still greater attention, how long, I pray you, (said Africanus) will your mind be fixed on that object—why don't you rather take a view of the magnificent temples whither you have arrived? The universe is composed of nine circles or rather spheres, one of which is the most elevated, and is exterior to all the rest which it embraces; and where the Supreme God resides, who bounds and contains the whole. In it are fixed those stars which revolve with never–varying courses. Below this are seven other spheres, which revolve in a contrary direction to that in the heavens. One of these is occupied by the globe, which on earth they call Saturn. Next to that, is the star of Jupiter, so benign and salutary to mankind. The third in order, is that fiery and terrible planet called Mars. Below this again, almost in the middle region, is the Sun,—the leader, governor, and prince of the other luminaries; the soul of the world, which it regulates and illumines, filling all things with its rays. Then follow Venus and Mercury, which attend as it were on the Sun. Lastly, the Moon, which shines only in the reflected beams of the Sun, moves in the lowest sphere of all. Below this, if we except that gift of the gods, human souls, every thing is mortal, and tends to dissolution, but above it all is eternal. For the Earth, which is the ninth globe, and occupies the centre, is immoveable, and being the lowest, all others gravitate towards it. (*Note* IV.)

When I had recovered myself from the astonishment occasioned by such a wonderful prospect, I thus bespoke Africanus:—Pray what is this sound that strikes my ears in so loud and agreeable a manner? To which he replied—It is that which is called the *music of the spheres,* being produced by their motion and impulse; and being formed by unequal intervals, but such as are divided according to the justest proportion, it produces, by duly tempering acute with grave sounds, various concerts of harmony. For it is impossible that motions so great should be performed without any noise; and it is agreeable to nature that the extremes on one side should produce sharp, and on the other, flat sounds. For which reason the sphere of the fixed stars, being the highest, and carried with a more rapid velocity, moves with a shrill and acute sound; whereas that of the moon, being the lowest, moves with a very flat one. As to the Earth, which makes the ninth sphere, it remains immoveably fixed in the middle or lowest part of the universe. But those eight revolutionary circles, in which both Mercury and Venus are moved with the same celerity, give out sounds that are divided by seven distinct intervals, which is generally the regulating number of all things.

"This celestial harmony has been imitated by learned musicians, both on stringed instruments and with the voice, whereby they have opened to themselves a way to return to the celestial regions, as have likewise many others who have employed their sublime genius while on earth in cultivating the divine sciences. (*Note* V.)

"By the amazing noise of this sound, the ears of mankind have been in some degree deafened, and indeed hearing is the dullest of all the human senses. Thus the people who dwell near the Cataracts of the Nile, are by the excessive roar which that river makes in precipitating itself from those lofty mountains, entirely deprived of the sense

of hearing. Now, so inconceivably great is the sound produced by the rapid motion of the whole universe that the human ear is no more capable of receiving it, than the eye is able to look stedfastly and directly on the sun, whose beams easily dazzle the strongest sight.

"While I was busied in admiring this scene of wonders, I could not help casting my eyes every now and then on the earth. On which, says Africanus, I perceive you are still employed in contemplating the seat and residence of mankind. Now if it appears to you so small, as in fact it really is, despise its vanities, and fix your attention for ever on these heavenly objects. Is it possible that you should attain any human applause or glory that are worth the contending for? The earth, you see, is peopled but in a very few places, and those too of small extent; and they appear like so many little spots of green, scattered through vast uncultivated deserts. Its inhabitants are not only so remote from each other as to cut off all mutual correspondence; but their situation being in oblique or contrary parts of the globe, or perhaps in those diametrically opposite to yours, all expectations of universal fame must fall to the ground. You may likewise observe that the same globe of the earth is girt and surrounded with certain zones, whereof those two that are most remote from each other, and lie under the opposite poles of heaven, are congealed with frost; but that one in the middle, which is far the largest, is scorched with the intense heat of the sun. The other two are habitable, one towards the south,—the inhabitants of which are your Antipodes, with whom you have no connection;—the other, towards the north, is that you inhabit, whereof a very small part, as you may see, falls to your share. For the whole extent of what you see, is as it were but a little island, narrow at both ends and wide towards the middle, which is surrounded by the sea, which on earth you call the great Atlantic Ocean, and which, notwithstanding this magnificent name, you see is very insignificant. And even in these cultivated and well–known countries, has yours, or any of our names, ever past the heights of the Caucasus, or the currents of the Ganges? In what other parts to the north or the south, or where the sun rises and sets, will your names ever be heard? And excluding these, how small a space is there left for your glory to spread itself abroad? and how long will it remain in the memory of those whose minds are now full of it?

"Besides all this, if the progeny of any future generation should wish to transmit to their posterity the praises of any one of us which they have heard from their forefathers; yet the deluges and combustions of the earth which must necessarily happenat their destined periods, will prevent our obtaining not only an eternal, but even a durable glory. And after all, what does it signify whether those who shall hereafter be born talk of you, when many of your cotemporaries whose number was not perhaps less, and whose merit certainly greater, were not so much as acquainted with your name?

"And the more, since not one of those who shall hear of us, is able to retain in his memory the transactions of a single year. The bulk of mankind indeed measure their year by the return of the sun, which is only one star. But the Annus Magnus, the true and complete year, is when all the stars shall have returned to the place whence they set out; and after long periods shall again exhibit the same aspect of the whole heavens. Indeed, I scarcely dare attempt to enumerate the vast multitude of ages

contained in it. For as the sun was eclipsed and seemed to be extinguished at the time when the soul of Romulus penetrated into these eternal mansions—so when all the constellations and stars shall revert to their primary position, and the sun shall at the same point and time be again eclipsed—the grand year shall be completed. Be assured, however, that the twentieth part of it is not yet elapsed.

"Now, had you no hopes of returning to this place, where great and good men enjoy all that their souls can wish for, of what, pray, would be the signification of all human glory, which can hardly endure for a small portion of one year?

"If, then, you wish to elevate your views to the contemplation of this eternal seat of splendour, you will not be satisfied with the praises of your fellow–mortals, nor with any human rewards that your exploits can obtain; but Virtue herself will point out to you the true and only object worthy of your pursuit. Leave to others to speak of you as they may, for speak they will. Their discourses will be confined to the narrow limits of the countries you see, nor will their duration be very extensive, for they will perish like those who utter them, and will be no more remembered by their posterity.

"When he ceased to speak, I said, "Oh, Africanus, if indeed the door of heaven is open to those who have deserved well of their country, whatever progress I may have made since my childhood in following your's and my father's steps, I will from henceforth strive to follow them more closely."

"Follow them, then (said he), and consider your body only, not yourself, as mortal. For it is not your outward form which constitutes your being, but your mind; not that substance which is palpable to the senses, but your spiritual nature. *Know, then, that you are a god*—for a god it must be that vivifies, and gives sensation, memory, and foresight to the body to which it is attached, and which it governs and regulates, as the Supreme Ruler does the world which is subject to him. As that Eternal Being moves whatever is mortal in this world, so the immortal mind of man moves the frail body with which it is connected; for what always moves must be eternal, but what derives its motion from a power which is foreign to itself, when that motion ceases, must itself lose its animation.

"That alone, then, which moves itself, can never cease to be moved, because it can never desert itself. It must be the source and origin of motion in all the rest. There can be nothing prior to this origin, for all things must originate from it—itself cannot derive its existence from any other source; for if it did, it would no longer be primary. And if it had no beginning, it can have no end; for a beginning that is put an end to, will neither be renewed by any other cause, nor will it produce any thing else of itself. All things, therefore, must originate from one source. Thus it follows, that motion must have its source in what is moved by itself, and which can neither have a beginning nor an end. Otherwise all the heavens and all nature must perish; for it is impossible that they can of themselves acquire any power of producing motion in themselves.

"As, therefore, it is plain that what is moved by itself must be eternal, who will deny that this is the general condition of minds? For, as every thing is inanimate which is

moved by an impulse exterior to itself, so what is animated is moved by an interior impulse of its own; for this is the peculiar nature and power of mind. And if that alone has the power of self–motion, it can neither have had a beginning, nor can it have an end.

“Do you, therefore, exercise this mind of yours in the best pursuits, which consist in promoting the good of your country. Such employments will speed the flight of your mind to this its proper abode; and its flight will be still more rapid, if it will look abroad and disengage itself from its bodily dwelling, in the contemplation of things which are external to itself.

“This it should do to the utmost of its power. For the minds of those who have given themselves up to the pleasures of the body, paying as it were a servile obedience to their lustful impulses, have violated the laws of God and man; and therefore when they are separated from their bodies, flutter continually round the earth on which they lived, and are not allowed to return to this celestial region, till they have been purified by the revolution of many ages.” (Corporibus elapsi circum terram ipsam volutantur, nec hunc in locum nisi multis exagitati sœculis revertuntur.) (*Note* VI.)

Thus saying he vanished, and I awoke from my dream.

It is more desirable that fortune should be constant than brilliant; but the equability of life excites less interest than those changeable conditions, wherein prosperity suddenly revives out of the most desperate and ruinous circumstances.

end of the sixth book.

NOTE I.

NOTE II.

NOTE III.

NOTE IV.

NOTE V.

NOTE VI.

Cicero opens his Treatise on the Commonwealth with a splendid panegyric on patriotism. The biblical and clasical writers concur in extolling patriotism as a virtue. They alike state that, next to the devotion we direct to the Deity, and the philanthropy which attaches itself to the whole human race, comes that glorious and enobling patriotism, which urges us to the service of our country. The elevation which this virtue assumes in the scale of ethics, is proved by its immense inclusiveness: for this virtue of patriotism which impels us to encourage and promote the interests of our nation, necessarily comprises all those minuter offices of civic fellowship, and social obligingness, and family affection, which constitute so much of the charm and beauty of life. All the most venerable fathers and divines of the Christian Church have, therefore, wisely insisted on the cultivation of patriotism, as one of the most resplendent and important developements of Christian morals. Nor have they hesitated to recommend that syncretic and coalitionary scheme of politics, which, as it is the only means of establishing peace and charity among contending parties, is pre–eminently qualified to forward patriotic measures So far, therefore, as syncretic and coalitionary policy goes, all pious senators are bound in conscience to advance it. They are bound to promote the unity of the Spirit in the bond of peace. The unionistic policy, which Cicero so earnestly recommends, is also the policy of the Scriptures; we are therefore bound to assume the position of syncretic politicians, and encourage concilation and concession between hostile parties. By professing themselves syncretic politicians, the senators perform the greatest offices of patriotism, rescue our country from her worst peril, and win the applause of all good men. It is only when senators degenerate into party politicians, that they incur censure; for Christianity and political philosophy never mention party, unless to censure it. The views here mentioned respecting Christian policy and patriotism, have been supported by a host of distinguished scholars, at home and abroad. But notwithstanding all that has been said or written on the subject of patriotism among Christians, we cannot help thinking, that in this glorious and expansive virtue, the sons of classic antiquity generally excelled us. In their code of morals, patriotism assumed an intense and destinctive potency, which we seek in vain among those who extenuate the grander virtues of our religion, in order to magnify its minuter obligations.

This phenomenon of the parhelium parhelion, or mock sun, which so puzzled Cicero's interlocutors, has been very satisfactorily explained by modern science. The parhelia

are formed by the reflection of the sun–beams on a cloud properly situated. They usually accompany the coronæ or luminous circles, and are placed in the same circumference, and at the same height. Their colours resemble that of the rainbow; the red and yellow are towards the side of the sun, and the blue and violet on the other. There are, however, coronæ sometimes seen without parhelia, and *vice versâ* Parhelia are double, triple, &c., and in 1629, a parhelion of five suns was seen at Rome, and another of six suns at Arles, 1666.

Cicero here gives a very exact and correct account of the ancient planetarium of Archimedes, which is so often noticed by the ancient astronomers. It no doubt corresponded in a great measure to our modern Planetarium or Orrery, invented by the earl of that name. This elaborate machine, whose manufacture requires the most exact and critical science, is of the greatest service to those who study the revolutions of the stars, for astronomic, astrologic, or meteorologic purposes.

The French Translator, M. Villemain, bursts out into a Gallic rhapsody in this point of the argument. "Cicero, translating Plato," says he, "what an object of study!" We may remark the literal exactness of the father of Roman eloquence, and his care to emulate the Platonic style of expression. Though Cicero incessantly imitates Plato, we find in no other part of his works the translation of a passage so extended and so celebrated. This vivid and energetic translation appears to us to equal the beauty of the original. As to us," continues Villemain, "translators at second hand, we must apply to our versions what Plato said of the dramatic compositions, which being mere representations of human actions, which are themselves but representations of eternal ideas, appear to him no better than copies of copies."

This digression on the advantages that result from situating the chief cities of states a considerable way up their chief rivers, is very ingenious, and, we presume very correct. The method proposed, has been carefully adopted in most of the chief cities in the world. Paris and London are excellent examples in proof of Cicero's argument.

It is very difficult to translate some of the terms which designate the political institutions of the Romans, by any analogous terms which shall convey a graphic conception of them to the English reader. On the whole, it may be stated, that the senate of the Romans answered pretty nearly to our House of Lords. This senate of the patricians, was bound to correspond in its legislative enactments with the Comitium, which we have ventured to translate House of Commons, as the nearest analogous term in our language. There, were the Comitia, or assembled delegates of the people, convened. These Comitia, or "assemblies of the people," which figure so much in the history of Greek and Roman politics, were threefofd; they were either made up by wards or Curiæ, and then they were called Comitia Curiata, or by tribes, Comitia Tributa, or by hundreds, Comitia Centuriata, according to the divisions of the Roman people. In the first assembly, they were to choose the inferior magistrates, and no man was allowed to vote but the citizens of Rome. In the two other assemblies, not only the citizens of Rome had a right to vote, but also the inhabitants of the colonies and the municipal towns. In these great assemblies, they chose the great magistrates, and took into consideration the most important affairs of the Commonwealth.

This beautiful passage, in which Cicero unfolds his syncretic and unionistic policy, and recommends coalition and harmony to statesmen, as the grandest object of national jurisprudence, has been beautifully illustrated by Montesquieu. “True political union (says he) is the harmony or coalition of all parties, which, however opposite they may appear to us, concur to the general welfare, as dissonances in music, which blend into an entire concord.”

This speech of Lælius does equal credit to his probity and his sagacity. He shews that the very love of justice and truth will often induce the barrister to take up the pleadings for the false and unjust side. He proves that truth never glitters so brilliantly as when her secret fires are struck out from the collision of conflicting arguments, and that her light becomes most refulgent by the force of contrast, when it is reflected back from the dark foil of error. Our best and ablest lawyers still adopt precisely the same plea. It is exactly their desire to illustrate the truth, which induces them to plead for error; it is exactly their desire to protect the innocent, that induces them to defend the guilty.

We have been obliged so insert two or three of these sentences in italics, which are not found in the original, for the sake of shewing the drift of the arguments of Philus. He himself was fully convinced, that justice and morality were of eternal and immutable obligation, and that the best interests of all beings lie in their perpetual development and application. This eternity of Justice is beautifully illustrated by Montesquieu. “Long,” says he, “before positive laws were instituted, the moral relations of justice were absolute and universal. To say that there were no justice or injustice, but that which depends on the injunctions or prohibitions of positive laws, is to say that the radii which spring from a centre, are not equal, till we have formed a circle to illustrate the proposition. We must, therefore, acknowledge that the relations of equity were antecedent to the positive laws which corroborated them.” But though Philus was fully convinced of this, in order to give his friends Scipio and Lælius an opportunity of proving it, he frankly brings forward every argument for injustice, that sophistry had ever cast in the teeth of reason.

“Such” says Villemain, “is the sad series of sophisms, which the English Mandeville and other writers have revived with less force and less subtilty. These sophistries consisted of a confusion of certain truths with a multitude of erroneous deductions. No doubt, philozoia, zoophilism, or kindness to animals, is a duty of nature. No doubt, the reply of the pirate to Alexander, was well merited. But what for that? Is it less true, that God hath put into man’s heart the instinct of justice? This principle is a demonstration of his understanding, which nothing can shake. As to the singularities of local manners, those deviations from the general conscience of mankind, exhibited by some peoples, we are aware with what deplorable sedulity Montaigne collected such paradoxical anecdotes, and with what force of eloquence Rousseau refuted them. ‘O Montaigne,’ says the enthusiastic Genevan, ‘you, who prided yourself on truth and freedom, let me suppose you sincere and ingenuous, if a philosopher can be so, and tell me, is there any country on earth where to keep faith is criminal, and where clemency, beneficence, and generosity are detested, and perfidy and ingratitude are honoured?’ Rousseau has here put the question in a right point of view. He takes a distinction between the essence of justice and the form of justice. Its essential

principles will be found identical, or at least, homogeneous in every country on earth; but the peculiar forms of their exhibition may be considerably inflected by the circumstances of the time, the place, and the fashion of society. For want of taking this important distinction between the essence and the form of justice, writers, no less grave than Augustine and Pascal, have fallen into a curious hallucination. The latter, in one of his moments of sceptical misanthropy, from which he was hardly rescued by religion, has denied this universal sense of justice, and reasoned like Carneades. "Three degrees of elevation of the pole" says he, "overturn the whole system of jurisprudence; a line of meridian decides between truth and falsehood; and a brief possession, between rights and no rights. The fundamental laws are changed; equity has its revolutions. A comical justice enough, which a river or a mountain can determine, so that a decision is correct on this side of the Pyrannees, which, on the other would be scouted as infamous." Pascal, however, adds, "we cannot, indeed deny the existence of natural laws: but artifice and chicanery have corrupted all things."

The fragments of this important book are unhappily very few. Those that remain, treat of the proper subordination of ranks, the benefits of national education, and the use and abuse of dramatic entertainments.

Cicero appears to view the question of the drama and the stage in its right light. He takes the proper distinction between its use and abuse. He acknowledges, that in its original and proper institution, the drama is the handmaid of religion, and the public teacher of morals, by exhibiting the benefits of virtue and the evils of vice, in the vivid representations of the stage. He shews, that so far as dramatic censorship keeps the stage up to this high and enobling task, so far is it useful and honourable. At the same time, he does not spare his keenest satire against those abominable abuses and corruptions that sometimes infect dramatic entertainments. Thus, we learn from his experience, that the true policy of the pious and prudent statesman is to seek to reform the stage, rather than abolish it, and to promote its good influences by removing the evils that have gradually impaired them.

Of this book nothing remains but a few fragments. But these are not without their importance, as they are employed in recommending conservative policy and practical experience to statesmen. Syncretist, as Cicero was, and standing as he did, a mighty unionist and coalitionist above all sects whatever (for he was too great a man for party) he did not the less recommend the conservative policy in general, and boldly proclaimed its superiority over the empirical liberalism that introduces changes in haste, and repents at leisure.

It is no wonder that Cicero insists so powerfully on political experience, as well as political science. Science is only useful so far as it is associated with skill, and skill can be only acquired in the actual practice of public business. Cicero's remarks are the more important, as they serve to refute a grand mistake on this subject, too prevalent among contemporary politicians.

Of this book we retain a larger portion than of the two preceding. Macrobius has preserved us the magnificent Dream of Scipio, which has no rival in all the

compositions of antiquity, unless it be Plato's Phædon, in which he expresses the views of Socrateos on the immortality of the soul.

The veil which the ghost of the elder Africanus throws over the future destinies of Scipio is very delicate. Scipio actually died at the age of fifty–six, for he did not escape the impious machinations of his relatives, and many supposed that he was poisoned by his wife, who was the sister of Tiberius Gracchus, who raised such disturbances at Rome.

This is perhaps the finest plea against suicide that has yet been written. In the course of it, Cicero assumes the fact, which all the ancients took for granted, that the stars were animated with divine intelligences. Philo, Origen, Erigena, Bodinus, Riccius, and Fludd, have all largely defended this ancient theory, on which the main part of astrology is directly founded. If we were to reason from the analogy of nature, we might probably arrive at the same conclusion. But as Bayle wittily, though rather dirtily observes, "we have no better means of determining whether the earth on which we crawl is animated by a spirit, than a louse on a man's head can determine whether he possesses a distinct intelligence."

This is a clear exposition of the Ptolemaic theory, which is now fortunately exploded from philosophy. It is probable that Cicero himself preferred the Pythagorean or Platonic system of the universe, now called the Copernican. The dream, however, gave him an opportunity of shewing his acquaintance with these erroneous dogmas.

On this passage, Mr. Danby has the following note. "Cicero here speaks of the harmony or music of the spheres, which most men now explode as a fable. But how are we to limit preceptions, or the possibility of what may relate to them? &c."

This idea of Cicero, respecting many ages of purgatory or purgation, reserved for all guilty souls, was common to all the ancients. They took a very brilliant view respecting the final recovery, restoration, and restitution of all lapsed intelligences, and did what they could to refute the arguments of those who adopted a gloomier doctrine with respect to the future destinies of fallen beings.