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On the Laws (De Legibus)

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***On the Laws (De Legibus)*, Books 1–3 (Excerpts)**

By Cicero

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

Bold numbers in brackets indicate the standard divisions in Cicero's texts in which are found in whole or part the sections reproduced here. Bracketed words or phrases usually represent Professor Fott's efforts to supply a missing or unclear part of the text. Sometimes bracketed material represents my effort to clarify a term or reference, and I do so at times with the benefit of material Professor Fott presents in the notes accompanying his translation. –Walter Nicgorski

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Book 1

[*In the section that follows the discussion among Cicero (M for Marcus), Atticus Pomponius (A) and Quintus (Q) is turning to the topic of the law and, as the reader will see, with a zealous interest in the true foundations or bases for any good legal order.*]

[**13**] A: Then in this spare time, as you say, why don't you explain to us these very things and write about civil law more precisely than the others? I remember that you have studied law from the earliest time of your life, when I myself also used to come to Scaevola [famed jurist and teacher]. You have never seemed to me to devote yourself so much to speaking that you scorned civil law.

M: You call me to a long conversation, Atticus. Nevertheless, unless Quintus prefers that we discuss something else, I will undertake it; and since we are unoccupied, I will speak.

Q: Of course I would gladly listen. For what would I rather discuss, or how would I better spend this day?

[**14**] M: Then why don't we proceed to our paths and seats? When we have had enough walking, we will rest. Surely we will have no lack of delight as we inquire into one topic after another.

A: That is fine with us, and, if it pleases you, this way to the Liris along its bank and through the shade. But now I beseech [you] to begin to explain what you feel about civil law.

M: Shall I? I think that the highest men in our city are those who have regularly interpreted it to the people and given legal advice. But although they have made great claims, they have dealt with small things. What is so great as the law of the city? But what is so tiny as this service of those who are asked for advice, even though it is necessary to the people? In fact I do not think that those who were in charge of this service have been ignorant of universal law, but they have trained in what they call civil law only as far as they wanted to furnish this service to the people. Yet it is thin material for study

although necessary for experience. So to what do you call me, or what are you urging on me? That I produce pamphlets on the law about rainwater falling from the eaves of houses and [the law] about walls of houses? Or that I compose formulas for covenants and judicial decisions? Those things have been attentively written by many men, and they are lower than what I think is expected of me.

[**15**] A: But if you ask what I expect, since you have written on the best form of republic, the sequel seems to be that you also write on laws. For I see that your dear, famous Plato did so, at whom you marvel, whom you rank ahead of all [others], whom you greatly cherish.

M: Then do you want this: As with Clinias the Cretan and Megillus the Spartan [fictional characters in Plato's *Laws*], as he describes it, during a summer day in the cypress groves and woodland paths of Cnossos, often stopping, occasionally resting, he argues about the institutions of republics and about the best laws, so let us, walking and then lingering among these very tall poplar trees on the green and shady bank, seek something fuller concerning these same matters than the practice of the courts requires?

[**16**] A: Yes, I desire to hear these things.

M: What does Quintus say?

Q: [There is] no subject [I want to hear about] more.

M: And indeed correctly. For recognize that in no subject of argument are more honorable things brought into the open: what nature has granted to a human being, how many of the best things the human mind encompasses, what service we have been born for and brought into light to perform and accomplish, what is the connection among human beings, and what natural fellowship there is among them. When these things have been explained, the source of laws and right can be discovered.

[**17**] A: So you don't think that the discipline of law should be drawn from the praetor's edict, as many do now, or from the Twelve Tables [archaic set of basic Roman laws], as earlier men did, but from within the profoundest philosophy?

M: In fact, Pomponius, in this conversation we are not seeking how to safeguard interests in law [*ius*], or how to respond to each consultation. That thing may be a great matter, and it is, which formerly was undertaken by many famous men and is now undertaken by one man of the highest authority and knowledge [Servius Sulpicius]. But in this debate we must embrace the entire cause of universal right and laws, so that what we call civil law [*ius*] may be confined to a certain small, narrow place. We must explain the nature of law [*ius*], and this must be traced from human nature. We must consider laws by which cities ought to be ruled. Then we must treat the laws [*ius*] and orders of peoples that have been composed and written, in which what are called the civil laws [*ius*] of our people will not be hidden.

[**18**] Q: Truly, brother, you trace deeply and, as is proper, from the fountain head of what we are asking about. Those who hand down the civil law [*ius*] differently are handing down not so much ways of justice as ways of litigating.

M: That is not so, Quintus: ignorance of the law [*ius*] is conducive to more lawsuits than knowledge of it. But this later; now let us see the beginnings of law [*ius*].

Therefore, it has pleased highly educated men to commence with law—probably correctly, provided that, as the same men define it, law is highest reason, implanted in nature, which orders those things that ought to be done and prohibits the opposite. The same reason is law when it has been strengthened and fully developed in the human mind. [**19**] And so they think that law is prudence, the effect of which is to order persons to act correctly and to forbid them to transgress. They also think that this thing has been called [from] the Greek name for "granting to each his own," whereas I think it comes from our word for "choosing." As they put the effect of fairness into law, we put the effect of

choice into it. Nevertheless, each one is appropriate to law. But if it is thus correctly said, as indeed it mostly and usually seems to me, the beginning of right should be drawn from law. For this is a force of nature; this is the mind and reason of the prudent man; this is the rule of right and wrong. But since our entire speech is for the people's business, sometimes it will be necessary to speak popularly and to call that a law which, when written, consecrates what it wants by either ordering [or forbidding], as the crowd calls it. In fact let us take the beginning of establishing right from the highest law, which was born before any law was written for generations in common [corrupt text here] or before a city was established at all.

[**20**] Q: That is truly more convenient and suitable for the method of conversation we have begun.

M: Then do you want us to trace the birth of right itself from its source? When we have discovered it, there will be no doubt how to judge what we are seeking.

Q: Truly I think it must so be done.

A: Add me as well to your brother's opinion.

M: Then since we should maintain and preserve the form of republic that Scipio taught to be the best in that book, and since all laws should be tailored to that type of city, and since customs should be planted and not everything should be consecrated in writing, I will trace the root of right from nature, with which as our leader we should pursue the entire debate.

A: Most correctly, and indeed with it as leader there will be no way to err.

[**21**] M: Then, Pomponius, do you grant me this (for I know Quintus's opinion), that all nature is ruled by the force, nature, reason, power, mind, majesty—or whatever other word there is by which I may signify more plainly what I want—of the immortal gods? Now if you do not approve this, I must begin my case from there before anything else.

A: Of course I grant it, if you expect it. And because of the harmony of the birds and the rumbling of the rivers I do not fear that any of my fellow students [fellow Epicureans] will clearly hear.

M: Yet beware: They often become quite angry, as good men do. They will not tolerate it if they hear that you have betrayed the excellent man's first sentence, in which he wrote that god cares for nothing, either his own or another's.

[**22**] A: Continue, I beseech [you]. For I expect [to hear] how what I have admitted to you is relevant.

M: I will not make you wait longer. It is relevant at this point: This animal—foreseeing, sagacious, versatile, sharp, mindful, filled with reason and judgment—that we call a human being has been begotten by the supreme god in a certain splendid condition. It alone, of all kinds and natures of animate beings, has a share in reason and reflection, in which all the others have no part. Moreover, what is more divine than reason—I will not say in a human being but in the entire heaven and earth? When it has grown up and been fully developed, it is rightly named wisdom. [**23**] Therefore, since nothing is better than reason, and since it [is] in both human being and god, the primary fellowship of human being with god involves reason; and among those who have reason in common, correct reason is also in common. Since that is law, we should also consider human beings to be united with gods by law. Furthermore, among those who have a sharing in law, there is a sharing in right. And for them these things are [missing text here] and they must be recognized as being of the same city—if they obey the same commanders and men in power, even much more so. Moreover, they obey this celestial system, the divine mind and very powerful god, so that now this whole universe should [be] thought to be one city in common between gods and human beings. And the fact that in cities positions are distinguished by blood relations of families—according to a method that will be spoken of in a suitable place—is all the more magnificent and splendid in the nature of things, so that human beings are held to be in the

“blood relation” and “race” of the gods.

[**24**] Now when all nature is inquired about, it is usual to argue the following (and without doubt it is so): In the perpetual celestial courses [and] revolutions there emerged a sort of ripeness for planting the human race. When it was scattered and planted over the earth, it was increased by the divine gift of souls. And although human beings have taken the other things of which they are composed from mortal stock, and those things are fragile and frail, the soul has been implanted by god. From this, in truth, there is what can be recognized as a blood relation, or a family or a lineage, between us and the heavenly beings. Thus out of so many species there is no animal besides the human being that has any notion of god. And among human beings themselves there is no nation either so tame or so wild that it does not know that it should have a god, although it may be ignorant of what sort it ought to have. [**25**] From this it follows that he recognizes god because he, so to speak, recollects whence he arose. Moreover, the same virtue is in human being and god, and it is not in any other species besides; and virtue is nothing other than [nature] fully developed and taken all the way to its highest point. Therefore, the similarity between human being and god is natural. Since this is so, what in the world can be a nearer, more certain kinship?

And so nature has generously given such a richness of things for human convenience and use that things that are given birth seem to have been donated to us by design, not originated by chance—not only those things that are poured out as the produce of the earth [laden] with crops and fruits, but also animals, which it is clear have been procreated partly for human use, partly for enjoyment, partly for feeding on. [**26**] In fact countless arts have been discovered through the teaching of nature, which reason imitated in order to attain skillfully the things necessary for life.

The same nature not only adorned the human being himself with swiftness of mind, but also allotted [to him] the senses as escorts and messengers, as well as the obscure, insufficiently elucidated conceptions of many things as, so to speak, a sort of foundation of knowledge. It also gave to the body a shape manageable and suitable to the human intellect. For although it made the other animate beings prostrate for grazing, it raised up the human being alone and aroused him to a view of the heaven as if it were a view of his kin and original domicile. Then it shaped the appearance of his face so as to portray in it the character hidden within. [**27**] For the expressive eyes say beyond measure how we have been affected in the mind; and what is called the countenance, which can exist in no animate being besides the human being, indicates character. The Greeks know the significance of this, but they do not have a name for it at all. I omit the fitness and abilities of the rest of the body, the control of the voice, the force of speech, which is the greatest matchmaker of human fellowship (not all things are for this debate and time, and, as it seems to me, Scipio expressed this point sufficiently in the book [*On the Republic*] you have read). Now since god [thus] begot and adorned the human being—that is, he wanted him to have precedence over other things—it is clear (so that not everything must be discussed) that nature itself proceeds further by itself: even with no one teaching it, it has taken its start from those things the characteristics of which it recognized from its first, rudimentary intelligence; it alone strengthens and fully develops reason.

[**28**] A: Immortal gods, how far back you trace the beginnings of right! And you do it in such a way that, not only am I not in a hurry to get to those matters I was expecting from you regarding civil law, but I readily allow you to spend this day, even all of it, in this conversation. These things, which you include perhaps for the sake of other things, are more important than the things for the sake of which they are a preface.

M: Indeed these are important things that are now briefly taken up. But of all the things involved in the debate of educated men, surely nothing is preferable to the plain understanding that we have been born for justice and that right has been established not by opinion but by nature. This will already be evident if you have examined the fellowship and connection of human beings among themselves.

[**29**] For there is nothing so similar one-to-one, so equal, as all persons are among ourselves. But if the perverting of habits and the vanity of opinions did not twist weak minds and bend them in whatever

direction they had begun, no one would be so similar to himself as all persons would be to all persons. And so whatever the definition of human being is, one definition applies to all persons. [**30**] That is enough of an argument that there is no dissimilarity within the species; if there were, no one definition would encompass all. And of course reason, by which alone we excel the beasts, through which we are effective in [drawing] inferences, through which we prove, disprove, discuss, demonstrate something, make conclusions—it certainly is in common, differing in education, while decidedly equal in the capacity to learn. For the same things are grasped by the senses of all persons; and the things that move the senses move them in the same way in all persons; and the things that are imprinted upon minds, about which I spoke before, the rudimentary conceptions, are imprinted similarly upon all persons; and speech, the interpreter of the mind, differs in words but is congruent in thoughts. There is no one of any nation who cannot arrive at virtue when he has found a leader.

[**31**] Not only in correct actions but also in depravities there is a remarkable similarity of the human race. All persons are captivated by pleasure, which, although it is an enticement to disgrace, has a sort of similarity to a natural good; for it delights through its frivolity and sweetness. So, as a result of an error of the mind, it is received as if it were something salutary, and by a similar ignorance death is fled as if it were a dissolution of nature, life is desired because it holds us in the condition in which we were born, pain is regarded as among the greatest evils both because of its own roughness and because the violent death of our nature seems to follow. [**32**] And because of the similarity between honorableness and glory, those who have been honored seem happy while those who are without glory seem wretched. Troubles, joys, desires, fears wander through the minds of all similarly. And if persons have different opinions, it does not follow that those who worship dog and cat as gods are not tormented by the same superstition as other races. Moreover, what nation does not cherish kindness, benevolence, or a soul that is grateful for and mindful of a benefit? What nation does not despise, does not hate the haughty, the nefarious, the cruel, the ungrateful? Since from these things it may be understood that the whole race of human beings has been united among themselves, the final result is that knowledge of living correctly makes persons better. If you approve these things, I will continue to the remaining matters. But if something is lacking, let us explain that first.

A: Certainly nothing for us, if I may respond for both of us.

[**33**] M: What comes next, then, is that we have been made by nature to participate in right, one with another, and to share it among all persons. And I want that to be understood in this entire debate when I say that [right] is by nature. But there is such corruption from bad habit that it is as if the sparks given by nature are extinguished by the corruption, and the opposite faults arise and are strengthened. But if whatever is according to nature were also according to judgment, and if human beings “thought that nothing human is alien to themselves” (as the poet [Terence] states), right would be cultivated equally by all. Those who have been given reason by nature have also been given correct reason, and thus law, which is correct reason in ordering and forbidding. If law has been given, so has right. And reason has been given to all persons. Therefore, right has been given to all persons. [text is missing] And Socrates correctly used to curse the person who first separated advantage from right, for he used to complain that this was the source of all disasters. [text is missing] For whence comes that Pythagorean saying?

[*A gap of uncertain length occurs in the manuscript.*]

[**34**] From this it is clearly seen that when a wise man offers this goodwill, spread so wide and far, to someone endowed with equal virtue, what follows is something that seems incredible to certain persons but is necessary: he cherishes himself no more than he does the other person. What is there that differs when things are entirely equal? But if anything could differ only a little, the name of friendship would already have passed away. Its significance is that as soon as someone wants something for himself more than for another person, it does not exist.

All these things are provided as a fortification prior to the rest of our conversation and debate, so that it can be more easily understood that right is based in nature. When I have said a very little bit about this, I will come to civil law, from which this entire speech originated.

Q: Of course you need to say very little. For from what you have said, it certainly seems to me, at any rate—[even if otherwise] to Atticus—that right has arisen from nature.

[**35**] A: Could it seem otherwise to me?—since these things have already been fully developed: first, that we have been furnished and adorned as if by gifts of the gods; second, that there is one equal, common manner of living for human beings among themselves; then that all human beings are held together by a certain natural indulgence and goodwill among themselves, as well as by a fellowship of right. Since we have admitted—correctly so, I think—that these things are true, how could we separate laws and rights from nature?

[**36**] M: You speak correctly, and that is how it is.

[*In the following segment, also from Book 1 of* On the Laws*, Cicero or "M" is speaking quite continuously until the very end of the selection. He brings into focus the tension between a true and natural justice and ordinary notions of utility and pleasure.*]

[**40**] But if the penalty, not nature, ought to keep human beings from wrong, tell me what torment would harass the impious when the fear of punishments has been eliminated? Nevertheless, none of them was ever so daring that he did not either deny that he was guilty of a crime or fabricate some reason for his own just indignation and seek a defense of the crime in some right of nature. If the impious dare to call it this, with what enthusiasm will good men worship such a thing, I ask!

But if a penalty, if fear of punishment and not the disgrace itself, deters from a wrongful, criminal life, then no one is unjust, and instead the wicked should be held to be incautious. [**41**] Then, moreover, those of us who are moved to be good men not by what is honorable itself but by some advantage and enjoyment are cunning, not good. Now what will a man do in the darkness who fears nothing except a witness and a judge? What will he do in a deserted place if he has found someone whom he can deprive of much gold, someone weak and alone? Our man who is just and good by nature will even speak with him, help him, lead him on his way. But he who will do nothing for another person's sake and will measure everything by his own convenience—you see, I suppose, what he is going to do. But if he denies that he is going to snatch his life and take away his gold, he will never deny it on the ground that he judges it disgraceful by nature, but that he fears that it might become known and the result might be bad. O worthy deed, for which not only educated but also boorish men may blush!

[**42**] But truly the most foolish thing is to think that everything is just that has been approved in the institutions or laws of peoples. And if those laws are from tyrants? If the Thirty at Athens had wanted to impose laws, or if all the Athenians delighted in tyrannous laws, surely those laws should not be held to be just for that reason? No more, I suppose, than the one that our interim ruler provided, that the dictator could kill whatever citizens he wanted with impunity, even without a hearing. Right is uniform; human fellowship has been bound by it, and one law has established it; that law is correct reason in commanding and prohibiting. He who is ignorant of it is unjust, whether it has been written somewhere or nowhere. Now if justice is compliance with the written laws and institutions of peoples, and if (as the same men say) everything ought to be measured by advantage, he who thinks that it will be enjoyable for himself will neglect and break through those laws if he can. So it happens that there is no justice at all if not by nature, and what is established for the sake of advantage is undermined by that advantage.

[**43**] And if right has not been confirmed by nature, they may be eliminated [missing portion of the text] In fact where will liberality be able to exist, where affection for the fatherland, where piety, where the will either to deserve well of another or to return a service? These things originate in this, that we are inclined by nature to cherish human beings; that is the foundation of right. And not only allegiances toward human beings but also ceremonies and religious observances for the gods are eliminated, which I think ought to be preserved not by fear but by the connection that exists between human being and god. But if rights were established by peoples' orders, if by leading men's decrees, if by judges' verdicts, there would be a right to rob, a right to commit adultery, a right to substitute false wills, if those things

were approved by the votes or resolutions of a multitude. [**44**] But if there is such power in the opinions and orders of the foolish that the nature of things is changed by their votes, why don't they establish that bad and ruinous things should be held to be good and salutary things? Or if law can make right out of wrong, can't the same law make good out of bad? But we can divide good law from bad by no other standard than that of nature.

Not only right and wrong are distinguished by nature, but also in general all honorable and disgraceful things. Nature makes common conceptions for us and starts forming them in our minds so that honorable things are based on virtue, disgraceful things on vices. [**45**] To think that these things have been based on opinion, not on nature, is for a madman. What is called the virtue of a tree or a horse (in which cases we misuse the name) is founded not on opinion but on nature. And if that is so, honorable and disgraceful things should also be distinguished by nature. Now if the whole of virtue were determined by opinion, its parts would also be determined by the same thing. Therefore, who would judge a man to be prudent and, may I say, clever not from his own deportment but from some external circumstance? Virtue is fully developed reason, and this is certainly in nature—therefore, in the same way all honorableness. Now as true and false things are judged on their own terms, not by other terms, and the same with logical and illogical things, so also a constant and continual manner of life, which is virtue, and also inconstancy, which is vice, will be tested according to their nature.[missing portion of text] Don't we do the same with young persons' character? [**46**] Or will character be judged by nature, and the virtues and vices that come from character otherwise? Or if not otherwise, won't it [still] be necessary for honorable and disgraceful things to be measured according to nature? [missing text] Whatever good thing that is praiseworthy necessarily has in itself that for which it is praised; for good itself is not by opinions but by nature. If it were not so, men would also be happy by opinion. What more foolish thing can be said than that? Therefore, since good and bad are judged by nature, and these things are elements of nature, certainly also honorable and disgraceful things must be distinguished in a similar manner and measured according to nature.

[**47**] But the variety of opinions and the disagreement among human beings disturb us. And because the same thing does not hold for the senses, we think they are certain by nature; and those things that appear one way to some persons and another way to others, and not always one way to the same persons, we say are false. That is far off the mark. No parent, nurse, teacher, poet, or stage perverts our senses; nor does the agreement of the multitude distract them from the truth. All [sorts of] plots are directed against our minds, either by those I just listed, who have taken them when they were delicate and unrefined and who stain and bend them as they want, or by that which occupies a place entangled within our every sensation, pleasure, that imitator of the good and that mother of all bad things. Those who are corrupted by her flatteries do not sufficiently notice what things are good by nature, because they lack this sweetness and itch.

[**48**] What follows—to conclude my whole speech—is before our eyes from what has been said, that both right and everything honorable should be desired for their own sakes. And indeed all good men love fairness itself and right itself, and it is not for a good man to err and to cherish what should not be cherished for itself; therefore, right should be sought and cultivated for itself. Now if that is true for right, so also for justice; and if for that, then the remaining virtues should also be cultivated for themselves. What about liberality? Is it disinterested or mercenary? If a good man is benevolent without a reward, it is disinterested; if for payment, it is hired. There is no doubt that he who is called liberal or benevolent is following duty, not profit. Therefore, justice also elicits no reward, no repayment; therefore, it is desired for itself, and the same motive and sense exist for all virtues.

[**49**] And even if virtue is weighed according to its gains, not according to its own nature, there will be one virtue, which will most correctly be called badness. Insofar as each man judges what to do according to his own convenience, so little is he a good man, so that those who measure virtue by reward consider nothing to be a virtue except badness. Where is the benefactor if no one acts benevolently for another's sake? Where is the grateful man if even those who are grateful do not respect the person to whom they return a service? Where is sacred friendship if not even the friend himself is loved for himself, with whole heart, as it is said? Even he should be deserted and cast aside

when hope of gains and profits has been lost. What more monstrous thing can be said than that? But if friendship should be cultivated for itself, human fellowship, equality, and justice should also be desired for themselves. But if that is not so, there is no justice at all. For the most unjust thing of all is to seek payment for justice.

[**50**] What shall we say about modesty, what about temperance, what about self-control, what about a sense of shame, decency, and chastity? Are we not to be impudent for fear of infamy, or of laws and courts of law? Are persons innocent and shameful in order to hear good things [about themselves], and do they blush in order to collect good hearsay? I am ashamed to speak of chastity at this point, and I am ashamed of those philosophers who think it is [*a word cannot be translated*] to avoid any judgment without avoiding the vice itself. [**51**] What then? Can we say that those persons are chaste who are kept from defilement by fear of infamy, although infamy itself follows from the disgrace of the matter? What can be rightly praised or disparaged if you separate from its nature what you think should be praised or disparaged? Will irregularities of the body, if they are very remarkable, give some offense, and deformity of the mind give none? The disgrace of the latter can be very easily perceived from its vices? What can be called fouler than avarice, what more monstrous than lust, what more scorned than cowardice, what more despicable than dullness and foolishness? What then? Do we say about those who are conspicuous for their individual vices, or even many vices, that they are wretched because of losses or damages or tortures, or because of the significance and the disgrace of their vices? That can be said again in the opposite [direction] as praise of virtue.

[**52**] Finally, if virtue is desired because of other things, necessarily there is something better than virtue. Is it then property or honors or beauty or strength? When these are present, they are very small, and it is in no way possible to know for certain how long they are going to be present. Or is it—what is most disgraceful to say—pleasure? But indeed virtue is most noticed in spurning and rejecting that.

But do you see what a series of matters and thoughts this is, how some things are woven out of another? I would slide further if I did not hold myself back.

Q: In what direction? I would gladly slide forward with you, brother, where you are leading with that speech.

M: Toward the end of good things, by which all things are judged and for the sake of obtaining which all things should be done—a disputed matter and one full of disagreement among highly educated men, but it must nevertheless be judged at some time.

[*Cicero (M) is speaking in this brief segment drawing special attention to the importance of knowledge of self in the context of the whole of the universe and nature's way and then of being able to defend the understanding gained with rhetorical abilities.*]

[**58**] But surely the matter is such that since it is proper for the law to be the corrector of vices and the recommender of virtues, education about living is drawn from it. It so happens that [text missing] the mother of all good things, wisdom (from the love of which philosophy found its name in a Greek word). Nothing given to human life by the immortal gods is richer, nothing is more illustrious, nothing is preferable. This alone has taught us, along with all the other things it has taught us, what is most difficult: we should know ourselves. There are such force and thought behind this precept that it was credited not to a human being but to the Delphic god.

[**59**] He who knows himself will think first that he has something divine, and that his own intellect within himself is like a sort of consecrated image. And he will always do and feel something worthy of such a great gift of the gods. And when he has examined and completely tested himself, he will understand how he has come into life equipped by nature and how great are the furnishings he has for obtaining and securing wisdom, since in the beginning he conceived the first, so to speak, sketchy conceptions of all things in his soul and mind. When they have been made lucid, with wisdom as leader, he discerns that he is a good man and that for this very reason he is going to be happy.

[**60**] When the virtues have been recognized and perceived, and when the soul has departed from the allegiance to and indulgence of the body, and has crushed pleasure like some stain of dishonor, and has escaped all fear of death and pain, and has entered the fellowship of affection with his own, and has regarded as his own all those who are joined with him by nature, and has undertaken the worship of the gods and pure religion, and has sharpened the sight of his intellect, like that of his eyes, for culling good things and rejecting the opposite (a virtue that has been called prudence from foreseeing)—what can be said or thought that is happier than that?

[**61**] And when the same man has examined the heaven, lands, seas, and the nature of all things, and he has seen whence they have been begotten, whither they will return, how they will perish, what in them is mortal and frail, what is divine and eternal, and he has almost grasped [the god] himself who directs and rules these things, and he has recognized that he is not surrounded by the walls of some place but is a citizen of the whole universe as if it were one city—in this magnificence of things, and with this view and knowledge of nature, O immortal gods, how he will know himself (as Pythian Apollo has instructed), how he will scorn, how he will look down upon, how he will consider as worth nothing those things that the crowd says are the most distinguished!

[**62**] And he will fortify all these things as if by a sort of barrier through the method of discussing, the knowledge of judging true and false, and a certain art of understanding what follows each thing and what is opposite to it. And when he senses that he has been born for political fellowship, he will think that he must use not only precise argument but also speech that is continuous and extended more broadly, through which he may rule peoples, stabilize laws, chastise the wicked, protect the good, praise famous men, issue precepts for health and fame suitable for persuading his fellow citizens, be able to urge to honor, be able to turn back others from shame, be able to console the stricken, and be able to hand down in everlasting memorials the deeds and resolutions of the courageous and the wise with the ignominy of the wicked. So many and so great are the things that are clearly seen to be present in a human being by those who want to know themselves. Their parent and educator is wisdom.

Book 2

[*Book 2 opens with another approach to the foundation and true nature of law, this one starting from the divine force and mind behind all things. Quintus is speaking initially in this excerpt.*]

[**7**] But if it seems good, let us settle here in the shade and return to the part of the conversation where we digressed.

M: You exact [payment for a debt] splendidly, Quintus (but I thought I had escaped!), and no [debt] can be left unpaid to you.

Q: Then begin, for we are granting you the entire day.

M: “From Jupiter the beginnings of the Muses,” as I began in my Aratean poem.

Q: What is the point of that?

M: We also must now take the beginnings of our discussion from the same [Jupiter] and from the other immortal gods.

Q: Truly well done, brother, and so it ought to happen.

[**8**] M: Then before we approach individual laws, let us see again the force and nature of law so that, since we must judge everything according to it, we do not occasionally slide into error in the

conversation and ignore the force of its reason, by which we must mark out laws.

Q: Certainly, by Hercules, and that is the correct way of teaching.

M: Therefore, I see that this has been the opinion of very wise men: Law was not thought out by human intellects; it is not some resolution of peoples, but something eternal that rules the whole universe through the wisdom of commanding and prohibiting. So, they said, the chief and ultimate law is the mind of god compelling or forbidding all things by reason. As a result of that, the law that the gods gave to the human race has been correctly praised: it is the reason and mind of a wise being, suitable for ordering and deterring.

[**9**] Q: Several times already you have touched on that point. But before you come to laws concerning the organization of the people, please explain the significance of that law of heaven, so that the tide of habit may not swallow us and drag us according to the usual manner of conversation.

M: Well, Quintus, from childhood we have learned to name “If he calls into court” and other things of that sort laws. But in fact it may be properly understood that this order, and other orders and prohibitions of peoples, have the force of calling them to deeds correctly done and calling them away from faults, a force that is not only older than the age of peoples and cities, but also coeval with that of a god protecting and ruling the heaven and the earth. [**10**] Well, the divine mind cannot exist without reason, nor can divine reason not have this force in prescribing by law things that are correct and depraved. The fact that it had been nowhere written that one man should stand on the bridge against all the enemy’s troops and order the bridge to be cut off from behind him does not mean that we will think any less that the famous Cocles performed such a deed in accordance with the law and command of courage. The absence of a written law at Rome concerning defilement during the reign of Lucius Tarquinius does not mean that Sextus Tarquinius did not bring force to bear upon Lucretia, daughter of Tricipitinus, contrary to that everlasting law. For reason existed, having originated from the nature of things, both impelling toward doing correctly and calling away from transgression. It did not begin to be a law precisely when it was written, but when it arose. And it arose together with the divine mind. Therefore, the true and chief law, suitable for ordering and forbidding, is the correct reason of Jupiter the Highest.

[**11**] Q: I agree, brother, that what is correct and true is [also eternal] and that it neither rises nor falls with the documents in which resolutions are written.

M: Therefore, as that divine mind is the highest law, so too when it is in man, it has been fully developed in the mind of the wise man. Moreover, when things have been written for peoples variously and to suit the occasion, they hold the name of laws by favor more than by substance. [Those who more precisely inquire about these things] teach that all law that can correctly be called law is praiseworthy, by arguments such as these: It is surely settled that laws have been invented for the health of citizens, the safety of cities, and the quiet and happy life of human beings, and that those who first sanctioned resolutions of this sort showed to their peoples that they would write and provide those things by which, when they were received and adopted, they would live honorably and happily, and that they would of course name “laws” those things that were thus composed and sanctioned. From this it is properly understood that those who have written down orders that were ruinous and unjust to their peoples, since they did the opposite of what they promised and claimed, provided something other than laws, so it can be clear that interpreting the name of law involves the significance and sense of choosing what is just and true.

[**12**] I ask you, then, Quintus, just as they [probably the Stoics] often do: If the city lacks something on account of the lack of which it should be recognized to be worth nothing, should that thing be counted among the good things?

Q: And indeed among the greatest things.

M: Moreover, shouldn't a city lacking law be recognized to exist in no place for that very [reason]?

Q: It cannot be said [to be] otherwise.

M: Then it is necessary that law be recognized to be among the best things.

Q: I agree precisely.

[**13**] M: What about the fact that peoples approve many things ruinously, many things disastrously, which no more approach the name of law than if robbers consecrated certain laws in their own meeting? The instructions of physicians cannot be truly so called if in ignorance and inexperience they prescribe deadly things in place of salutary ones. Nor, even if a people accepts something ruinous, will that be a law of any kind among a people. Therefore, law is a distinction between just and unjust things, modeled on nature, the most ancient and chief of all things, to which human laws are directed that visit the wicked with punishment and defend and protect the good.

Q: I understand very clearly, and I now think that any other law must be neither recognized as nor even called a law.

[**14**] M: Then you think that the Titian and the Appuleian laws are not laws?

Q: Indeed, and not even the Livian.

M: And correctly, especially since they were repealed in one moment by one little line of the senate. But that law, the significance of which I have explained, can be neither eliminated nor repealed.

Q: Then of course you will propose laws that may never be repealed?

Book 3

[*Cicero is speaking as M., and there is an approach being made to specific and particular applications of the true law; in this instance, the text is running up to specific legal regulations about the magistrates in the republic Cicero is structuring.*]

[**2**] You see, then, that this is the significance of the magistrate, that he should rule over and prescribe things that are correct, advantageous, and linked to the laws. For as the laws rule over the magistrates, so the magistrates rule over the people. And it can truly be said that a magistrate is a speaking law, and a law is a silent magistrate. [**3**] Furthermore, nothing is so suitable to right and the condition of nature (when I say that, I want it understood that I am speaking of the law) as command, without which no home or city or nation or the whole human race can exist, nor can the entire nature of things nor the universe itself. Now the universe obeys the god, and the seas and lands obey the universe, and human life complies with the orders of the supreme law. [**4**] And so that I may come to things "nearer home" and more known to us: All ancient nations formerly obeyed kings. This type of command was first entrusted to the most just and wisest men, and that was extremely effective in our own republic as long as regal power ruled over it. From that time forward it was handed down in turn to their descendants, and it remains among those who reign even now. But for those whom royal power did not please, they wanted not to obey no one, but not always to obey one man. But since we are giving laws for free peoples, and since I have previously spoken in a book what I feel about the best republic, at this time I will tailor the laws to the form of city that I approve. [**5**] So then, there is need of magistrates, without whose prudence and diligence the city cannot exist. The entire direction of the republic is encompassed in the system involving them. Not only a mode of commanding for them must be prescribed, but also a mode of complying for the citizens. For it is necessary that he who commands well should obey at some time, and he who temperately obeys seems to be worthy of commanding at some time. And so it is

proper both for him who obeys to hope that he will command at some time, and for him who commands to think that in a brief time he will have to obey. In fact we prescribe not only that they should comply with and obey the magistrates, but also that they should respectfully remember and cherish them, as Charondas establishes in his laws. Our dear Plato concluded that those who oppose magistrates belong to the race of Titans, just as the Titans oppose the heavenly beings. Since this is so, please let us now come to the laws themselves.

A: Both that, and that order of things, seem good to me.
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