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."—*Aug. Civ. Dei.* 3–21.

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

BOOK III.

I. * * *[1] Cicero, in the third book of his treatise On a Commonwealth, says that nature has treated man less like a mother than a step-dame, for 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 labors, and exposed to passions. In this mind, however, there lies hidden, and, as it were, buried, a certain divine spark of genius and intellect.

Though man is born a frail and powerless being, nevertheless he is safe from all animals destitute of voice; and at the same time those other animals of greater strength, although they bravely endure the violence of weather, cannot be safe from man. And the result is, that reason does more for man than nature does for brutes; since, in the latter, neither the greatness of their strength nor the firmness of their bodies can save them from being oppressed by us, and made subject to our power. * * *

[1] The beginning of this book is lost. The two first paragraphs come, the one from *St. Augustine, the other from Lactantius.*

Plato returned thanks to nature that he had been born a man.

II. * * * aiding our slowness by carriages, and 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 most delightful bond of speech, the once divided races of men.

And by a similar intelligence, the inflections of the voice, which appeared infinite, are, by the discovery of a few alphabetic characters, all designated and expressed; by which we maintain converse with our absent friends, by which also indications of our wishes and monuments of past events are preserved. Then came the use of numbers —a thing necessary to human life, and at the same time immutable and eternal; a science which first urged us to raise our views to heaven, and not gaze without an object on the motions of the stars, and the distribution of days and nights.

III. * * *[1] [Then appeared the sages of philosophy], whose minds took a higher flight, and who were able to conceive and to execute designs worthy of the gifts of the Gods. Wherefore let those men who have left us sublime essays on the principles of living be regarded as great men —which indeed they are—as learned men, as masters of truth and virtue; provided that these principles of civil government, this system of governing people, whether it be a thing discovered by men who have lived amidst a variety of political events, or one discussed amidst their opportunities of literary tranquillity, is remembered to be, as indeed it is, a thing by no means to be despised, being one which causes in first-rate minds, as we not unfrequently see, 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 such persons to all others; for, in fact, what

[1] *Eight or nine pages are lost here.*

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? or what can we imagine more perfect than a Scipio, a Lælius, or a Philus, who, not to omit anything which belonged to the most perfect excellence of the greatest men, joined to the examples of our ancestors and the traditions of our countrymen the foreign philosophy of Socrates?

Wherefore he who had both the desire and the power to acquaint himself thoroughly both with the customs and the learning of his ancestors appears to me to have attained to the very highest glory and honor. But if we cannot combine both, and are compelled to select one of these two paths to wisdom—though to some people the tranquil life spent in the research of literature and arts may appear to be the most happy and delectable — yet, doubtless, the science of politics is more laudable and illustrious, for in this political field of exertion our greatest men have reaped their honors, like the invincible Curius,

Whom neither gold nor iron could subdue.

IV. * * *[1] that wisdom existed still. There existed this general difference between these two classes, that among the one the development of the principles of nature is the subject of their study and eloquence, and among the other national laws and institutions form the principal topics of investigation.

In honor 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. And, moreover, though there have existed, and still do exist, many great and glorious empires, yet since the noblest masterpiece of genius in the world is the establishment of a state and commonwealth which shall be a lasting one, even if we reckon but a single legislator for each empire, the number of these excellent men will appear very numerous. To be convinced of this, we have only to turn our eyes on any nation of Italy, Latium, the

[1] *Here six pages are lost.*

Sabines, the Volscians, the Samnites, or the Etrurians, and then direct our attention to that mighty nation of the Greeks, and then to the Assyrians, Persians, and Carthaginians, and[1] * * *

V. * * * [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 favor 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.]

And Philus replied: In good truth, you have allotted me a very creditable cause when you wish me to undertake the defence of vice.

Perhaps, said Lælius, you are afraid, lest, in reproducing the ordinary objections made to justice in politics, you should seem to express your own sentiments; though you are universally respected as an almost unique example of the ancient probity and good faith; nor is it unknown how familiar you are with the lawyer-like habit of disputing on both sides of a question, because you think that this is the best way of getting at the truth.

And Philus said: Very well; I obey you, and wilfully, with my eyes open, I will undertake this dirty business; because, since those who seek for gold do not flinch at the sight of the mud, so we who are searching for justice, which is far more precious than gold, are bound to shrink from no annoyance. And I wish, as I am about to make use of the antagonist arguments of a foreigner, I might also employ a foreign language. The pleas, therefore, now to be urged by Lucius Furius Philus are those [once employed by] the Greek Carneades, a man who was accustomed to express whatever [served his turn].[2]

[1] Here twelve pages are missing.

[2] We have been obliged to insert two or three of these sentences between brackets, which are not found in the original, for the sake of showing the drift of the arguments of Philus. He himself was fully convinced that justice and morality were of eternal and immutable obli-

* * *[1] 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.

VI. He was a philosopher of the Academic School; and if any one is ignorant of his great power, and eloquence, and acuteness in arguing, he may learn it from the mention made of him by Cicero or by Lucilius, when Neptune, discoursing on a very difficult subject, declares that it cannot be explained, not even if hell were to restore Carneades himself for the purpose. This philosopher, having been sent by the Athenians to Rome as an ambassador, discussed the subject of justice very amply in the hearing of Galba and Cato the Censor, who were the greatest orators of the day. And the next day he overturned all his arguments by others of a contrary tendency, and disparaged justice, which the day before he had extolled; speaking not indeed with the gravity of a philosopher whose wisdom ought to be steady, and whose opinions unchangeable, but in a kind of rhetorical exercise of arguing on each side—a practice which he was accustomed to adopt, in order to be able to refute others who were asserting anything. The arguments by which he disparaged justice are mentioned by Lucius Furius in Cicero; I suppose, since he was discussing the Commonwealth, in order to introduce a defence and panegyric of that quality without which he did not think a commonwealth could be administered. But Carneades, in order to refute Aristotle and Plato, the advocates of justice, collected in his first argument everything that was in the habit of being advanced on behalf of justice, in order afterward to be able to overturn it, as he did.

VII. Many philosophers indeed, and especially Plato and Aristotle, have spoken a great deal of justice, inculcating that virtue, and extolling it with the highest praise, as giving to every one what belongs to him, as preserving equity in all things, and urging that while the other virtues are, as it were, silent and shut up, justice is the only one which

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gation, 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.—*By the original Translator.*

[1] Here four pages are missing. The following sentence is preserved in Nonius.

is not absorbed in considerations of self-interest, and which is not secret, but finds its whole field for exercise out-of-doors, and is desirous of doing good and serving as many people as possible; as if, forsooth, justice ought to exist in judges only, and in men invested with a certain authority, and not in every one! But there is no one, not even a man of the lowest class, or a beggar, who is destitute of opportunities of displaying justice. But because these philosophers knew not what its essence was, or whence it proceeded, or what its employment was, they attributed that first of all virtues, which is the common good of all men, to a few only, and asserted that it aimed at no advantage of its own, but was anxious only for that of others. So it was well that Carneades, a man of the greatest genius and acuteness, refuted their assertions, and overthrew that justice which had no firm foundation; not because he thought justice itself deserving of blame, but in order to show that those its defenders had brought forward no trustworthy or strong arguments in its behalf.

Justice looks out-of-doors, and is prominent and conspicuous in its whole essence.

Which virtue, beyond all others, wholly devotes and dedicates itself to the advantage of others.

VIII. * * * Both to discover and maintain. While the other, Aristotle, has filled four large volumes with a discussion on abstract justice. For I did not expect anything grand or magnificent from Chrysippus, who, after his usual fashion, 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 everywhere exalts the social interests above the selfish, and teaches us to love others rather than ourselves. It was worthy of their genius, we say, to elevate this virtue to a divine throne, not far from that of Wisdom. And certainly they neither wanted the will to accomplish this (for what else could be the cause of their writing on the subject, or what could have been their design?) nor the genius, in which they excelled all men. But the weakness of their cause was too great for either their intention or their eloquence to make it popular. In fact, this justice on which we reason is 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 heat and cold, sweetness and bitterness.

IX. Now, if any one, carried in that 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 same nation into the number of the Gods.

In the next place, he would see in Greece, as among ourselves, magnificent temples consecrated by images in human form, which the Persians regarded 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. But afterward Philip, in his hostile projects against the Persians, and Alexander, who carried them into execution, alleged this plea for war, that they were desirous to avenge the temples of Greece, which the Greeks had thought proper never to rebuild, 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! And, besides, the customs of life are so various that the Cretans and Ætolians regard robbery as honorable. 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 labor, and go with arms in their hands, and mow down the harvests of neighboring peoples. But we ourselves, the most equitable of all nations, who, 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, are said in this matter to act with prudence, but not with justice. *You see, then, that wis-*

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