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On the Republic (De Republica)

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On the Republic (De Republica), Books 1 and 3

By Cicero

[[Marcus Tullius Cicero. On the Republic. Translated by David Fott. Ithaca, N.Y.: Cornell University Press. 2014.](#) Books 1 and 3. Copyright David Fott. Used with permission.]

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Book 1

[In the early pages of this dialogue, there is a discussion of the relative importance of different kinds of inquiry including that of speculation on the nature of the heavens and the universe as a whole. Scipio, a statesman on holiday, is found in the passage below (just after a missing portion of the dialogue) reflecting on a kind of high utility or perspective that might result from such inquiry.]

[26] Furthermore, what should someone who has examined these kingdoms of the gods consider splendid in human affairs? Or what is long lasting to someone who knows what is eternal? Or what is glorious to someone who has seen how small the earth is—first the whole of it, then the part of it that human beings inhabit—and how tiny is the part of it in which we, completely unknown to many nations, are fixed? Nevertheless we hope that our name will fly around and roam very far. [27] The man who is not inclined to consider or call “goods” our fields, buildings, cattle, and enormous amounts of silver and gold, because the enjoyment of those things seems trifling to him, their use short, their mastery uncertain, and often even the worst men seem to possess an enormous amount of them—how fortunate he must be considered. He alone may truly claim all things as his own by right not of the Quirites [of his citizenship status] but of the wise, not by a civil obligation but by the common law of nature, which forbids that anything belong to anyone except to him who knows how to handle and use it. Such a man thinks that our positions of command and consulships are necessary things, not things to be desired—that they should be endured for the sake of performing a service, not desired for the sake of rewards or glory. Such a man, finally, can declare about himself, as Cato writes that my grandfather Africanus used to say, that he was never doing more than when he was doing nothing, that he was never less alone than when he was alone.

Book III

[Philus is speaking as he makes a classic challenge to the notion that justice is something eternal and

universal, rooted in the nature of things.]

[18] . . . [if nature] had consecrated rights for us, all men [would use] the same, and the same men would not use [now] some rights, [then] other rights. But I ask, if it is for a just man and a good man to obey laws, which ones? Whichever ones may exist? But virtue does not accept inconsistency, nor does nature allow variation. The laws are assented to because of penalty, not because of our justice. Therefore, nothing involves natural justice [*ius*]. From this it certainly follows that no men are just by nature. Or do they say truthfully that there is variation in the laws, but that by nature good men follow the justice that exists, not what is thought to exist? It is for a good and just man to grant to each man what is worthy of him. [19] Then what will we first grant to the dumb beasts? It is no ordinary men, but the greatest and educated, Pythagoras and Empedocles, who proclaim that there is one condition of justice [*ius*] for all animate beings and who shout that inexpiable penalties threaten those who have defiled an animal. Therefore, it is a crime to harm a beast.

[Laelius appears to be the chief respondent to Philus, and his classic defense of natural law, preserved as a direct quotation from Cicero in a text of Lactantius, an early Christian and Ciceronian, is usually placed at this point of On the Republic.]

[33] True law is correct reason congruent with nature, spread among all persons, constant, everlasting. It calls to duty by ordering; it deters from mischief by forbidding. Nevertheless it does not order or forbid upright persons in vain, nor does it move the wicked by ordering or forbidding. It is not holy to circumvent this law, nor is it permitted to modify any part of it, nor can it be entirely repealed. In fact we cannot be released from this law by either the senate or the people. No Sextus Aelius [a noted and distinguished jurist of an earlier time] should be sought as expositor or interpreter. There will not be one law at Rome, another at Athens, one now, another later, but one law both everlasting and unchangeable will encompass all nations and for all time. And one god will be the common teacher and general, so to speak, of all persons. He will be the author, umpire, and provider of this law. The person who will not obey it will flee from himself and, defying human nature, he will suffer the greatest penalties by this very fact, even if he escapes other things that are thought to be punishments.

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